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Contents

Federal Register

Vol. 62, No. 240

Monday, December 15, 1997

Actuaries, Joint Board for Enrollment
See Joint Board for Enrollment of Actuaries

Agency for Toxic Substances and Disease Registry
NOTICES
Senior Executive Service:
Performance Review Board; membership, 65707–65708

Agriculture Department
See Animal and Plant Health Inspection Service
RULES
Organization, functions, and authority delegations:
General officers and agency administrators; authorities modification, extension, and additions, 65593–65596

Animal and Plant Health Inspection Service
RULES
Interstate transportation of animals and animal products (quarantine):
Brucellosis in cattle and bison—
State and area classifications, 65596
PROPOSED RULES
Interstate transportation of animals and animal products (quarantine):
Pseudorabies; official tests, 65630–65631
NOTICES
Agency information collection activities:
Proposed collection; comment request, 65652–65654

Army Department
See Engineers Corps
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Thick composite failure prediction software code, 65683

Centers for Disease Control and Prevention
NOTICES
Senior Executive Service:
Performance Review Board; membership, 65707–65708

Coast Guard
RULES
Vessels; small passenger vessel inspection and certification; correction
Correction, 65739

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See National Technical Information Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 65654

Defense Department
See Army Department
See Engineers Corps

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Arenol Chemical Corp., 65716

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 65685–65686
Submission for OMB review; comment request, 65686
Meetings:
National Educational Research Policy and Priorities Board, 65686–65687

Energy Department
See Energy Research Office
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department

Energy Research Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Plasma Physics Junior Faculty Development Program, 65687

Engineers Corps
NOTICES
Environmental statements; notice of intent:
Grand Forks et al, MN; flood control, 65684
St. Louis County, MO; Monarch-Chesterfield feasability study, 65684–65685

Environmental Protection Agency
RULES
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
North Dakota, 65616–65619
Air quality implementation plans; approval and promulgation; various States:
California, 65611–65613
Montana, 65613–65616
PROPOSED RULES
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
North Dakota, 65635
Air quality implementation plans; approval and promulgation; various States:
Montana, 65634–65635
NOTICES
Meetings:
Shrimp virus workshop, 65693

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 65694

Federal Aviation Administration
RULES
Airworthiness directives:
Aerospatiale, 65604–65606
Airbus, 65601–65603
Boeing, 65597–65601

British Aerospace, 65603–65604
Class E airspace, 65606–65607
Class E airspace; correction, 65606
PROPOSED RULES
VOR Federal airways, 65631–65632
NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Airplane flight manual, 65729
Passenger facility charges; applications, etc.:
Easterwood Airport, TX, 65729–65730
Phoenix, City of, AZ et al., 65730–65731

Federal Communications Commission
RULES
Common carrier services:
Access charges—
Local exchange carriers; price cap performance review, etc., 65619–65622

Federal Election Commission
NOTICES
Privacy Act:
Systems of records, 65694–65704
Special elections; filing dates:
Pennsylvania, 65704–65705

Federal Energy Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
California Department of Water Resources, 65688
Environmental statements; notice of intent:
Northern Natural Gas Co.; E-Line Stitch Project, KS, 65689–65690
Meetings; Sunshine Act, 65690–65692
Applications, hearings, determinations, etc.:
Empire District Electric Co.; correction, 65739
Northern Natural Gas Co., 65687–65688

Federal Highway Administration
NOTICES
Meetings:
Intelligent Transportation Society of America, 65731–65732

Federal Housing Finance Board
NOTICES
Meetings; Sunshine Act, 65705

Federal Maritime Commission
NOTICES
Agreements filed, etc., 65705

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 65705–65706

Federal Trade Commission
NOTICES
Prohibited trade practices:
Baxter International, Inc., 65706
Ciba-Geigy Limited et al., 65706–65707
Jeanette L. Douglas Co., 65707
Phillips Petroleum Co., 65707

Financial Management Service
See Fiscal Service

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
Pennsylvania Manufacturers' Association Insurance Co., 65733

Fish and Wildlife Service
NOTICES
Meetings:
Service Regulations Committee; 1998-99 migratory bird hunting regulations; identification and discussion of preliminary issues, 65710

Food and Drug Administration
NOTICES
Meetings:
Biologics Evaluation and Research Center, 65708–65709
Center for Biologics Evaluation and Research, 65709
Medical Devices Advisory Committee; Orthopaedic and Rehabilitation Devices Panel, 65709–65710

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Missouri, 65654–65655
New Jersey, 65655
Texas
B & F System, Inc.; consumer products/knife assembly, 65655
Texas:
California Microwave-Microwave Network Systems, Inc.; telecommunications products, 65656

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Hearings and Appeals Office, Energy Department
NOTICES
Decisions and orders, 65692–65693

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 65733–65735

International Trade Administration
NOTICES
Antidumping:
Canned pineapple fruit from-
Thailand, 65656
Ferrovanadium and nitrided vanadium from—
Russia, 65656–65665
Fresh and chilled Atlantic salmon from—
Norway, 65666
Industrial nitrocellulose from—
Brazil, 65666–65667
China, 65667–65673
Pasta from—
Italy, 65673–65674

Italy; initiation of anti-circumvention inquiry, 65673
Sebacic acid from—
China, 65674–65679
Applications, hearings, determinations, etc.:
Stanford University, 65679

Joint Board for Enrollment of Actuaries
NOTICES
Meetings:
Actuarial Examinations Advisory Committee, 65652

Justice Department
See Drug Enforcement Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 65715–65716

Land Management Bureau
NOTICES
Withdrawal and reservation of lands:
California, 65710–65711
New Mexico, 65711–65712

National Archives and Records Administration
NOTICES
Meetings:
Electronic Records Work Group, 65737–65738

National Institute of Standards and Technology
NOTICES
Grants and cooperative agreements; availability, etc.:
Advanced technology program, 65679–65681

National Institutes of Health
NOTICES
Meetings:
National Institute of Child Health and Human Development, 65710
National Institute of General Medical Sciences, 65710

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bering Sea and Aleutian Islands groundfish, 65626–65629
Gulf of Alaska groundfish, 65622–65626
PROPOSED RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bering Sea and Aleutian Islands groundfish, 65638–65644
Gulf of Alaska groundfish, 65644–65651
Pacific halibut, 65635–65638
NOTICES
Agency information collection activities:
Proposed collection; comment request, 65681–65682
Meetings:
Highly Migratory Species Fisheries Advisory Panel et al., 65683

National Park Service
NOTICES
Director's orders; availability, etc.:
Park planning activities; policies and procedural guidance, 65712–65713
National Register of Historic Places:
Pending nominations, 65713

National Technical Information Service
NOTICES
Meetings:
Advisory Board, 65683

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Boston Edison Co., 65716–65717
Fansteel, Inc., 65717–65718

Pension Benefit Guaranty Corporation
RULES
Single-employer plans:
Allocation of assets—
Interest assumptions for valuing benefits, 65609–65610
Valuation of benefits and assets; expected retirement age, 65610–65611
Benefits payable in terminated plans; disclosure to participants, 65607–65608
NOTICES
Multiemployer plans:
Variable-rate premiums and benefits following mass withdrawal; interest rates and assumptions, 65718–65719

Public Debt Bureau
See Fiscal Service

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Research and Special Programs Administration
PROPOSED RULES
Pipeline safety:
Leak detection industry standard; incorporation by reference
Correction, 65635

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 65727–65728
National Securities Clearing Corp., 65728–65729
Applications, hearings, determinations, etc.:
Interactive Data Corp., 65719–65721
MLX Corp., 65721–65725
Thomson Technical Data Corp., 65725–65727

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
Oklahoma, 65632–65634
NOTICES
Agency information collection activities:
Proposed collection; comment request, 65713–65714
Submission for OMB review; comment request, 65714–65715

Surface Transportation Board
NOTICES
Railroad services abandonment:
Dallas Rapid Transit, 65732–65733

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Research and Special Programs Administration
See Surface Transportation Board

Treasury Department
See Fiscal Service
See Internal Revenue Service

United States Enrichment Corporation
NOTICES
Meetings; Sunshine Act, 65735

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
English teaching fellow program, 65735–65737

Veterans Affairs Department
NOTICES
Meetings:
Minority Veterans Advisory Committee, 65737

Reader Aids

Additional information, including a list of telephone numbers, finding aids, reminders, and a list of Public Laws appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7CFR
2.....65593

9 CFR
78.....65596

Proposed Rules:
85.....65630

14 CFR
39 (5 documents) 65597, 65600, 65601, 65603, 65604
71 (2 documents) 65606

Proposed Rules:
71.....65631

29 CFR
4011.....65607
4022.....65607
4044 (2 documents) 65609, 65610

30 CFR

Proposed Rules:
936.....65632

40 CFR
52 (2 documents) 65611, 65613
62.....65616

Proposed Rules:
52.....65634
62.....65635

46 CFR
175.....65739

47 CFR
69.....65619

49 CFR

Proposed Rules:
195.....65635

50 CFR
679 (2 documents) 65622, 65626

Proposed Rules:
679 (3 documents) 65635, 65638, 65644

Rules and Regulations

Federal Register
Vol. 62, No. 240
Monday, December 15, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department due to passage of the Federal Agriculture Improvement and Reform Act.

EFFECTIVE DATE: Effective December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Patrick J. Casula, Legislative Affairs Officer, Cooperative State Research, Education, and Extension Service, USDA, Room 355–A, Jamie L. Whitten Federal Bldg., Washington, D.C. 20250–2200, telephone 202–720–4465.

SUPPLEMENTARY INFORMATION: On April 4, 1996, the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. 104–127, was signed into law. With the enactment of this new law many existing authorities were either modified or extended and some new ones added. It is necessary for these authorities to be reflected as delegations to General Officers and Agency Administrators. This document lays out these delegations of authority as they have been modified and expanded. This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12866 and 12988. Finally, this action is not a rule as defined by Public Law No. 96–354, the Regulatory Flexibility Act, and the Small Business Regulatory Fairness Enforcement Act, 5 U.S.C. 801 *et seq.*, and, thus, is exempt from their provisions.

List of Subjects in 7 CFR Part 2

Authority Delegations (Government agencies).

Accordingly, 7 CFR Part 2 is amended as set forth below.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority for Part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953; 3 CFR 1949–1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. In subpart C, § 2.21 is amended by removing and reserving paragraphs (a)(1)(xvii), (a)(1)(xxi), (a)(1)(xxii), (a)(1)(xxxviii), (a)(1)(liv), (a)(1)(lxxx), (a)(1)(lxxxi), (a)(1)(lxxxii), (a)(1)(lxxxvii), (a)(1)(lxxxix), (a)(1)(xcii), and (a)(7)(iv), by revising paragraphs (a)(1)(x), (a)(1)(xxxi), (a)(1)(xxxix), (a)(1)(xliv), (a)(1)(xlviii), (a)(1)(l), (a)(1)(li), (a)(1)(lii), (a)(1)(lviii), (a)(1)(lxxxvi), (a)(1)(cxiv), (a)(1)(cxxvi), (a)(1)(cxxxiv), (a)(4), (a)(8)(iv), and (a)(8)(x)(E), and by adding new paragraphs (a)(1)(cxxxvii), (a)(1)(cxxxviii), (a)(1)(cxxxix), (a)(1)(cxl), (a)(1)(cxli), (a)(1)(cxlii), (a)(1)(cxliii), (a)(1)(cxliv), (a)(1)(cxlv), (a)(1)(cxlvi), (a)(1)(cxlvii), (a)(1)(cxlviii), and (a)(1)(cxlix), as follows:

§ 2.21 Under Secretary for Research, Education, and Economics.

(a) * * *

(1) * * *

(x) Evaluate, assess, and report to congressional agriculture committees on the merits of proposals for agricultural research facilities in the States. Establish a task force on a 10-year strategic plan for agricultural research facilities (7 U.S.C. 390 et seq.).

* * * * *

(xxxi) Provide for the dissemination of appropriate rural health and safety information resources possessed by the Rural Information Center, in cooperation with State educational program efforts. Promote coordinated and integrated rural community initiatives that advance and empower capacity building (7 U.S.C. 2662).

* * * * *

(xxxix) Establish and oversee the National Agricultural Research, Extension, Education, and Economics Advisory Board (7 U.S.C. 3123).

* * * * *

(xliv) Formulate and administer programs to strengthen secondary education and two-year post secondary teaching programs; promote linkages between secondary, two-year postsecondary, and higher education programs in the food and agricultural sciences; administer grants to secondary education and two-year post secondary teaching programs, and to colleges and universities (7 U.S.C. 3152).

* * * * *

(xlviii) Administer a National Food and Human Nutrition Research and Extension Program. Establish and administer a Human Nutrition Intervention and Health Promotion Research Program (7 U.S.C. 3171–3175).

* * * * *

(l) Support continuing agricultural and forestry extension and research, at 1890 land-grant colleges, including Tuskegee University, and administer a grant program for five National Research and Training Centennial Centers (7 U.S.C. 3221, 3222, 3222c).

(li) Administer grants to 1890 land-grant colleges, including Tuskegee University, through Federal-grant funds to help finance research facilities and equipment including agricultural libraries (7 U.S.C. 3223).

(lii) Establish and administer competitive grants (or grants without regard to any requirement for competition) to Hispanic-serving Institutions for the purpose of promoting and strengthening the ability of Hispanic-serving Institutions to carry out education, applied research, and related community development programs (7 U.S.C. 3241).

* * * * *

(lviii) Conduct research and development and implement a program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

* * * * *

(lxxxvi) Make competitive grants to support research to eradicate and

control Brown Citrus Aphid and Citrus Tristeza Virus (7 U.S.C. 5925).

* * * * *

(cxiv) Maintain a National Arboretum for the purposes of research and education concerning tree and plant life, and order disbursements from the Treasury, in accordance with the Act of March 4, 1927 (20 U.S.C. 191 *et seq.*).

* * * * *

(cxxvi) Formulate, write, or prescribe bibliographic and technically related standards for the library and information services of USDA (7 U.S.C. 3125a *et seq.*).

* * * * *

(cxxxiv) Represent the Department on the National Science and Technology Council.

* * * * *

(cxxxvii) Establish and administer a 1994 Institutions Endowment Fund and to enter into agreements necessary to do this (Section 533(b) and (c) of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note).

(cxxxviii) Make grants in equal amounts to 1994 Land-Grant Institutions to be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (7 U.S.C. 321 *et seq.*), and subject to the requirements of such Act (Section 534(a) of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note).

(cxxxix) Make competitive Institutional Capacity Building Grants to assist 1994 Land-Grant Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences (Section 535 of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note).

(cxl) Implement and administer the Community Food Projects Program pursuant to the provisions of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034).

(cxli) Receive, accept, and administer funds for the purpose of awarding research, extension, and education competitive grants pursuant to the Fund for Rural America (7 U.S.C. 2204f).

(cxlii) Coordinate the Department of Agriculture summer intern program pursuant to section 922 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 2279c).

(cxliii) Develop and carry out a system to monitor and evaluate agricultural research and extension activities conducted or supported by the Department that will enable the Secretary to measure the impact and effectiveness of research, extension, and education programs according to priorities, goals, and mandates established by law. Conduct a comprehensive review of state-of-the-art information technology systems for use in developing the system (7 U.S.C. 3129).

(cxliv) Make grants, competitive grants, and special research grants to, and enter into cooperative agreements and other contracting instruments with, policy research centers (7 U.S.C. 3155).

(cxlv) Conduct a pilot research program to link major cancer and heart and other circulatory disease research efforts with agricultural research efforts to identify compounds in vegetables and fruits that prevent these diseases (7 U.S.C. 3174a).

(cxlvi) Administer grants to 1890 land-grant colleges, including Tuskegee University, through Federal-grant funds to help finance and upgrade agricultural and food science facilities which are used for research, extension, and resident instruction (7 U.S.C. 3222b).

(cxlvii) Administer the Stuttgart National Aquaculture Research Center (16 U.S.C. 778 *et seq.*; Pub. L. 104–127, sec. 889).

(cxlviii) Provide technical and educational assistance to conserve and enhance private grazing land resources (16 U.S.C. 2005b).

(cxlix) Provide technical assistance to farmers and ranchers under the Environmental Quality Incentives Program (16 U.S.C. 3830 *et seq.*).

* * * * *

(4) Related to rural development activities. Provide guidance and direction for the accomplishment of activities authorized under Section V of the Rural Development Act of 1972, as amended (7 U.S.C. 2661 *et seq.*), for programs under the control of the Under Secretary for Research, Education, and Economics, coordinating the policy aspects thereof with the Under Secretary for Rural Development.

* * * * *

(8) * * *

(iv) Prepare crop and livestock estimates and administer reporting programs, including estimates of production, supply, price, and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, construction and maintenance of sampling frames, and related activities. Prepare reports of the Agricultural Statistics Board covering official state and national estimates (7 U.S.C. 476, 951, and 2204).

* * * * *

(x) * * *

(E) Entering into agreements with land-grant colleges and universities, other organizations, institutions, or individuals with comparable goals, and with the concurrence of the Foreign Agricultural Service, USDA, international organizations (limited to agreements either involving no exchange of funds or involving disbursements by the agency to the cooperator), and then reporting these agreements to the Secretary of Agriculture (7 U.S.C. 3291(a)).

* * * * *

Subpart K—Delegations of Authority by the Under Secretary for Research, Education, and Economics

3. In subpart K, section 2.65 is amended by adding new paragraphs (a)(93) through (a)(98), by removing and reserving paragraphs (a)(10), (a)(19), (a)(28), (a)(40), (a)(44), (a)(45), (a)(54), (a)(67), (a)(70), and (a)(71), and by revising paragraphs (a)(51), (a)(64), and (a)(90), as follows:

§ 2.65 Administrator, Agricultural Research Service.

(a) * * *

(51) Maintain a National Arboretum for the purposes of research and education concerning tree and plant life, and order disbursements from the Treasury, in accordance with the Act of March 4, 1927 (20 U.S.C. 191 *et seq.*).

* * * * *

(64) Administer a National Food and Human Nutrition Research Program and a Human Nutrition Intervention and Health Promotion Research Program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended. As used herein the term ''research'' includes:

(i) Research on the nutrient composition of foods and the effects of agricultural practices, handling, food processing, and cooking on the nutrients they contain;

(ii) Surveillance of the nutritional benefits provided to participants in the food programs administered by the Department; and

(iii) Research on the factors affecting food preference and habits. (7 U.S.C. 3171–3175, 3177).

* * * * *

(90) Formulate, write, or prescribe bibliographic and technically related standards for the library and information services of USDA (7 U.S.C. 3125a *et seq.*).

* * * * *

(93) Review cooperative research and development agreements entered into pursuant to 15 U.S.C. 3710a–3710c, with authority to disapprove or require the modification of any such agreement.

(94) Administer the Stuttgart National Aquaculture Research Center (16 U.S.C. 778 *et seq.*; Pub. L. 104–127, sec. 889).

(95) Provide technical and educational assistance to conserve and enhance private grazing land resources (16 U.S.C. 2005b).

(96) Provide technical assistance to farmers and ranchers under the Environmental Quality Incentives Program (16 U.S.C. 3830 *et seq.*).

(97) Enter into cooperative research and development agreements with industry, universities, and others; institute a cash award program to reward scientific, engineering, and technical personnel; award royalties to inventors; and retain and use royalty income (15 U.S.C. 3710a–3710c).

(98) Coordinate USDA activities delegated under 15 U.S.C. 3710a–3710c.

4. In subpart K, section 2.66 is amended by removing and reserving (a)(21), (a)(40), (a)(44), (a)(45), and (a)(48), by revising paragraphs (a)(10), (a)(13), (a)(16), (a)(18), (a)(19), (a)(25), (a)(26), (a)(66), and (a)(74), and by adding new paragraphs (a)(98) through (a)(118), as follows:

§ 2.66 Administrator, Cooperative State Research, Education, and Extension Service.

(a) * * *

(10) Administer, in cooperation with the States, a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972, as amended. Promote coordinated and integrated rural community initiatives that advance and empower capacity building (7 U.S.C. 2661–2667).

* * * * *

(13) Formulate and administer programs to strengthen secondary education and two-year post secondary teaching programs; promote linkages between secondary, two-year postsecondary, and higher education programs in the food and agricultural sciences; administer grants to secondary education and two-year post secondary teaching programs, and to colleges and universities (7 U.S.C. 3152).

* * * * *

(16) Make grants, competitive grants, and special research grants to, and enter into agreements and other contracting instruments with policy research centers (7 U.S.C. 3155).

* * * * *

(18) Support continuing agricultural and forestry extension and research, at 1890 land-grant colleges, including Tuskegee University, and administer a grant program for five National Research and Training Centennial Centers (7 U.S.C. 3221, 3222, 3222c).

(19) Administer grants to 1890 land-grant colleges, including Tuskegee University, through Federal-grant funds to help finance and upgrade agricultural and food science facilities which are used for research, extension, and resident instruction (7 U.S.C. 3222b).

* * * * *

(25) Conduct research and develop and implement a program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(26) Administer an Aquaculture Assistance Program, involving centers, by making grants to eligible institutions for research and extension to facilitate or expand production and marketing of aquacultural food species and products; making grants to States to formulate aquaculture development plans for the production and marketing of aquacultural species and products; conducting a program of research, extension and demonstration at aquacultural demonstration centers; and making grants to aquaculture research facilities to do research on intensive water recirculating systems (7 U.S.C. 3321–3323).

* * * * *

(66) Administer a grants program for rural health and safety education and promote coordinated and integrated rural community initiatives that advance and empower capacity building (7 U.S.C. 2662).

* * * * *

(74) Administer a National Food and Human Nutrition Research and Extension Program (7 U.S.C. 3171–3173, 3175).

* * * * *

(98) Establish and administer a 1994 Institutions Endowment Fund and to enter into agreements necessary to do this (Section 533(b)(c) of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note).

(99) Make grants in equal amounts to 1994 Land-Grant Institutions to be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 *et seq.*) (commonly known as the Second Morrill Act), and subject to the requirements of such Act (Sections 533 and 534 of the Equity in Educational Land-Grant Act of 1994, 7 U.S.C. 301 note).

(100) Make competitive Institutional Capacity Building Grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences (Section 535 of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note).

(101) Implement and administer the Community Food Projects Program pursuant to the provisions of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034).

(102) Receive, accept, and administer funds for the purpose of awarding research, extension, and education competitive grants pursuant to the Fund for Rural America (7 U.S.C. 2204f).

(103) Develop and carry out a system to monitor and evaluate agricultural research and extension activities conducted or supported by the Department of Agriculture that will enable the Secretary to measure the impact and effectiveness of research, extension, and education programs according to priorities, goals, and mandates established by law. Conduct a comprehensive review of state-of-the-art information technology systems for use in developing the system (7 U.S.C. 3129).

(104) Conduct a pilot research program to link major cancer and heart and other circulatory disease research efforts with agricultural research efforts to identify compounds in vegetables and fruits that prevent these diseases (7 U.S.C. 3174a).

(105) Administer grants to 1890 land-grant colleges, including Tuskegee University, through Federal-grant funds to help finance research facilities and equipment including agricultural libraries (7 U.S.C. 3223).

(106) Establish and administer competitive grants (or grants without regard to any requirement for competition) to Hispanic-serving Institutions for the purpose of promoting and strengthening the ability of Hispanic-serving Institutions to carry out education, applied research, and related community development programs (7 U.S.C. 3241).

(107) Make competitive grants to support research to eradicate and control Brown Citrus Aphid and Citrus Tristeza Virus (7 U.S.C. 5925).

(108) Award a grant, on a competitive basis, to establish a red meat safety research center at an eligible research facility (7 U.S.C. 5929).

(109) Coordinate the development and carrying out by Department agencies of all matters and functions pertaining to agricultural research conducted or funded by the Department involving biotechnology, including the development and implementation of guidelines for oversight of research activities, acting as liaison on all matters and functions pertaining to agricultural research in biotechnology between agencies within the Department and

between the Department and other governmental, educational, or private organizations and carrying out any other activities authorized by (7 U.S.C. 3121).

(110) Provide staff support to the Under Secretary for Research, Education, and Economics related to the National Agricultural Research, Extension, Education, and Economics Advisory Board (7 U.S.C. 3123).

(111) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(112) Provide technical and educational assistance to conserve and enhance private grazing land resources (16 U.S.C. 2005b).

(113) Provide technical assistance to farmers and ranchers under the Environmental Quality Incentives Program (16 U.S.C. 3830 *et seq.*).

(114) Coordinate USDA policy and conduct programs relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136, *et seq.*) and coordinate the Department's Integrated Pest Management Programs and the Pesticide Assessment Program (7 U.S.C. 136–136y).

(115) Conduct programs of research, technology development, and education related to global climate change (7 U.S.C. 6701–6710).

(116) Represent the Department in international organizational activities and on international technical committees concerned with agricultural science, education, and development activities, including library and information science activities.

(117) Conduct a program of nutrition education research.

5. In subpart K, section 2.67 is amended by adding a new paragraph (a)(14) as follows:

§ 2.67 Administrator, Economic Research Service.

(a) * * *

(14) Represent the Department in international organizational activities and on international technical committees concerned with agricultural science, education, and development activities, including library and information science activities.

* * * * *

6. In subpart K, section 2.68 is amended by adding a new paragraph (a)(8) and by revising paragraph (a)(1) as follows:

§ 2.68 Administrator, National Agricultural Statistics Service.

(a) * * *

(1) Prepare crop and livestock estimates and administer reporting programs, including estimates of production, supply, price, and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, construction and maintenance of sampling frames, and related activities. Prepare reports of the Agricultural Statistics Board of the Department of Agriculture covering official state and national estimates (7 U.S.C. 476, 951, and 2204).

* * * * *

(8) Represent the Department in international organizational activities and on international technical committees concerned with agricultural science, education, and development activities, including library and information science activities.

* * * * *

For Subpart C:

Dated: November 28, 1997.

Dan Glickman,

Secretary of Agriculture.

For Subpart K:

Dated: November 26, 1997.

I. Miley Gonzalez,

Under Secretary for Research, Education, and Economics.

[FR Doc. 97–32615 Filed 12–12–97; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 97–077–2]

Brucellosis in Cattle; State and Area Classifications; Kentucky

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Kentucky from Class A to Class Free. We have determined that Kentucky meets the standards for Class Free status. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Kentucky.

EFFECTIVE DATE: The interim rule was effective on September 16, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–7709; or e-mail: rrollo@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on September 16, 1997 (62 FR 48475–48477, Docket No. 97–077–1), we amended the brucellosis regulations in 9 CFR part 78 by removing Kentucky from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a).

Comments on the interim rule were required to be received on or before November 17, 1997. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 78 and that was published at 62 FR 48475–48477 on September 16, 1997.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 9th day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–32659 Filed 12–12–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–147–AD; Amendment 39–10244; AD 97–26–01]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–100, –200, –300, –400, and –500 series airplanes, that requires repetitive inspections to detect galling on the input shaft and bearing of the standby rudder power control unit (PCU), and replacement of the standby rudder actuator with a serviceable actuator, if necessary. This amendment also requires eventual replacement of the input bearing of the standby PCU with an improved bearing, which constitutes terminating action for the inspections to detect galling. This amendment is prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by this AD are intended to prevent galling on the input shaft and bearing of the standby PCU, which could result in uncommanded movement of the rudder or increased pedal forces. These conditions, if not corrected, could result in reduced controllability of the airplane.

DATES: Effective January 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Dowty Aerospace Los Angeles, 1700 Business Center Drive, Duarte, California 91010–2859. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2673; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 737–100, –200, –300, –400, and –500 series airplanes was published in the **Federal Register** on August 28, 1996 (61 FR 44234). That action proposed to require operational tests of the standby rudder power control unit (PCU) to ensure correct operation of the rudder, and correction of any discrepancy found; and repetitive inspections to detect galling on the input shaft and bearing of the standby PCU, and replacement of the standby rudder actuator with a serviceable actuator, if necessary. That action also proposed to require eventual replacement of the input bearing of the standby PCU with an improved bearing, which would constitute terminating action for the inspections to detect galling.

Actions Since the Issuance of the Proposal

Since the issuance of the proposal, the FAA has reviewed and approved Dowty Aerospace Los Angeles Service Bulletin 1150–27–04, dated December 5, 1996, which describes procedures to replace the input shaft assembly and related hardware with a new, improved input shaft. The new input shaft uses radial bearings, which will prevent galling on the input shaft and bearing. Paragraph (b) of this final rule has been revised to reference the Dowty Aerospace service bulletin as an appropriate source of service information for accomplishment of the replacement.

In addition, since the issuance of the proposal, the manufacturer has advised the FAA that the replacement of the input bearing of the standby PCU with an improved bearing has been incorporated on airplanes having line numbers 2815 and subsequent. Therefore, the FAA has revised the applicability of this final rule to include only airplanes having line numbers 1 through 2814 inclusive.

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

Request To Revise Statement of Findings of Critical Design Review Team

One commenter requests the second paragraph of the Discussion section that appeared in the preamble to the proposed rule be revised to accurately reflect the findings of the Critical Design Review (CDR) team. The commenter asks that the FAA delete the one sentence in that paragraph that reads: ''The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as correction of certain design deficiencies.'' The commenter suggests that the following sentences should be added: ''The team did not find any design issues that could lead to a definite cause of the accidents that gave rise to this effort. The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as incorporation of certain design improvements in order to enhance its already acceptable level of safety.''

The FAA does not find that a revision to this final rule in the manner suggested by the commenter is necessary, since the Discussion section of a proposed rule does not reappear in a final rule. The FAA acknowledges that the CDR team did not find any design issue that could lead to a definite cause of the accidents that gave rise to this effort. However, as a result of having conducted the CDR of the flight control systems on Boeing Model 737 series airplanes, the team indicated that there are a number of recommendations that should be addressed by the FAA for each of the various models of the Model 737. In reviewing these recommendations, the FAA has concluded that they address unsafe conditions that must be corrected through the issuance of AD's. Therefore, the FAA does not concur that these design changes merely ''enhance [the Model 737's] already acceptable level of safety.''

Request To Delete Operational Test Requirement

Several commenters request that the requirement to perform the operational tests to cycle hydraulic fluid through the standby rudder PCU and to ensure correct operation of the rudder when the standby hydraulic system is powered) be deleted from the proposal. These commenters point out that the Boeing Service Letter referenced in paragraph (a) of the proposal does not provide a description of procedures to perform the operational tests and does not include instructions to correct any discrepancies found. Another commenter requests that paragraph (a) be deleted from the proposal because it is not a technically sound approach to eliminating galling. This commenter states that the only way to prevent galling is to upgrade the input bearing of the standby hydraulic system.

The FAA concurs that replacement of the input bearing of the standby hydraulic system with a new, improved (upgraded) input bearing is a technically sound approach to eliminate galling. The requirement to replace the input bearing with a new, improved input bearing within 3 years, as specified in the proposed AD, supports that approach. Accordingly, this final rule has been revised to delete the proposed requirement for operational tests. The FAA finds that, until the replacement of the input bearing is required, repetitive inspections to detect galling of the input shaft and bearing, and replacement with a serviceable standby rudder actuator, if necessary (as specified in the proposed AD), will positively address the unsafe condition.

Request To Extend the Compliance Time for Operational Tests

Several commenters request that the compliance time be extended for the operational tests discussed previously. The commenters request that the compliance time for the repetitive operational tests be extended from the proposed ''at intervals not to exceed 250 hours time-in-service'' to ''at intervals not to exceed 800 hours time-in-service.'' The commenters state that the recent FAA MSG–3 analysis on the hydraulic fluid compound revealed that the appropriate interval for the operational test is every 800 hours time-in-service.

As explained previously, the FAA has removed the requirement for operational tests from the final rule; however, this final rule is considered to be interim action. The FAA may consider further rulemaking to require operational tests of the standby system and correction of any discrepancies. The FAA will consider the results of the previously discussed MSG–3 analysis in determining an appropriate compliance time for future proposed operational tests.

Request To Extend the Compliance Times for Inspections for Galling

Several commenters request that the compliance time for the initial and repetitive inspections for galling be extended from 3,000 hours time-in-service to ''18 months or 4,500 hours time-in-service'' for the proposed inspections to detect galling on the input shaft and bearing of the standby rudder PCU. The commenters state that 18 months or 4,500 hours time-in-service closely corresponds to a ''C'' check, which allows operators to schedule maintenance at a heavy maintenance base without impacting safety. One commenter suggests that the initial inspection and repetitive interval inspections should be extended to 46,000 flight hours. (The FAA infers that the ''46,000'' flight hours is a typographical error and that the commenter actually requests an extension to 4,600 flight hours.)

The FAA concurs with the commenters' request to revise the compliance time to 18 months or 4,500 hours time-in-service (whichever occurs later) since the last inspection. The FAA finds that this extension of the compliance time will not adversely affect safety, and will more closely correspond to the operators' scheduled ''C'' checks. The FAA has revised paragraph (a) of this final rule accordingly.

Requests To Revise the Compliance Time for Replacement of the Input Bearing

One commenter (the airplane manufacturer) requests that the proposed compliance time for replacement of the input bearing be changed from 3 to 4 years after the effective date of the AD. The commenter states that the inspection should be accomplished at least once in 4 years, and the inspection should detect any units that are galled. Another commenter requests that the replacement be required by August 1, 1997. This commenter states that the National Transportation Safety Board (NTSB) suggests that date in a recommendation to the FAA.

The FAA does not concur that the compliance time should be revised. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required replacement within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. The manufacturer has advised that an ample number of required parts will be available for modification of the U.S. fleet within the compliance period. However, under the provisions of this final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such adjustments would provide an acceptable level of safety.

Request To Delete (or Make Optional) the Replacement Requirement

Several commenters request that the proposed replacement requirement be deleted to provide more time to review the retrofit program. One commenter suggests that the requirement should be optional, as long as the inspection to detect galling on the PCU input shaft is carried out repetitively every 46,000 flight hours. The commenter does not provide a justification for the recommended 46,000 flight hours. (The FAA infers that the ''46,000'' flight hours is a typographical error and that the commenter actually requests a compliance time of 4,600 flight hours.)

The FAA does not concur with the commenters' requests. Although the repetitive inspections required by this final rule may detect galled units before the galling progresses to a level that would affect the flight control system, the inspections do not ensure that galling will not occur. The replacement of the input bearing with a new, improved bearing, as described in the Dowty Aerospace service bulletin discussed previously, will positively address the subject unsafe condition and provide an acceptable level of safety.

The FAA has determined that long term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The replacement requirement is in consonance with these considerations.

Request To Revise the Cost Estimate

One commenter, the airplane manufacturer, requests that the cost estimate for the proposed inspections be revised from $60 to $120 per airplane, per inspection cycle. The FAA acknowledges that the correct cost estimate is $120 per airplane, per inspection cycle, and has revised the cost impact information, below, accordingly.

Conclusion

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

Cost Impact

There are approximately 2,830 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,037 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it will take approximately 2 work hours per airplane to accomplish the required inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the required inspections on U.S. operators is estimated to be $124,440, or $120 per airplane, per inspection cycle.

The FAA estimates that it will take approximately 2 work hours per airplane to accomplish the required replacement, at an average labor rate of $60 per work hour. The cost of the replacement parts is estimated to be $793 per airplane. Based on these figures, the cost impact of the required replacement is estimated to be $946,781, or $913 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–26–01 Boeing: Amendment 39–10244. Docket 97–NM–147–AD.

Applicability: Model 737–100, –200, –300, –400, and –500 series airplanes, having line numbers 1 through 2814 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded movement of the rudder or increased rudder pedal forces, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 18 months or 4,500 hours time-in-service after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 18 months or 4,500 hours time-in-service, whichever occurs later: Perform an inspection to detect galling on the input shaft and bearing of the standby rudder PCU by accomplishing paragraphs (a)(1) through (a)(10) of this AD.

(1) Shut off all hydraulic power.

(2) Gain access to the standby rudder actuator.

(3) Disconnect the input rod from the standby actuator.

(4) Using a push/pull spring scale (minimum +/−10% accuracy at 1.0 pound; preferably one having a peak load memory function), push on the standby rudder actuator input lever with sufficient force to move the lever from the neutral position up to, but not touching, the aft stop. The scale must be contacting the input lever at approximately the clevis bolt centerline. While applying the load required to move the lever, the scale must be maintained at an angle perpendicular to the lever arm (not to exceed 20 degrees from perpendicular). The force required to move the input lever throughout this range of motion must not exceed one pound.

(5) Repeat the test specified in paragraph (a)(4) of this AD, moving the lever arm from the aft stop position up to the forward stop, but not touching. The force required to move the input lever throughout this range of motion must not exceed one pound.

(6) Repeat the test specified in paragraph (a)(4) of this AD, moving the lever arm from the forward stop position back to the neutral position. The force required to move the input lever throughout this range of motion must not exceed one pound.

(7) If the actuator force encountered during any of the procedures required by paragraph (a)(4), (a)(5), or (a)(6) of this AD exceeds one pound, prior to further flight, replace the standby rudder actuator with a serviceable actuator, and test the standby rudder actuator in accordance with the procedure specified in paragraph (a)(9) of this AD.

(8) If the actuator force encountered during any of the procedures required by paragraph (a)(4), (a)(5), or (a)(6) of this AD is one pound or less, prior to further flight, reconnect the input rod to the standby rudder actuator, and test the standby rudder actuator in accordance with the procedure specified in paragraph (a)(9) of this AD.

(9) Perform a functional test of the standby rudder actuator in accordance with Maintenance Manual 737–100/–200, Chapter 27–21–141, removal/installation (for Model 737–100 and –200 series airplanes); or maintenance Manual 737–300/–400/–500, Chapter 27–21–24, removal/installation (for Model 737–300, –400, and –500 series airplanes).

(10) Restore the airplane to its normal condition.

(b) Within 3 years after the effective date of this AD, replace the input bearing of the standby rudder PCU with an improved bearing in accordance with Dowty Aerospace Los Angeles Service Bulletin 1150–27–04, dated December 5, 1996; or in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Replacement of the input bearing with an improved bearing in accordance with the service bulletin constitutes terminating action for the requirements of this AD.

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

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

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

(e) Except as provided by paragraph (b) of this AD, the replacement shall be done in accordance with Dowty Aerospace Los Angeles Service Bulletin 1150–27–04, dated December 5, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dowty Aerospace Los Angeles, 1700 Business Center Drive, Duarte, California 91010–2859. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 20, 1998.

Issued in Renton, Washington, on December 8, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32590 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–259–AD; Amendment 39–10247; AD 97–26–04]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 737–100, –200, –300, –400, and –500 series airplanes. This amendment requires a one-time inspection to determine if certain ailerons are installed on the airplane. This amendment also requires removing any defective aileron, scrapping it, and replacing it with a new or serviceable aileron. This amendment is prompted by reports of failure of the aileron due to an inappropriate repair procedure. The actions specified in this AD are intended to detect and correct defective ailerons, which could result in in-flight separation of an aileron from the airplane and consequent reduced controllability of the airplane.

DATES: Effective December 30, 1997.

Comments for inclusion in the Rules Docket must be received on or before February 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–259–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Schneider or Nenita Odesa, Aerospace Engineers, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028 or (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received two reports of failure of the aileron on Boeing Model 737 series airplanes. In one incident, a two-foot section of an aileron separated from the airplane during descent, which resulted in vibration of the flight controls. In the second incident, 30 percent of an aileron separated from the airplane during climb. The flightcrew had to input a significant amount of trim to straighten the wings to a level position prior to landing. This airplane had accumulated 34 flight cycles since its ailerons were rebuilt by Tramco Inc. (doing business as BFGoodrich (BFG) Aerospace, Repair Station HN6R593N).

Investigation revealed that the cause of these failures has been attributed to an inappropriate repair procedure accomplished by BFG Aerospace. During the process of rebuilding ailerons, part number 65–46454–XX, for Boeing Model 737–100, –200, –300, –400, and –500 series airplanes, BFG Aerospace did not use proper procedures in the preparation of the aileron surface prior to the lay-up of the skin panel. As a result, the contact surface between the skin and core did not provide adequate adhesion properties for the bonded skin panel.

BFG Aerospace has not located all of the defective ailerons and has not provided documentation which verifies removal of the defective ailerons from service.

Defective ailerons that are installed on an airplane, if not detected and corrected, could result in in-flight separation of an aileron from the airplane, which could result in reduced controllability of the airplane.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 737–100, –200, –300, –400, and –500 series airplanes of the same type design, this AD is being issued to detect defective ailerons installed on an airplane, which could result in in-flight separation of an aileron from the airplane and consequent reduced controllability of the airplane. This AD requires a one-time visual inspection to determine if certain ailerons are installed on the airplane. This AD also requires removing any defective aileron, scrapping it, replacing it with a new or serviceable aileron, and submitting an inspection report to the FAA, if necessary.

Determination of Rule's Effective Date

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

Comments Invited

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

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

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

Docket Number 97–NM–259–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–26–04 Boeing: Amendment 39–10247. Docket 97–NM–259–AD.

Applicability: All Model 737–100, –200, –300, –400, and –500 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect defective ailerons installed on an airplane, which could result in in-flight separation of an aileron from the airplane and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a one-time visual inspection to determine if an aileron repaired by Tramco Inc. (doing business as BFGoodrich Aerospace, Repair Station HN6R593N) having any of the following serial numbers is installed on the airplane:

Affected Serial Numbers

BN23
BN49
BN56
BN59
BN167
BN180
BN206
BN236
162
237

(b) If any aileron is found with an affected serial number identified in paragraph (a) of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to further flight, remove the defective aileron, and replace it with a new or serviceable aileron. And

(2) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of any findings of ailerons specified in paragraph (a) of this AD to the Manager, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028; fax (425) 227–1181. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(c) As of the effective date of this AD, no person shall install on any airplane an aileron having any serial number identified in paragraph (a) of this AD.

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

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

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

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

Issued in Renton, Washington, on December 9, 1997.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32609 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–183–AD; Amendment 39–10242; AD 97–25–17]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 and A321 series airplanes, that requires a revision to the Airplane Flight Manual (AFM) to include procedures for the flightcrew to follow in the event of radio altimeter height malfunction. This amendment also requires replacement of certain radio altimeter antennas with improved antennas, at which time the AFM revision will no longer be required. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent output of erroneous radio altimeter height information to the flightcrew and autopilot, which could result in reduced ability of the flightcrew to cope with adverse operating conditions.

DATES: Effective January 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained

from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320 and A321 series airplanes was published in the **Federal Register** on October 1, 1997 (62 FR 51383). That action proposed to require a revision to the Airplane Flight Manual (AFM) to include procedures for the flightcrew to follow in the event of radio altimeter height malfunction. That action also proposed to require replacement of certain radio altimeter antennas with improved antennas, at which time the AFM revision would no longer be required.

Comments

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

Both commenters support the proposed rule.

Service Information Date

One commenter, Airbus, points out that Airbus A319/320/321 Flight Manual Temporary Revision (TR) 2.05.00/13 was approved by the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, on October 18, 1996. (Paragraph (a) of the proposal indicates that the TR is undated.) The FAA has revised paragraph (a) of this final rule to specify the date provided by Airbus.

Conclusion

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

Cost Impact

The FAA estimates that 50 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required AFM revision, and 1 work hour per airplane to accomplish the antenna replacement, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $6,000, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–25–17 Airbus Industrie: Amendment 39–10242. Docket 97–NM–183–AD.

Applicability: Model A320 and A321 series airplanes equipped with Collins radio altimeter antennas having part number (P/N) 622–8701–002 and a serial number below 2014, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent output of erroneous radio altimeter height information to the flightcrew and autopilot, due to inadequate antenna solder connections, which could result in reduced ability of the flightcrew to cope with adverse operating conditions, accomplish the following:

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) by incorporating Airbus A319/320/321 Flight Manual Temporary Revision (TR) 2.05.00/13, dated October 18, 1996, into the AFM to provide procedures for the flightcrew to follow in the event of radio altimeter malfunction.

(b) Within 6 months after the effective date of this AD, replace any COLLINS radio altimeter antenna having P/N 622–8701–002, a serial number below 2014, and white paint on the inner side of the C-sink hole with a new antenna having the same P/N that is fitted with metallic C-sink inserts in its attaching holes; in accordance with Airbus All Operators Telex (AOT) 34–03, dated February 20, 1996. Accomplishment of the actions specified in this paragraph constitutes terminating action for the AFM revision required by paragraph (a) of this AD.

(c) As of the effective date of this AD, no person shall install a COLLINS radio altimeter antenna having P/N 622–8701–002 and a serial number below 2014, unless the antenna is fitted with metallic C-sink inserts in its attaching holes.

(d) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

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

(f) The actions shall be done in accordance with Airbus A319/320/321 Flight Manual Temporary Revision (TR) 2.05.00/13, dated October 18, 1996; and Airbus All Operators Telex (AOT) 34–03, dated February 20, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive (CN) 96–172–084(B), dated August 28, 1996.

(g) This amendment becomes effective on January 20, 1998.

Issued in Renton, Washington, on December 5, 1997.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32430 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–146–AD; Amendment 39–10241; AD 97–25–16]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace (Jetstream) Model 4101 airplanes, that requires a one-time inspection of the tailplane (horizontal stabilizer) leading edges and surrounding area for discrepancies, and corrective action, if necessary. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent separation of the horizontal stabilizer from the fin, which could lead to reduced controllability of the airplane.

DATES: Effective January 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 20, 1998.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace (Jetstream) Model 4101 airplanes was published in the **Federal Register** on October 1, 1997 (62 FR 51386). That action proposed to require a one-time inspection of the tailplane (horizontal stabilizer) leading edges and surrounding area for discrepancies, and corrective action, if necessary.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 57 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $3,420, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–25–16 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited, British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10241. Docket 97–NM–146–AD.

Applicability: Jetstream Model 4101 airplanes, constructors numbers 41005 through 41069 inclusive, and 41071 through 41078 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the tailplane (horizontal stabilizer) from the fin, which could lead to reduced controllability of the airplane, accomplish the following:

(a) Within 3,000 hours time-in-service or 11 months after the effective date of this AD, whichever occurs first, perform a one-time inspection of the attachment bolts and surrounding area of the horizontal stabilizer leading edges for discrepancies, in accordance with Jetstream Service Bulletin J41–55–002, Revision 1, dated July 25, 1996. If any discrepancy is found, prior to further flight, correct the discrepancy in accordance with the service bulletin.

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

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

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

(d) The actions shall be done in accordance with Jetstream Service Bulletin J41–55–002, Revision 1, dated July 25, 1996, which contains the specified effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3	1	July 25, 1996.
2, 4–9	Original	June 28, 1996.

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

Note 3: The subject of this AD is addressed British airworthiness directive 004–06–96.

(e) This amendment becomes effective on January 20, 1998.

Issued in Renton, Washington, on December 5, 1997.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32431 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–161–AD; Amendment 39–10243; AD 97–25–18]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42 series airplanes, that requires removal of certain landing gear attachment pins, and replacement of the pins with serviceable pins. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent wear of the attachment pins, which could result in collapse of the main landing gear.

DATES: Effective January 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42 series airplanes was published in the **Federal Register** on August 25, 1997 (62 FR 44915). That action proposed to require removal of certain landing gear attachment pins, and replacement of the pins with serviceable pins.

Comments

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

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 88 Model ATR42 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 45 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $237,600, or $2,700 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–25–18 Aerospatiale: Amendment 39–10243. Docket 97–NM–161–AD.

Applicability: Model ATR42 series airplanes as identified in Aerospatiale Service Bulletin No. ATR42–32–0081, dated July 16, 1996, and Aerospatiale Service Bulletin No. ATR42–32–0082, dated July 16, 1996; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent wear of the landing gear attachment pins, which could result in collapse of the main landing gear (MLG), accomplish the following:

(a) Within 12 months after the effective date of this AD, remove the MLG leg hinge pins and side brace assembly center pins having the part numbers (P/N) specified in paragraph C.(2) of Aerospatiale Service Bulletin No. ATR42–32–0081, dated July 16, 1996; and replace the pins with serviceable pins, in accordance with the Aerospatiale service bulletin and Messier-Dowty Service Bulletin No. 631–32–127, Revision 1, dated October 22, 1996.

(b) Prior to the accumulation of 15,000 landings since the last overhaul of the MLG, or within 8 years time-in-service since the last overhaul of the MLG, whichever occurs first, remove the MLG swinging lever/barrel pins and shock absorber universal joint hinge pins having the P/N's specified in paragraph C.(2) of Aerospatiale Service Bulletin No. ATR42–32–0082, dated July 16, 1996; and replace the pins with serviceable pins, in accordance with the Aerospatiale service bulletin and Messier-Dowty Service Bulletin No. 631–32–128, Revision 1, dated November 15, 1996.

Note 2: Serviceable pins include those that have been removed, inspected and marked with green paint in accordance with Messier-Dowty Service Bulletin No. 631–32–127, Revision 1, dated October 22, 1996; or Messier-Dowty Service Bulletin No. 631–32–128, Revision 1, dated November 15, 1996; as applicable.

(c) As of the effective date of this AD, no person shall install any MLG pin having a part number identified in Aerospatiale Service Bulletin No. ATR42–32–0081, dated July 16, 1996, or Aerospatiale Service Bulletin No. ATR42–32–0082, dated July 16, 1996, on any airplane unless that pin is considered to be serviceable in accordance with the applicable service bulletin.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(f) The actions shall be done in accordance with the following Aerospatiale and Messier Dowty service bulletins, which contain the following spcified list of effective pages:

Service bulletin revision and date	Page No.	Revision level shown on page	Date shown on page
Aerospatiale ATR42–32–0081, July 16, 1996	1–7	Original	July 16, 1996.
Aerospatiale, ATR42–32–0082, July 16, 1996	1–6	Original	July 16, 1996.
Messier Dowty, 631–32–127, Revision 1, October 22, 1996	1–15, 19–31	1	Oct. 22, 1996.
	16–18	Original	July 18, 1996.
Messier Dowty, 631–32–128, Revision 1, November 15, 1996	1–11, 13–22	1	Nov. 15, 1996
	12	Original	July 18, 1996.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed issued French airworthiness directive 96–131–064(B), dated July 3, 1996.

(g) This amendment becomes effective on January 20, 1998.

Issued in Renton, Washington, on December 5, 1997.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32432 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–27]

Modification of Class E Airspace; Mason, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an incomplete name in a final rule that was published in the **Federal Register** on October 29, 1997, Airspace Docket Number 97–AGL–27. The Final Rule modified Class E airspace at Mason, MI.

EFFECTIVE DATE: 0901 UTC, January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

Federal Register document 97–28605, Airspace Docket Number 97–AGL–27, published on October 29, 1997 (62 FR 56067), modified the description of the Class E airspace area at Mason, MI. An incomplete name was discovered in the legal description for this airspace. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation for the Class E airspace area at Mason, MI, incorporated by reference in 14 CFR 71.1 (FR Document 97–28605), is corrected as follows:

§ 71.1 [Corrected]

On page 56067, column 3, line 25, in the Class E airspace designation for Mason, MI, correct ''Eaton, MI'' to read ''Eaton Rapids, MI.''

Issued in Des Plaines, Illinois on November 12, 1997.

David B. Johnson,

Assistant Manager, Air Traffic Division.

[FR Doc. 97–32669 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–25]

Revision of Class E Airspace; Gallup, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comment.

SUMMARY: This amendment modifies the Class E airspace at Gallup, NM. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to runway (RWY) 6 at Gallup Municipal Airport, Gallup, NM has made this rule necessary. This action is intended to provide adequate controlled airspace extending from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations at Gallup Municipal Airport, Gallup, NM.

DATES: Effective 0901 UTC, April 23, 1998. Comments must be received on or before January 29, 1998.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration Southwest Region, Docket No. 97–ASW–25, Fort Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Forth Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

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

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Gallup, NM. The development of a GPS SIAP to RWY 6 at Gallup Municipal Airport, Gallup, NM has made this action necessary. The intended effect of this action is to provide adequate controlled airspace extending from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations at Gallup Municipal Airport, Gallup, NM.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR § 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of this comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–ASW–25.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various level 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.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW NM E5 Gallup, NM [Revised]

Gallup Municipal Airport, NM
(Lat. 35°30′40″ N., long 108°47′22″ W.)
Gallup VORTAC
(Lat. 35°28′34″ N., long. 108°52′21″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Gallup Municipal Airport and within 3.8 miles each side of the 250° bearing from the Gallup Municipal Airport extending from the 6.7-mile radius to 12.6 miles southwest of the airport and within 2 miles each side of the 074° bearing from the airport extending from the 6.7-mile radius to 9.1 miles east of the airport and that airspace extending upward from 1200 feet above the surface within an area bounded by a line beginning at lat. 35°47′30″ N., long. 108°34′02″ W.; to lat. 35°26′50″ N., long. 108°34′02″ W.; to lat. 35°13′15″ N., long 109°06′02″ W.; to lat. 35°20′25″ N., long. 109°10′42″ W.; to lat. 35°52′00″ N., long. 108°47′02″ W.; to point of beginning excluding that airspace within the New Mexico, NM, Class E airspace area.

* * * * *

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 97–32667 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4011 and 4022

Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the appendix to the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans by adding the maximum guaranteeable pension benefit that may be paid by the PBGC with respect to a plan participant in a single-employer pension plan that terminates in 1998. This rule also amends Appendix B to the PBGC's regulation on Disclosure to Participants by adding information on 1998 maximum guaranteed benefit amounts. The amendment is necessary because the maximum guarantee amount changes each year, based on changes in the contribution and benefit base under section 230 of the Social Security Act. The effect of the amendment is to advise plan participants and beneficiaries of the increased maximum guarantee amount for 1998.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: Section 4022(b) of the Employee Retirement Income Security Act of 1974 provides for certain limitations on benefits guaranteed by the PBGC in terminating single-employer pension plans covered under Title IV of ERISA. One of the limitations, set forth in section 4022(b)(3)(B), is a dollar ceiling on the amount of the monthly benefit that may be paid to a plan participant (in the form of a life annuity beginning at age 65) by the PBGC. The ceiling is equal to ''$750 multiplied by a fraction, the numerator of which is the contribution and benefit base (determined under section 230 of the Social Security Act) in effect at the time the plan terminates and the denominator of which is such contribution and benefit base in effect in calendar year 1974 [$13,200]''. This formula is also set forth in § 4022.22(b) of the PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022). The appendix to Part 4022 lists, for each year beginning with 1974, the maximum guaranteeable benefit payable by the PBGC to participants in single-employer plans that have terminated in that year.

Section 230(d) of the Social Security Act (42 U.S.C. 430(d)) provides special rules for determining the contribution and benefit base for purposes of ERISA section 4022(b)(3)(B). Each year the Social Security Administration determines, and notifies the PBGC of,

the contribution and benefit base to be used by the PBGC under these provisions, and the PBGC publishes an amendment to the appendix to Part 4022 to add the guarantee limit for the coming year. (The PBGC's general practice has been to issue the amendments on or about December 15 of each year, at the same time it issues interest updates for other regulations. However, the information needed for the guarantee limit amendments is typically available earlier than the information for the interest updates. The PBGC intends in the future to publish its annual guarantee limit amendments earlier than December 15.)

The PBGC has been notified by the Social Security Administration that, under section 230 of the Social Security Act, $50,700 is the contribution and benefit base that is to be used to calculate the PBGC maximum guaranteeable benefit for 1998. Accordingly, the formula under section 4022(b)(3)(B) of ERISA and 29 CFR § 4022.22(b) is: $750 multiplied by $50,700/$13,200. Thus, the maximum monthly benefit guaranteeable by the PBGC in 1998 is $2,880.68 per month in the form of a life annuity beginning at age 65. This amendment updates the appendix to Part 4022 to add this maximum guaranteeable amount for plans that terminate in 1998. (If a benefit is payable in a different form or begins at a different age, the maximum guaranteeable amount is the actuarial equivalent of $2,880.68 per month.)

Section 4011 of ERISA requires plan administrators of certain underfunded plans to provide notice to plan participants and beneficiaries of the plan's funding status and the limits of the PBGC's guarantee. The PBGC's regulation on Disclosure to Participants (29 CFR Part 4011) implements the statutory notice requirement. This rule amends Appendix B to the regulation on Disclosure to Participants by adding information on 1998 maximum guaranteed benefit amounts. Plan administrators may, subject to the requirements of that regulation, include this information in participant notices.

Because the maximum guaranteeable benefit is determined according to the formula in section 4022(b)(3)(B) of ERISA, and these amendments make no change in its method of calculation but simply list 1998 maximum guaranteeable benefit amounts for the information of the public, general notice of proposed rulemaking is not required. Moreover, because the 1998 maximum guaranteeable benefit is effective, under the statute, at the time that the Social Security contribution and benefit base is effective, i.e., January 1, 1998, and is not dependent on the issuance of this rule, the PBGC finds that good cause exists for making these amendments effective less than 30 days after publication (5 U.S.C. 553).

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects

29 CFR Part 4011

Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4022

Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR parts 4011 and 4022 are amended as follows:

PART 4011—DISCLOSURE TO PARTICIPANTS

1. The authority citation for Part 4011 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1311.

2. Appendix B to part 4011 is amended by adding a new entry to the table to read as follows. The introductory text is reproduced for the convenience of the reader and remains unchanged.

APPENDIX B TO PART 4011.—TABLE OF MAXIMUM GUARANTEED BENEFITS

If a plan terminates in—	The maximum guaranteed benefit for an individual starting to receive benefits at the age listed below is the amount (monthly or annual) listed below:							
	Age 65		Age 62		Age 60		Age 55	
	Monthly	Annual	Monthly	Annual	Monthly	Annual	Monthly	Annual
*	*	*	*	*	*		*	*
1998	$2,880.68	$34,568.16	$2,275.74	$27,308.88	$1,872.44	$22,469.28	$1,296.31	$15,555.72

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for Part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. The appendix to part 4022 is amended by adding a new entry to the table to read as follows. The introductory text is reproduced for the convenience of the reader and remains unchanged.

Appendix to Part 4022.—Maximum Guaranteeable Monthly Benefit

[The following table lists by year the maximum guaranteeable monthly benefit payable in the form of a life annuity commencing at age 65 as described by § 4022.22(b) to a participant in a plan that terminated in that year]

Year	Maximum guaranteeable monthly benefit
* * * * *	
1998	2,880.68

Issued at Washington, D.C., this 10th day of December, 1997.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97–32732 Filed 12–12–97; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in January 1998.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024).

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during January 1998.

For annuity benefits, the interest assumptions will be 5.60 percent for the first 25 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions represent (in comparison with those in effect for December 1997) no change for the first 25 years following the valuation date and an increase of 0.25 percent for all years thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. The lump sum interest assumptions represent (in comparison with those in effect for December 1997) a decrease of .25 percent for the period during which a benefit is in pay status and no change for the period preceding the benefit's placement in pay status.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during January 1998, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 51 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

APPENDIX B TO PART 4044—INTEREST RATES USED TO VALUE ANNUITIES AND LUMP SUMS

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, * * * , and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	*
January 1998	.0560	1–25	.0525	>25	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* 51	* 01–1–98	02–1–98	* 4.25	* 4.00	* 4.00	4.00	* 7	* 8

Issued in Washington, D.C., on this 10th day of December 1997.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97–32731 Filed 12–12–97; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans by substituting new Table I–98 in place of existing Table I–97 in appendix D. Table I–98 applies to any plan being terminated either in a distress termination or involuntarily by the PBGC with a valuation date falling in 1998, and is used to determine expected retirement ages for plan participants. This table is needed in order to compute the value of early retirement benefits and, thus, the total value of benefits under the plan.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) sets forth (in subpart B) the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974. Under ERISA section 4041(c), plans wishing to terminate in a distress termination must value guaranteed benefits and benefit liabilities under the plan in accordance with part 4044, subpart B. In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA Section 4042(a), it uses the subpart B valuation rules to determine the amount of the plan's underfunding.

Under § 4044.51(b), early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.57 set forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendix D of part 4044 contains tables to be used in determining the expected early retirement ages.

Table I in appendix D (Selection of Retirement Rate Category) is used to determine whether a participant has a low, medium, or high probability of retiring early. The determination is based on the year a participant would reach ''unreduced retirement age'' (*i.e.*, the earlier of the normal retirement age or the age at which an unreduced benefit is first payable) and the participant's monthly benefit at unreduced retirement age. The table applies only to plans with valuation dates in the current year and is updated annually by the PBGC to reflect changes in the cost of living, etc.

(The PBGC's general practice has been to issue annual update amendments on or about December 15 of each year, at the same time it issues interest updates for other regulations. However, the information needed to update the expected retirement age table is typically available earlier than the information for the interest updates. The PBGC intends in the future to publish annual updates of the expected retirement age table earlier than December 15.)

Tables II–A, II–B, and II–C (Expected Retirement Ages for Individuals in the Low, Medium, and High Categories respectively) are used to determine the expected retirement age after the probability of early retirement has been determined using Table I. These tables establish, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends appendix D to replace Table I–97 with Table I–98 in order to provide an updated correlation, appropriate for calendar year 1998, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I–98 will be used to value benefits in plans with valuation dates during calendar year 1998.

The PBGC has determined that notice of and public comment on this rule are impracticable and contrary to the public interest. Plan administrators need to be able to estimate accurately the value of plan benefits as early as possible before initiating the termination process. For that purpose, if a plan has a valuation date in 1998, the plan administrator needs the updated table being promulgated in this rule. Accordingly, the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, to allow as much time as possible to estimate the value of plan benefits with the proper table for plans with valuation dates in early 1998. Moreover, because of the need to provide immediate guidance for the valuation of benefits

under such plans, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the regulation effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—[AMENDED]

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. Appendix D to part 4044 is amended by removing Table I–97 and adding in its place Table I–98 to read as follows:

APPENDIX D TO PART 4044—TABLES USED TO DETERMINE EXPECTED RETIREMENT AGE

TABLE I–98.—SELECTION OF RETIREMENT RATE CATEGORY

[For Plans with valuation dates after December 31, 1997, and before January 1, 1999]

Participant reaches URA in year—	Participant's retirement Rate category is—			
	Low [1] if monthly benefit at URA is less than—	Medium [2] if monthly benefit at URA is		High [3] if monthly benefit at URA is greater than—
		From	To	
1999	419	419	1,766	1,766
2000	431	431	1,814	1,814
2001	442	442	1,863	1,863
2002	454	454	1,913	1,913
2003	466	466	1,965	1,965
2004	479	479	2,018	2,018
2005	492	492	2,072	2,072
2006	505	505	2,128	2,128
2007	519	519	2,186	2,186
2008 or later	533	533	2,245	2,245

[1] Table II–A.
[2] Table II–B.
[3] Table II–C.

* * * * *

Issued at Washington, D.C., this 10th day of December, 1997.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97–32734 Filed 12–12–97; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179–0061; FRL–5929–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on April 17, 1997. The revisions concern rules from the Bay Area Air Quality Management District (BAAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of oxides of nitrogen (NO_X) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules concern the control of NO_X emissions from boilers, steam generators, process heaters, stationary internal combustion engines, stationary gas turbines, and glass melting furnaces in the San Francisco Bay area. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA actions on SIP submittals, and SIPs for national primary and secondary ambient air quality standards. The rules are being approved into the SIP in accordance with the area's ozone maintenance plan for redesignation to attainment.

DATES: This action is effective on January 14, 1998.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Bay Area Air Quality Management District, Rule Development Section, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Thomas C. Canaday, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1202.

SUPPLEMENTARY INFORMATION:

I. Applicability

The BAAQMD rules being approved into the California SIP include: Regulation 9, Rule 7, Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters;

Regulation 9, Rule 8, Nitrogen Oxides and Carbon Monoxide Emissions from Stationary Internal Combustion Engines; Regulation 9, Rule 9, Nitrogen Oxides from Stationary Gas Turbines; and Regulation 9, Rule 12, Nitrogen Oxides from Glass Melting Furnaces.

These BAAQMD rules were adopted on September 15, 1993, January 20, 1993, September 21, 1994 and January 19, 1994, respectively. They were submitted by the State of California on July 23, 1996. The rules were found to be complete on January 17, 1997, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [1]. EPA is taking final action to approve all four rules into the SIP.

II. Background

On April 17, 1997 in 62 FR 18730, EPA proposed to approve the following rules into the California SIP: Regulation 9, Rule 7, Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters; Regulation 9, Rule 8, Nitrogen Oxides and Carbon Monoxide Emissions from Stationary Internal Combustion Engines; Regulation 9, Rule 9, Nitrogen Oxides from Stationary Gas Turbines; and Regulation 9, Rule 12, Nitrogen Oxides from Glass Melting Furnaces. While the BAAQMD was no longer required to submit NO_X RACT rules pursuant to section 182(b)(2), the BAAQMD incorporated several of the previously submitted NO_X rules as contingency measures in its ozone maintenance plan as a requirement for redesignation to attainment. Since being redesignated to attainment of the ozone standard, the Bay Area has recorded violations of the Federal ozone standard, therefore triggering the contingency measures of the maintenance plan. In accordance with the redesignation maintenance plan, and at the request of the BAAQMD, EPA is incorporating the NO_X measures into the SIP. The BAAQMD submitted the contingency measures being acted on in this document on July 23, 1996. This action encompasses part of the measures identified in the plan as contingency measures. A detailed discussion of the background for each of the above rules is provided in the proposed rule cited above.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rule cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the proposed rule and in the technical support document (TSD), dated January 24, 1997, which is available at EPA's Region IX office.

III. Response to Public Comments

A 30-day public comment period was provided in 62 FR 18730. The four rules in the present action, along with one additional rule (BAAQMD Regulation 9, Rule 11) were the subject of a prior direct final action. See 62 FR 18710 (April 17, 1997). EPA received adverse comments on Regulation 9, Rule 11 only. Consequently the previous direct final action was withdrawn. See 62 FR 32687 (June 17,1997). EPA will address the comments received in a subsequent final action concerning Regulation 9, Rule 11 only in the near future.

IV. EPA Action

EPA is finalizing this action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of NO_X in accordance with the requirements of the CAA.

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

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (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 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 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitionsfor judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 13, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: November 13, 1997.

Harry Seraydarian,

Acting Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(239)(i)(E) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(239) * * *

(i) * * *

(E) Bay Area Air Quality Management District.

(*1*) Rule 9–7 adopted on September 15, 1993, Rule 9–8 adopted on January 20, 1993, Rule 9–9 adopted on September 21, 1994, and Rule 9–12 adopted on January 19, 1994.

* * * * *

[FR Doc. 97–32561 Filed 12-12-97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MT–001–0002a, MT–001–0003a; FRL–5934–5]

Approval and Promulgation of Air Quality Implementation Plans; Montana; 1990 Base Year Emission Inventories for Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the 1990 base year carbon monoxide (CO) emission inventories for Missoula, Billings, and Great Falls that were submitted by the State to satisfy certain requirements of the Clean Air Act (CAA), as amended in 1990.

DATES: This final rule is effective February 13, 1998 unless adverse or critical comments are received by January 14, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Richard R. Long, Director, Air Program (8P2–A), United States Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 8, Air Program, 999 18th Street, suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program (8P2–A), United States Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202–2466, ph. (303) 312–6479.

SUPPLEMENTARY INFORMATION:

I. Background to the Action

As required by the CAA, States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment.

Those States containing moderate and serious carbon monoxide nonattainment areas were required under Section 187(a)(1) of the CAA to submit by November 15, 1992, a comprehensive, accurate, and current inventory of actual CO season emissions from all sources for each nonattainment area (see 57 FR 13530, April 16, 1992). This requirement applies to Missoula. ''Not Classified'' CO nonattainment areas, like Billings and Great Falls, were required to submit their inventories by November 15, 1993 (see 57 FR 13535, April 16, 1992). Stationary point sources, stationary area sources, on-road mobile, and non-road mobile sources of carbon monoxide (CO) were to be included in each inventory. This inventory, for calendar year 1990, was denoted as the base year inventory.

The 1990 base year inventory is the primary inventory from which any periodic and/or modeling inventory is derived. Further information on these inventories and their purpose can be found in the document ''Emission Inventory Requirements for Carbon Monoxide State Implementation Plans,'' U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, dated March, 1991.

The 1990 base year inventory was to address actual CO emissions for the area during the peak CO season. The peak CO season should reflect the months when peak CO concentrations occur. For areas where winter is the peak CO season, as is the case for Missoula, Billings, and Great Falls, the 1990 base year inventory was to include the period November 1989 through January 1990.

The air quality planning requirements for base year inventories for CO nonattainment areas are set out in sections 172(c) and 187(a)(1) of Title I of the CAA. EPA issued a General Preamble describing EPA's interpretation as to how EPA intended to review SIP revisions submitted under Title I of the CAA which included requirements for the preparation of the 1990 base year inventory (57 FR 13529, April 16, 1992, and 57 FR 18070, April 28, 1992). Because EPA is describing its interpretations in this action only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this action and its supporting rationale. Available EPA guidance documents, for preparing emission inventories, were referenced in the General Preamble (57 FR 13498, April 16, 1992).

II. Analysis of the State's Submittal

Section 110(k) of the Act sets out provisions governing EPA's action on plan submissions of the 1990 base year CO emission inventory based on whether or not the inventory satisfies the requirements of Section 187(a)(1) and Section 172(c) (see 57 FR 13565–13566, April 16, 1992). Based on EPA's review, EPA is approving the Montana CO 1990 base year emission inventories as submitted to EPA on July 18, 1995, (Missoula and Billings) and on April 23, 1997 (Great Falls).

The following describes the review procedures associated with determining the acceptability of a 1990 base year emission inventory and discusses the level of acceptance that can result from the findings of the review process.

A. Procedural Background

The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to EPA. Section 110(a)(2) of the CAA requires that each SIP revision (including emission inventories) be adopted after going through a reasonable notice and public hearing process prior to being submitted by a State to EPA.[1]

The State of Montana held a public hearing for the Missoula and Billings CO inventories on July 10, 1995, before the Montana Department of Environmental Quality (MDEQ). The Governor submitted these two 1990 base year inventories to EPA with a letter dated July 18, 1995. The State held a public hearing for the Great Falls CO inventory on December 9, 1996, before the MDEQ. This inventory was submitted by the Governor with a letter dated April 23, 1997.

B. Review of Montana's 1990 Base Year SIP CO Inventories

EPA's Level I, II, and III review process checklists are used to determine if all components of a CO base year inventory are present and approvable. EPA's detailed Level I and II review procedures can be found in the following document: ''Quality Review Guidelines for 1990 Base Year Emission Inventories,'' U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, July 27, 1992. The Level III final review procedures are specified in a memorandum from J. David Mobley, Chief, Emissions Inventory Branch, to Air Branch Chiefs, Regions I–X, ''Final Emission Inventory Level III Acceptance Criteria,'' October 7, 1992 and revised in a memorandum from John Seitz to the Regional Air Directors, dated June 24, 1993.[2] EPA's review also evaluates the level of supporting documentation provided by the State and assesses whether the emission calculations were developed, and data quality assured, according to current EPA guidance.

The Level III review process is outlined below and consists of nine requirements that a CO base year inventory must include. For a base year CO emission inventory to be acceptable, it must pass all of the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) must be provided and the Quality Assurance (QA) program contained in the IPP must be performed and its implementation documented.

Analysis: Montana's IPP was approved by EPA on October 23, 1991. The IPP's QA program requirements were addressed in section 4.3 and Appendix F of the Missoula inventory, in section 4.3 and Appendix F of the Billings inventory, and in section 4.3 and Appendix H of the Great Falls inventory.

2. Adequate documentation must be provided that enables the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory.

Analysis: This requirement was addressed in sections 4.0 through 4.2.8., 5.0, 6.0, and appendices A through E of the Missoula inventory; sections 4.0 through 4.2.8., 5.0, 6.0, and appendices A through E and G of the Billings inventory; and sections 4.0 through 4.2.8., 5.0, 6.0, and appendices A through G and I of the Great Falls inventory.

3. The point source inventory must be complete.

Analysis: This requirement was addressed in sections 4.1.1., 4.2.7., 5.0, 6.0, and appendices A and B of the Missoula inventory; sections 4.1.1., 4.2.6., 5.0, 6.0, and appendices A and B of the Billings inventory; and sections 4.1.1., 4.2.7., 5.0, 6.0, and appendices A and B of the Great Falls inventory.

4. Point source emissions must be calculated according to current EPA guidance.

Analysis: This requirement was addressed in sections 4.1.1., 4.2.7., 5.0, 6.0, and appendices A and B of the Missoula inventory; sections 4.1.1., 4.2.6., 5.0, 6.0, and appendices A and B of the Billings inventory; and sections 4.1.1., 4.2.7., 5.0, 6.0, and appendices A and B of the Great Falls inventory.

5. The area source inventory must be complete.

Analysis: This requirement was addressed in sections 4.1.2., 4.2.1., 4.2.2., 4.2.8., 5.0, 6.0, and appendix D of the Missoula inventory; sections 4.1.2., 4.2.1., 4.2.2., 4.2.7., 4.2.8., 5.0, 6.0, and appendix D of the Billings inventory; and sections 4.1.2., 4.2.1., 4.2.2., 4.2.8., 5.0, 6.0 and appendices D, E, and F of the Great Falls inventory.

6. The area source emissions must be prepared or calculated according to current EPA guidance.

Analysis: This requirement was addressed in sections 4.1.2., 4.2.1., 4.2.2., 4.2.8., 5.0, 6.0, and appendix D of the Missoula inventory; sections 4.1.2., 4.2.1., 4.2.2., 4.2.7., 4.2.8., 5.0, 6.0, and appendix D of the Billings inventory; and sections 4.1.2., 4.2.1., 4.2.2., 4.2.8., 5.0, 6.0 and appendices D, E, and F of the Great Falls inventory.

7. The method (e.g., HPMS or a network transportation planning model) used to develop VMT estimates must follow EPA guidance, as detailed in the document, ''Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources'', U.S. Environmental Protection Agency, Office of Mobile Sources and Office of Air Quality Planning and Standards, Ann Arbor, Michigan, and Research Triangle Park, North Carolina, December 1992. The VMT development methods must be adequately described and documented in the inventory report.

Analysis: This requirement was addressed in sections 4.2.5., 5.0, 6.0, and Appendix C in each of the three inventories.

8. The MOBILE model must be correctly used to produce emission factors for each of the vehicle classes.

Analysis: This requirement was addressed in sections 4.2.5., 5.0, 6.0, and Appendix C in each of the three inventories.

9. Non-road mobile emissions estimates must be prepared according to current EPA guidance for all of the source categories.

Analysis: This requirement was addressed in sections 4.2.3., 4.2.4., 4.2.6., 5.0, and 6.0 of the Missoula inventory; sections 4.2.3., 4.2.4., 4.2.8., 5.0, 6.0, and Appendix G of the Billings inventory; and sections 4.2.3., 4.2.4., 4.2.6., 5.0, 6.0, and Appendix I of the Great Falls inventory.

The 1990 base year CO emissions from point sources, area sources, on-

[1] See, Memorandum from John Calcagni, Director, Air Quality Management Division, and William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors, Region I–X, ''Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas,'' September 29, 1992.

[2] Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Region I–X, ''Emission Inventory Issues,'' June 24, 1993.

road mobile sources, and non-road mobile sources for Missoula, Billings, and Great Falls are summarized in the following table:

CARBON MONOXIDE SEASONAL EMISSIONS IN TONS PER DAY

Non-attainment area	Point source emissions	Area source emissions	On-road mobile emissions	Non-road mobile emissions	Total emissions
Missoula	12.84	32.98	70.44	0.78	117.04
Billings	2.41	13.74	57.46	1.42	75.03
Great Falls	0.19	7.95	46.34	5.63	60.11

III. Final Action

EPA is approving the carbon monoxide 1990 base year emission inventories for Missoula, Billings, and Great Falls.

All supporting calculations and documentation for these three 1990 carbon monoxide base year inventories are contained in the State's Technical Support Document (TSD).

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this issue of the **Federal Register**, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective February 13, 1998 unless, by January 14, 1998, adverse or critical comments are received.

If EPA receives adverse or critical comments, this action will be withdrawn before the effective date by the publication of 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 adverse or critical comments are received, the public is advised that this action will be effective February 13, 1998.

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 any 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.

IV. Administrative Requirements

A. Executive Order 12866

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, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 256–66 (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 rules that include a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate or to the private sector, of $100 million or more. 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 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 13, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2) of the CAA).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 3, 1997.

William P. Yellowtail,

Regional Administrator, Region VIII.

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 *et seq.*

Subpart BB—Montana

2. Section 52.1391 is added to read as follows:

§ 52.1391 Emission inventories.

The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

[FR Doc. 97–32644 Filed 12–12–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[ND–001–0003a; FRL–5933–8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the North Dakota plan for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines at 40 CFR part 60, subpart Cc, which was required pursuant to section 111(d) of the Clean Air Act (Act). The State's plan was submitted to EPA on September 11, 1997 in accordance with the requirements for adoption and submittal of State plans for designated facilities in 40 CFR part 60, subpart B. It establishes performance standards for existing MSW landfills and provides for the implementation and enforcement of those standards. EPA finds that North Dakota's plan for existing MSW landfills adequately addresses all of the Federal requirements applicable to such plans.

DATES: This action is effective on February 13, 1998 unless adverse or critical comments are received in writing by January 14, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Vicki Stamper, 8P2–A, at the EPA Region VIII Office listed. Copies of the documents relative to this action are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202–2466; and the North Dakota Department of Health, Division of Environmental Engineering, 1200 Missouri Avenue, room 304, Box 5520, Bismarck, North Dakota 58506–5520.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Act, EPA has established procedures whereby States submit plans to control certain existing sources of ''designated pollutants.'' Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not ''criteria pollutants'' (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, similar to the process required by section 110 of the Act (regarding State Implementation Plan (SIP) approval) which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes emissions guidelines in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the ''designated facility'' as defined at 40 CFR 60.21(b)). Thus, a State's section 111(d) plan for a designated facility must comply with the emission guideline for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published Emission Guidelines for existing MSW landfills (EG) at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and NSPS for new MSW Landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759). (See 61 FR 9905–9929.) The pollutant regulated by the NSPS and EG is MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.31c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required to submit a plan for the control of the designated pollutant to which the EG applies within nine months after publication of the EG, or by December 12, 1996. If there were no designated facilities in the State, then the State was required to submit a negative declaration by December 12, 1996.

On September 11, 1997, the State of North Dakota submitted its ''Section 111(d) Plan for MSW Landfills'' for implementing EPA's MSW landfill EG. The following provides a brief discussion of the requirements for an approvable State plan for existing MSW landfills and EPA's review of North Dakota's submittal in regard to those requirements. More detailed information on the requirements for an approvable plan and North Dakota's submittal can be found in the Technical Support Document (TSD) accompanying this notice, which is available upon request.

II. Review of North Dakota's MSW Landfill Plan

EPA has reviewed North Dakota's section 111(d) plan for existing MSW landfills against the requirements of 40 CFR part 60, subpart B and subpart Cc, as follows:

A. Identification of enforceable State Mechanism for Implementing the EG

40 CFR 60.24(a) requires that the section 111(d) plan include emissions standards, defined in 40 CFR 60.21(f) as ''a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions.'' North Dakota has adopted State regulations as the cornerstone of its State plan to control air emissions from certain existing landfills. Those regulations are in the State's Air Pollution Control Rules, chapter 33–15–12, section 02, of the North Dakota Administrative Code (NDAC). These regulations were adopted by the State in accordance with the State's and EPA's administrative procedures and became effective on September 1, 1997. Thus, the State has met the requirement of 40 CFR 60.24(a) to have legally enforceable emission standards.

B. Demonstration of the State's Legal Authority to Carry out the Section 111(d) State Plan as Submitted

40 CFR 60.26 requires the section 111(d) plan to demonstrate that the State has legal authority to adopt and implement the emission standards and compliance schedules. North Dakota provided an opinion from the State's Assistant Attorney General and included a copy of the North Dakota Air Pollution Control Law, North Dakota Century Code (NDCC) Chapter 23–25, to demonstrate its authority for adopting, implementing, and enforcing its section 111(d) plan. EPA has reviewed the Assistant Attorney General's opinion and the State laws and has determined that the State has adequate legal authority to adopt and implement the section 111(d) plan in accordance with 40 CFR 60.26.

The State did not submit evidence of authority to regulate existing MSW landfills in Indian Country. Therefore, EPA is not approving this State Plan as it relates to those sources.

C. Inventory of Existing MSW Landfills in the State Affected by the State Plan

40 CFR 60.25(a) requires the section 111(d) plan to include a complete source inventory of all existing MSW landfills (i.e., those MSW landfills that constructed, reconstructed, or modified prior to May 30, 1991) in the State that are subject to the plan. This includes all existing landfills that have accepted waste since November 8, 1987 or that have additional capacity for future waste deposition. North Dakota addressed this requirement in Section IV. of its section 111(d) plan by including a list of all MSW landfills in the State, regardless of design capacity, that have accepted waste since November 8, 1987. There are a total of 13 MSW landfills in North Dakota. The State believes that three of these MSW landfills appear to be subject to 40 CFR part 60, subpart WWW due to expansions that have occurred since the date the State plan was first proposed and, thus, are not subject to the State plan. The State of North Dakota estimates that there is one ''existing'' landfill, the City of Grand Forks Municipal Landfill, that is subject to the requirements to report solid waste capacity, calculate NMOC emissions, and potentially install a gas collection and control system. The State estimated in its section 111(d) plan that there are 9 additional landfills that have solid waste capacities less than 2.5 million Mg or 2.5 million m^3 that have accepted waste since November 8, 1987. Since the State's adoption of its section 111(d) plan, the State received the design capacity reports from these nine landfills and confirmed that none are over the 2.5 million Mg or 2.5 million m^3 design capacity threshold. Thus, these nine MSW landfills are not subject to any additional requirements of the State's section 111(d) plan.

D. Inventory of Emissions From Existing MSW Landfills in the State

40 CFR 60.25(a) requires that the plan include an emissions inventory that estimates emissions of the pollutant regulated by the EG, which, in the case of MSW landfills, is NMOC. North Dakota included in Section IV. of its section 111(d) plan an estimation of NMOC emissions for all of the thirteen landfills in the State using the Landfill Air Emissions Estimation Model and AP–42 default emission factors.

E. Emission Limitations for MSW Landfills

40 CFR 60.24(c) specifies that the State plan must include emission standards that are no less stringent than the EG (except as specified in 40 CFR 60.24(f) which allows for less stringent emission limitations on a case-by-case basis if certain conditions are met). 40 CFR 60.33c contains the emissions standards applicable to existing MSW landfills. The State of North Dakota incorporated the EG by reference at NDAC 33–15–12–02, including the emission limitations of 40 CFR 60.33c. Thus, the State plan meets the emission limitation requirements by requiring emission limitations that are no less stringent than the EG.

F. A Process for State Review and Approval of Site-Specific gas Collection and Control System Design Plans

40 CFR 60.33c(b) in the EG requires State plans to include a process for State review and approval of site-specific design plans for required gas collection and control systems. In NDAC 33–15–12–02, the State has incorporated by reference the EG, including the requirements of 40 CFR 60.33c(b) for the submittal of site-specific design plans meeting the conditions of 40 CFR 60.752(b)(2)(ii). In addition, Section VII. of the State's section 111(d) plan discusses the State's process for review and approval of the design plans. Thus, North Dakota's section 111(d) plan adequately addresses this requirement.

G. Compliance Schedules

The State's section 111(d) plan must include a compliance schedule that owners and operators of affected MSW landfills must meet in complying with the requirements of the plan. 40 CFR 60.36c provides that planning, awarding of contracts, and installation of air emission collection and control equipment capable of meeting the EG must be accomplished within 30 months of the effective date of a State emission standard for MSW landfills (i.e., the effective date of EPA approval of the State plan). 40 CFR 60.24(e)(1) provides that any compliance schedule extending more than 12 months from the date required for plan submittal shall include legally enforceable increments of progress as specified in 40 CFR 60.21(h), including deadlines for submittal of a final control plan, awarding of contracts for emission control systems, initiation of on-site construction or installation of emission control equipment, completion of on-site construction/installation of emission control equipment, and final compliance.

North Dakota has adopted enforceable compliance schedules in NDAC 33–15–12–02. The State's rules require that the landfills which are required to install a collection and control system be in final compliance with the requirements of the State plan no later than twenty-nine months from the effective date of EPA approval of this plan or, for those MSW landfills which are not currently subject to the collection and control system requirements, within twenty-nine months of first becoming subject to such requirements (i.e., within 30 months of reporting a NMOC emission rate of 50 Mg/yr or greater). Thus, the State's rule satisfies the requirement of 40 CFR 60.36c. In addition, the State has included increments of progress

deadlines for the submittal of a final collection and control system design plan, awarding contracts for installation of the collection and control system, initiation of on-site installation of the collection and control system, and final compliance. Thus, the State's rule satisfies the requirements of 40 CFR 60.24(e). The State's regulations also include a requirement for the initial performance test to be conducted within 180 days of the installation of the collection and control equipment.

H. Testing, Monitoring, Recordkeeping and Reporting Requirements

40 CFR 60.34c specifies the testing and monitoring provisions that State plans must include, and 40 CFR 60.35c specifies the reporting and recordkeeping requirements. In NDAC 33–15–12–02, the State has incorporated by reference the EG, including the test methods and procedures of 40 CFR 60.34c and the reporting and recordkeeping provisions of 40 CFR 60.35c.

However, the State did adopt one exception to the quarterly monitoring requirements for surface methane concentrations in 40 CFR 60.756(f): the State rule only requires surface methane concentration monitoring during the second, third, and fourth quarters of the calendar year. In a June 27, 1997 letter to EPA, the State submitted extensive climatological data and explained why it believes this data shows that exceedingly cold temperatures and snow cover during the winter quarter (January through March) would make monitoring of surface methane concentrations nearly impossible. In examining this data for the one MSW landfill that currently appears to be subject to the collection and control system requirements of the State plan, the City of Grand Forks Municipal Landfill, the State found the following information:

a. The mean temperature in Grand Forks is approximately 5 degrees Fahrenheit in January, 9 degrees in February, and 23 degrees in March;

b. Using the average wind speed for the months of January through March in Fargo, which is 78 miles south of Grand Forks, the average wind chill factors would range from –22 degrees Fahrenheit in January to 2 degrees Fahrenheit in March. Average wind speed in those same months ranges from 13 to 13.6 mph;

c. The Grand Forks area receives approximately 38 inches of snow during the winter season, and there is normally at least one inch of snow depth in Grand Forks from December 1 through the end of March; and

d. The Grand Forks area has approximately 50 days with snow depths of 6 inches or more and approximately 115 days with snow depth of one inch or more, which generally fall within the December through March time frame.

Thus, North Dakota contends that, with mean temperatures during the winter quarter below freezing and with snow covering the landfill at depths up to three feet, surface monitoring for methane during the winter quarter is not practical and, at best, extremely difficult.

EPA believes that the State has provided substantial documentation showing that the extremely cold temperatures and wind chill factors, as well as the snow cover, in the Grand Forks area justify the exemption from first quarter monitoring for surface methane concentrations. If any other existing MSW landfills become subject to the State's section 111(d) plan in the future, EPA will need to re-evaluate the State's exemption from first quarter monitoring based on the location and meteorological data for that location.

Consequently, EPA finds that the State's section 111(d) plan for MSW landfills adequately addresses the testing, monitoring, reporting, and recordkeeping requirements of the EG.

I. A Record of Public Hearings on the State Plan

40 CFR 60.23 contains the requirements for public hearings that must be met by the State in adopting a section 111(d) plan. North Dakota included documents in its plan submittal demonstrating that these procedures, as well as the State's administrative procedures, were complied with in adopting the State's plan. Therefore, EPA finds that North Dakota has adequately met this requirement.

J. Submittal of Annual State Progress Reports to EPA

40 CFR 60.25(e) and (f) require States to submit to EPA annual reports on the progress of plan enforcement. North Dakota committed in Section IX. of its section 111(d) plan to submit annual progress reports to EPA on compliance status, enforcement actions, increments of progress, identification of sources that have started operation, emission inventory information for sources that have started operation, updated emission inventory and compliance information, and technical reports on all performance testing and monitoring for landfills subject to the EG. The first progress report will be submitted by the State one year after EPA approval of the State plan.

III. Final Action

Based on the rationale discussed above and in further detail in the TSD associated with this action, EPA is approving North Dakota—s September 11, 1997 submittal of its section 111(d) plan for the control of landfill gas from existing MSW landfills, except those located in Indian Country. As provided by 40 CFR 60.28(c), any revisions to North Dakota's section 111(d) plan or associated regulations will not be considered part of the applicable plan until submitted by the State in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State Plan should adverse or critical comments be filed. This action will be effective February 13, 1998 unless, by January 14, 1998, 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 February 13, 1998.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (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 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.

State Plan approvals under section 111 of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal State Plan approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning State Plans on such grounds. *Union Electric Co.T1 v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (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 the 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 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 13, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

Dated: October 24, 1997.

William P. Yellowtail,

Regional Administrator, Region VIII.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

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

Authority: 42 U.S.C. 7401–7642.

2. Subpart JJ is added to read as follows:

Subpart JJ—North Dakota

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

Sec.

62.8600 Identification of plan.
62.8601 Identification of sources.
62.8602 Effective date.

Subpart JJ—North Dakota

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

§ 62.8600 Identification of plan.

''Section 111(d) Plan for Municipal Solid Waste Landfills'' and the associated State regulation in section 33–15–12–02 of the North Dakota Administrative Code, submitted by the State on September 11, 1997.

§ 62.8601 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

§ 62.8602 Effective date.

The effective date of the plan for municipal solid waste landfills is February 13, 1998.

[FR Doc. 97–32640 Filed 12–12–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket Nos. 96–262 and 91–213; FCC 97–401]

Access Charge Reform; Transport Rate Structure and Pricing

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In the Third Report and Order, FCC 97–401, adopted and released November 26, 1997 (*Third Report and Order*), in its Access Charge Reform and Transport Rate Structure Pricing proceedings, the Commission amends its cost allocation rules to increase the allocation of certain general purpose computer and other general support facilities (GSF) costs by price cap local exchange carriers (LECs) to their nonregulated billing and collection categories and the *Third Report and Order* also requires affected price cap LECs to reduce their price cap indices (PCIs) and related basket indices to ensure that their regulated access and interexchange services do not continue to recover GSF costs attributable their nonregulated billing and collection services. These rule amendments and related exogenous adjustments are intended to reduce the subsidization of

nonregulated services by regulated services, foster competition in the provision of these services, and move access charges to more economically efficient levels.

EFFECTIVE DATE: December 17, 1997.

FOR FURTHER INFORMATION CONTACT: Allen A. Barna or Richard Lerner, Competitive Pricing Division, Common Carrier Bureau, (202) 418–1530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order* adopted and released November 26, 1997. The full text is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M St., N.W., Washington, D.C. The complete text also may be obtained through the World Wide Web at http://www.fcc.gov/Bureaus/Common_Carrier/Orders/1997/fcc97401.wp, or may be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, N.W., Washington, DC 20036. On May 16, 1997, the Commission adopted a First Report and Order in the Access Charge Reform proceeding, FCC 97–158, 62 FR 31868 (June 11, 1997) and 62 FR 48485 (September 16, 1997), that included a *Further Notice* of Proposed Rulemmaking (*Further Notice*), 62 FR 31040 (June 6, 1997). The *Further Notice* sought comment on several specific proposals regarding the allocation of costs attributable to general purpose computers and other general support facilities (GSF) used by incumbent LECs to provide nonregulated billing and collection services to interexchange carriers. On May 7, 1997, the Commission adopted a Second Report and Order in CC Docket No. 96–262, FCC 97–159, 62 FR 31939 (June 11, 1997), that addressed separate matters in this proceeding. The rule amendments adopted in the *Third Report and Order* were made in response to the *Further Notice* and the comments received in the response to the *Further Notice* or otherwise in the course of these proceedings. This *Third Report and Order* was submitted to OMB for review under the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501–3520. The Commission received emergency approval of this collection from OMB on December 9, 1997.

Final Regulatory Flexibility Act Analysis and Certification

1. In the *Further Notice*, the Commission stated that it intended to limit the scope of its proposals regarding the allocation of general purpose computer and general support facilities (GSF) costs to incumbent price cap LECs. That *Further Notice* tentatively concluded that, because all such LECs have more than 1500 employees, they would not qualify as small entities. Because the Commission intended to limit the scope of its proposals to such incumbent price cap LECs, it stated that these options, if adopted, would not affect small entities. Currently, 14 incumbent LECs are subject to price cap regulation. The Commission sought comment on these proposals and tentative conclusions. No comments were received specifically concerning the conclusion that price cap carriers were not small entities or the limitation of the proposed rules to such carriers. As noted in the *Third Report and Order*, however, one comment was received concerning the impact on smaller carriers of the first of the two options presented, the special study option. That option was not adopted in the *Third Report and Order*. Given that comment and for the reasons described in the *Further Notice* and this *Third Report and Order*, the Commission certified that the Regulatory Flexibility Act (RFA), 5 U.S.C. § 601 *et seq.*, did not apply to this rulemaking proceeding because none of the rule amendments adopted in the *Third Report and Order* would have a significant economic impact on a substantial number of small entities. This certification conforms to the RFA, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996. The RFA, 5 U.S.C. §§ 601 *et seq.*, has been amended by the Contract with America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). We hereby affirm this analysis.

2. The Commission is sending a copy of this final certification, along with this *Third Report and Order*, in a report to Congress pursuant to the SBREFA, 5 U.S.C. § 801(a)(1)(A), and to the Chief Counsel for Advocacy of the Small Business Administration, 5 U.S.C. § 605(b).

Paperwork Reduction Act

3. The Federal Communications Commission (Commission) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

OMB Approval Number: 3060–0760.

Title: Access Charge Reform *Third Report and Order.*

Expiration Date: May 31, 1998.

Frequency of Response: One-time requirement.

Respondents: Business and other for profit.

Number of Respondents: Approximately 14 respondents.

Description: A one-time burden of 4 hours per respondent for all 14 respondents to calculate their exogenous price cap index (PCI) adjustments plus an additional one-time average burden of 318 hours per respondent for 4 of these respondents to make the necessary additional tariff filings.

Estimated Annual Burden: A one-time burden of 54 hours for all respondents to calculate the exogenous adjustments and an additional one-time burden of 1272 hours for four of these respondents for a total one-time burden of 1328 hours for this group of respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $600 per respondent.

Description: In the *Third Report and Order*, the Commission adopts, consistent with principles of cost causation and economic efficiency, that, where price cap LECs use general purpose computers and other general support facilities (GSF) to provide nonregulated billing and collection services to interexchange carriers, such GSF costs should not be allocated to these LECs' regulated access and interexchange categories but, instead, should be allocated to their nonregulated billing and collection categories. The related collection of information follows:

a. In the *Third Report and Order*, the Commission requires affected price cap LECs to make certain exogenous adjustments to their respective price cap indices (PCIs) and related basket indices. LECs affected by this *Third Report and Order* are those price cap LECs that use regulated assets to provide nonregulated billing and collection services to interexchange carriers. For the purposes of estimating the information collection burdens, we assume all price cap LECs are affected by the *Third Report and Order.* Such LECs must determine the amount of GSF costs that they allocated to their respective access and interexchange categories during 1996 and then calculate the amount of such costs that would have been allocated to those categories during that year if the rule changes adopted in this *Third Report*

and Order had been in effect at that time. Once that difference is determined, each affected price cap LEC is required to make an exogenous adjustment to its PCIs and related basket indices to prevent the earlier misallocation of these costs from continuing to inflate the rates charges for regulated services. Separate from the possible tariff filing burden described below, we estimate that it would take each of these price cap LECs four (4) hours to complete the steps necessary to determine the amount of the exogenous price cap index (PCI) and related basket adjustments required by the *Third Report and Order.* Because we assume this particular burden applies to all 14 price cap LECs, we estimate the total burden to be 56 hours as indicated above.

b. Under the *Third Report and Order,* affected price cap LECs are required to make tariff revision filings on or before December 17, 1997, to implement these exogenous price cap adjustments. The Commission scheduled these filings to coincide with other access reform tariff filings to be made by price cap LECs on or before December 17, 1997, under other orders in the Access Charge Reform proceeding. Because most of these 14 price cap LECs have not yet made such filings, there should be little or no additional tariff filing burdens associated with these LECs' compliance with this *Third Report and Order.* For the four price cap LECs that have already made access reform tariff filings under other orders, we estimate that there will be an additional tariff filing burden of 1272 hours for these LECs as a group. Because this estimated additional burden of 1272 hours reflects an average burden of 318 hours for each of these four LECs, we have used the latter figure above to facilitate calculation of the overall hour burdens.

4. The public reporting burden for this collection of information is noted above. Comments regarding the burden estimates or any other aspect of this collection of information, including suggestions for reducing the burden, may be mailed to Performance Evaluation and Records Management, Federal Communications Commission, Washington, D.C. 20554.

Synopsis of the Third Report and Order

5.–6. Where LECs use general purpose computer and other general support facilities (GSF) to provide nonregulated billing and collection services to interexchange carriers, the *Further Notice* sought comment on the existence of significant problems with regard to the existing part 69 allocation of these GSF costs to the LECs' regulated access and interexchange categories and, if such problems exist, whether the Commission should amend Part 69 to increase the allocation of these costs to the nonregulated billing and collection categories. Specifically, the Commission sought comment on two options to amend part 69 to address such misallocation of GSF costs by LECs.

7. Under the first option, each affected price cap LEC would conduct a special study of the uses made of the assets recorded in its general purpose computer account (Account 2124) to determine the percentage of interstate investment in this account that is actually used to provide nonregulated billing and collection services. That percentage would be used to allocate an appropriate portion of that LEC's Account 2124 investment to its nonregulated billing and collection category. Also, under existing Commission rules, this allocation of general purpose computer account investment would result in similar allocation of the LEC's general purpose computer account expenses (Account 6124).

8. Under the second option, the Commission would require use of a general expense allocator to apportion the interstate share of summary Account 2110 (Land and support assets) between the billing and collection category and all other elements and categories. Any investment in Account 2110 not allocated to the billing and collection category would then be apportioned among the access elements and the interexchange category using the current investment allocator. Regarding GSF expenses, the interstate portion of these expenses in Account 6120 would be apportioned among all elements and categories, including billing and collection, based upon the overall apportionment of GSF investment in Account 2110. The Commission also sought comment on its proposals to limit the application of these rule changes to price cap LECs and to require exogenous adjustments by these LECs to prevent the past misallocation of these costs from inflating future access rates.

9. In the *Third Report and Order,* the Commission acts on the proposals made in the *Further Notice.* In particular, the Commission found that significant problems continue to exist with regard to the allocation of general purpose computer and other GSF costs to the regulated categories. To address those problems, the Commission adopted a variation on the second option proposed in the *Further Notice.* Rather than apply the general expense allocator to the entire interstate portion of Account 2110, as proposed in the second option, and rather than apply that allocator narrowly to only the general purpose computer account (Account 2124) as recommended by some commenters, the Commission, instead, applied that allocator to four of the accounts that comprise Account 2110, as recommended by other commenters. Under the four account approach adopted by the Commission, not only the general purpose computer account (Account 2124) but also three additional accounts, in which LECs also record investment attributable to their nonregulated billing and collection activities, will also be subject to the general expense allocator. Accordingly, appropriate portions of these accounts as well as the general purpose computer account (Account 2124) will be allocated the nonregulated billing and collection category. No change was needed in the rules applicable to the allocation of GSF expense accounts because, in general, such expense accounts are allocated in the same manner as their counterpart investment accounts. Accordingly, the Commission amended its part 69 cost allocation rules to provide for the increased allocation of these GSF costs to the nonregulated billing and collection categories and their reduced allocation to the regulated categories.

10. In addition, pending decisions in a related proceeding involving the allocation of such GSF costs by other LECs, the Commission determined that this new allocation rule would apply only to price cap LECs. Also, as explained above, the Commission required affected price cap LECs to reduce their price cap indices (PCIs) and related basket indices to ensure that regulated access and interexchange categories do not continue to recover GSF costs attributable to these nonregulated billing and collection services.

Ordering Clauses

11. Accordingly, *it is ordered,* pursuant to sections 1–4, 201–205, 218, 220, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151–154, 201–205, and 303(r) that the *Third Report and Order is adopted.*

12. *It is further ordered* that the provisions in this Order will be effective December 17, 1997. Although this date is less than thirty days after publication of the rule in the **Federal Register**, we find good cause under 5 U.S.C. § 553(d)(3) to make the rule effective less than thirty days after publication, because local exchange carriers subject to price cap regulation must file access reform tariffs no later than December 17, 1997, in order for them to be effective

by January 1, 1998. In addition, to ensure that the local exchange carriers subject to price cap regulation have actual notice of this rule immediately following its release, we are serving those entities by overnight mail. The collections of information contained are contingent upon approval by the Office of Management and Budget.

13. *It is further ordered* that, for local exchange carriers subject to price cap regulation making tariff revisions pursuant to this Order, prior to December 17, 1997, to become effective January 1, 1998, §§ 61.58 and 61.59 of the Commission's rules, 47 CFR 61.58 and 61.59, *are hereby waived*. For these purposes, affected local exchange carriers shall cite the ''FCC 97–401'' as the authority for making such filings.

14. *It is further ordered*, that 47 C.F.R., Part 69, *is amended* as set forth in the rule changes.

15. *It is further ordered*, that the Commission's Office of Managing Director *shall send* a copy of this *Third Report and Order*, including the Final Regulatory Flexibility Act Analysis and Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 69

Communications Common Carriers, Tariffs.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Part 69 of title 47 of the Code of Federal Regulations is amended as follows:

PART 69—ACCESS CHARGES

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

Authority: 47 U.S.C. §§ 154 (i) and (j), 201, 202, 203, 205, 218, 254, and 403.

§ 69.30 [Amended]

2. Section 69.307 is amended by revising paragraph (c) and adding new paragraph (d) to read as follows:

* * * * *

(c) For all local exchange carriers not subject to price cap regulation and for other carriers that acquire all of the billing and collection services that they provide to interexchange carriers from unregulated affiliates through affiliate transactions, from unaffiliated third parties, or from both of these sources, all other General Support Facilities investments shall be apportioned among the interexchange category, the billing and collection category, and Common Line, Local Switching, Information, Transport, and Special Access elements on the basis of Central Office Equipment, Information Origination/Termination Equipment, and Cable and Wire Facilities, combined.

(d) For local exchange carriers subject to price cap regulation and not covered by Section 69.307(c), a portion of General purpose computer investment (Account 2124), investment in Land (Account 2111), Buildings (Account 2121), and Office equipment (Account 2123) shall be apportioned to the billing and collection category on the basis of the Big Three Expense Factors allocator, defined in Section 69.2 of this Part, modified to exclude expenses that are apportioned on the basis of allocators that include General Support Facilities investment. The remaining portion of investment in these four accounts together with all other General Support Facilities investments shall be apportioned among the interexchange category, the billing and collection category, and Common Line, Local Switching, Information, Transport, and Special Access Elements on the basis of Central Office Equipment, Information Origination/Termination Equipment, and Cable and Wire Facilities, combined.

[FR Doc. 97–32695 Filed 12–11–97; 9:59 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208295–7295–01; I.D. 111897A]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1998 Harvest Specifications

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

ACTION: Interim 1998 harvest specifications for groundfish and associated management measures.

SUMMARY: NMFS issues interim 1998 total allowable catch (TAC) amounts for each category of groundfish and specifications for prohibited species bycatch allowances for the groundfish fishery of the Gulf of Alaska (GOA). The intended effect is to conserve and manage the groundfish resources in the GOA.

EFFECTIVE DATE: 0001 hrs, Alaska local time (A.l.t.), January 1, 1998, until the effective date of the final 1998 harvest specifications for GOA groundfish, which will be published in the **Federal Register**.

ADDRESSES: The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501–2252, telephone 907–586–7237.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–486–6919.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the GOA are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

The Council met September 22–29, 1997, to review scientific information concerning groundfish stocks. The Council adopted for public review the preliminary SAFE Report for the 1998 GOA groundfish fisheries. The preliminary SAFE Report, dated September 1997, provides an update on the status of stocks. Copies of the preliminary SAFE Report are available from the Council (see **ADDRESSES**). The Council recommended a preliminary total TAC of 309,715 metric tons (mt) and a preliminary total acceptable biological catch (ABC) of 532,020 mt for the 1998 fishing year.

Under § 679.20(c)(1)(ii), NMFS is publishing in the Proposed Rules section of this issue of the **Federal Register** for review and comment proposed harvest specifications for groundfish and associated management measures in the GOA for the 1998 fishing year. That document contains a detailed discussion of the 1998 specification process and of the proposed 1998 ABCs and overfishing levels, proposed establishment of the 1998 annual TAC and initial TAC amounts and apportionments thereof and reserves for each target species and the ''other species'' category, apportionments of pollock and Pacific cod TAC, apportionments of the sablefish TAC to vessels using hook-and-line and trawl gear, and halibut prohibited species catch (PSC) limits.

This action establishes interim harvest specifications and apportionments thereof for the 1998 fishing year effective on January 1, 1998, that will remain in effect until superseded by the final 1998 harvest specifications. Background information concerning the 1998 harvest specification process upon which this interim action is based is provided in the above-mentioned proposed harvest specifications document appearing in the Proposed Rules section of this **Federal Register** issue.

1. Establishment of Interim TACs

Section 679.20(c)(2) requires that interim specifications—one-fourth of the proposed specifications, not including the reserves and the first seasonal allowance of pollock, one-fourth of the inshore and offshore allocations of Pacific cod in each regulatory area, the proposed first seasonal allowance of pollock, and one-fourth of the halibut PSC amounts—be established effective 0001 hours, A.l.t., January 1, that will remain in effect until superseded by final harvest specifications, which will be published in the **Federal Register**.

The reserves for the GOA are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish species, and the ''other species'' category. Given that the GOA groundfish TAC amounts have been utilized fully since 1987, and NMFS expects the same to occur in 1998, NMFS proposes reapportioning all the reserves to TAC, except for Pacific cod. The interim TAC amounts contained in Table 1 reflect the reapportionment of reserves back to the TAC.

2. Interim 1998 GOA Groundfish Harvest Specifications and Apportionments Thereof

Table 1 sets forth interim TAC amounts, interim TAC allocations of Pacific cod to the inshore and offshore components, the first seasonal allowance of pollock in the combined Western and Central regulatory areas, and interim sablefish TAC apportionments to hook-and-line and trawl gear. These interim TAC amounts and apportionments thereof become effective at 0001 hours, A.l.t., January 1, 1998.

TABLE 1.—INTERIM 1998 TAC AMOUNTS OF GROUNDFISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)[1 2]. THE FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR

Species	Area	Interim TAC (mt)
Pollock[3 4]		
	W (610)	6,050
	C (620)	10,165
	C (630)	7,985
Subtotal	W/C	24,200
	E	2,200
Total		26,400
Pacific cod[5]		
Inshore	W	4,361
Offshore	W	484
Inshore	C	7,864
Offshore	C	874
Inshore	E	216
Offshore	E	24
Total		13,823
Flatfish, Deep-water[6]		
	W	85
	C	923
	E	785
Total		1,793
Rex sole		
	W	297
	C	1,373
	E	618
Total		2,288
Flathead sole		
	W	500
	C	1,250
	E	510
Total		2,260
Flatfish, Shallow-water[7]		
	W	1,125

TABLE 1.—INTERIM 1998 TAC AMOUNTS OF GROUNDFISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)[1 2]. THE FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR—Continued

Species	Area	Interim TAC (mt)
	C	3,238
	E	295
Total		4,658
Arrowtooth flounder		
	W	1,250
	C	6,250
	E	1,250
Total		8,750
Sablefish[8 9 10]		
H/L	W	N/A (372)
TRW	W	93
H/L	C	N/A (1,282)
TRW	C	321
H/L	Wyak	N/A (573)
TRW	WYak	30
H/L	SEO	N/A (912)
TRW	SEO	48
Total		3,631
Pacific ocean perch[11]		
	W	368
	C	1,338
	E	592
Total		2,298
Shortraker/rougheye[12]		
	W	40
	C	242
	E	115
Total		397
Rockfish, northern[13]		
	W	210
	C	1,037
	E	3
Total		1,250
Rockfish, other[14 15]		
	W	5
	C	162
	E	375
Total		542
Rockfish, pelagic shelf[16]		
	W combined	142
	C offshore	830
	C nearshore	65
	E combined	248
Total		1,285
Rockfish, demersal shelf SEO[17]		
	SEO	237
Thornyhead rockfish		
	GW	425
Atka mackerel		
	GW	250

TABLE 1.—INTERIM 1998 TAC AMOUNTS OF GROUNDFISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)[1 2]. THE FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR—Continued

Species	Area	Interim TAC (mt)
Other species[18]		3,687
GOA Total Interim TAC		73,974

(Interim TAC amounts have been rounded.)

[1] Reserves have been reapportioned back to each species TAC and are reflected in the interim TAC amounts except for Pacific cod. (See § 679.20(a)(2))

[2] See § 679.2 for definitions of regulatory area and statistical area. See Figure 3b to part 679 for a description of regulatory district.

[3] Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area, and is further divided into three allowances of 25 percent, 25 percent, and 50 percent. The first allowances are in effect on an interim basis as of January 1, 1998. In the Eastern Regulatory Area, pollock is not divided into less than annual allowances, and one-fourth of the TAC is available on an interim basis.

[4] The TAC apportionment for pollock in all regulatory areas and all seasonal allowances is divided into inshore and offshore components. The inshore component is apportioned 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Regional Administrator, NMFS, to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. (See § 679.20(a)(6)(ii).)

[5] The TAC apportionment of Pacific cod in all regulatory areas is divided into inshore and offshore components. The inshore and offshore component allocations are 90 percent and 10 percent, respectively, of the Pacific cod TAC in each regulatory area. (See § 679.20(a)(6)(iii).)

[6] ''Deep-water flatfish'' means Dover sole and Greenland turbot.

[7] ''Shallow-water flatfish'' means flatfish not including ''deep-water flatfish,'' flathead sole, rex sole, or arrowtooth flounder.

[8] Sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC is allocated to hook-and-line gear and 20 percent to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to hook-and-line gear. Five percent is allocated to trawl gear and may only be used as bycatch to support directed fisheries for other target species. (See § 679.20(a)(4).)

[9] The sablefish hook-and-line (H/L) gear fishery is managed under the Individual Fishing Quota (IFQ) program and is subject to regulations contained in subpart D of 50 CFR part 679. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Under § 679.7(f)(3), retention of sablefish caught with H/L gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1998, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1998 final specifications. Thus, fishing for sablefish with H/L gear will not be authorized under these interim specifications. Nonetheless, interim amounts are shown in parentheses to reflect assignments of one-fourth of the proposed TAC amounts among gear categories and regulatory areas in accordance with § 679.20(c)(2)(i). See § 679.40 for guidance on the annual allocation of IFQ.

[10] Sablefish caught in the GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained.

[11] ''Pacific ocean perch'' means *Sebastes alutus.*

[12] ''Shortraker/rougheye rockfish'' means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

[13] ''Northern rockfish'' means *Sebastes polyspinis.*

[14] ''Other rockfish'' in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category ''other rockfish'' in the Southeast Outside District means slope rockfish.

[15] ''Slope rockfish'' means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegateu* (harlequin), *S. wilsoni* (pygmy), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

[16] ''Pelagic shelf rockfish'' includes *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail). ''Offshore Pelagic shelf rockfish'' includes *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus.* ''Nearshore Pelagic shelf rockfish'' includes *S. melanops* (black) and *S. mystinus* (blue).

[17] ''Demersal shelf rockfish'' means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

[18] ''Other species'' includes sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for ''other species'' equals 5 percent of the TAC amounts of target species.

3. Interim Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line gear and may be established for pot gear. The Council proposed to reestablish the 1997 halibut mortality limits for 1998 because no new information was available. As in 1997, the Council proposes to exempt pot gear, jig gear, and the sablefish hook-and-line fishery from halibut PSC limits for 1998. The interim PSC limits are effective on January 1, 1998, and remain in effect until superseded by the final 1998 harvest specifications, which will be published in the **Federal Register**. The interim halibut PSC limits are as follows: (1) 500 mt to trawl gear, (2) 75 mt to hook-and-line gear for fisheries other than demersal shelf rockfish, and (3) 2.5 mt to hook-and-line gear for demersal shelf rockfish fishery in the Southeast Outside District.

Section 679.21(d)(3)(iii) authorizes apportionments of the trawl halibut PSC limit allowance as bycatch allowances to a deep-water species complex, comprised of rex sole, sablefish, rockfish, deep-water flatfish, and arrowtooth flounder, and a shallow-water species complex, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and other species. The interim 1998 apportionment for the shallow-water species complex is 417 mt and for the deep-water species complex is 83 mt.

Prior to the beginning of the 1998 fishing year, NMFS will implement fishery closures based on the interim amounts of groundfish specified in Table 1 and on determinations of the amount of each TAC needed to support anticipated groundfish fisheries prior to the time that the final specifications are effective for the 1998 GOA groundfish fishery.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries finds for good cause under 5

U.S.C. 553(b)(B) that the need to establish interim harvest specifications for the fisheries in the GOA, effective on January 1, 1998, makes it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Section 679.20(c)(2) requires NMFS to specify interim harvest specifications that are effective on January 1 and that will remain in effect until superseded by final specifications established by notice and comment rulemaking in order for the GOA groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1, which would result in unnecessary closures and disruption within the fishing industry. Because the stock assessment reports and other information concerning the fisheries in the GOA became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect for only a short period of time before they are superseded by the final specifications. Proposed specifications are published as a proposed rule in this issue of the **Federal Register** and provide the opportunity for public comment.

These interim specifications are exempt from the requirements of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because they are not required to be issued with prior notice and opportunity for public comment.

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

Dated: December 9, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–32680 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208296–7296–01; I.D. 111997A]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 1998 Harvest Specifications

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

ACTION: Interim 1998 harvest specifications for groundfish; associated management measures.

SUMMARY: NMFS issues interim 1998 total allowable catch (TAC) amounts for each category of groundfish, pollock Community Development Quota (CDQ) amounts, and prohibited species bycatch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). The intended effect is to conserve and manage the groundfish resources in the BSAI.

DATES: 0001 hours, Alaska local time (A.l.t.), January 1, 1998, until the effective date of the final 1998 harvest specifications for BSAI groundfish, which will be published in the **Federal Register**.

ADDRESSES: The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501–2252, telephone 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act. The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council met September 22–29, 1997, to review scientific information concerning groundfish stocks. The Council adopted for public review the preliminary SAFE Report for the 1998 BSAI groundfish fisheries. The preliminary SAFE Report, dated September 1997, provides an update on the status of stocks. Copies of the SAFE Report are available from the Council (see **ADDRESSEES**). The preliminary TAC amounts for each species are based on the best available biological and socioeconomic information. The Council recommended a preliminary total TAC of 2,000,000 metric tons (mt) and a preliminary total acceptable biological catch (ABC) of 2,440,430 mt for the 1998 fishing year.

Under § 679.20(c)(1), NMFS is publishing in the Proposed Rules section of this issue of the **Federal Register** for review and comment proposed harvest specifications for groundfish and associated management measures in the BSAI for the 1998 fishing year. That document contains a detailed discussion of the proposed 1998 annual TACs, initial TACs (ITACs) and related apportionments, ABC amounts and overfishing levels, prohibited species bycatch allowances, and associated management measures for the BSAI groundfish fishery.

This action establishes interim harvest specifications and apportionments thereof for the 1998 fishing year effective January 1, 1998, that will remain in effect until superseded by the final 1998 harvest specifications. Background information concerning the 1998 groundfish harvest specification process upon which this interim action is based is provided in the above mentioned proposed initial specification document appearing in the above mentioned 1998 proposed harvest specifications document appearing in this **Federal Register** issue.

Establishment of Interim TACs

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in the reserve are designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the ''other species'' category during the year, providing that such reapportionments do not result in overfishing of a target species or the ''other species'' category. The ITAC amount for each species, except for the hook-and-line and pot gear allocation for sablefish, is the remainder of the TAC amount after subtraction of the reserve.

Section 679.20(c)(2)(ii) requires that one-fourth of each proposed ITAC amount and apportionment thereof (not including the first seasonal allowance of pollock), one-fourth of each prohibited species catch (PSC) allowance established under § 679.21, and the first seasonal allowance of pollock TAC be established effective 0001 hours, A.l.t., January 1, that will remain in effect until superseded by the final harvest specifications.

Interim 1998 BSAI Groundfish Harvest Specifications

Table 1 sets forth interim TAC amounts and apportionments thereof, interim TAC allocations of pollock to the inshore and offshore components, first seasonal allowances of pollock TAC and pollock CDQ, an interim sablefish apportionment to trawl gear, and Pacific cod TAC apportionments to gear types.

Section 679.20(c)(2)(ii) do not provide for an interim specification either for sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota management plan. As a result, fishing for CDQ sablefish and sablefish harvested with fixed gear is prohibited until the effective date of the final 1998 groundfish specifications.

TABLE 1. INTERIM 1998 TAC AMOUNTS[1] FOR GROUNDFISH AND APPORTIONMENTS THEREOF FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA[2]

Species and component (if applicable)	Area and Gear (if applicable)	Interim TAC and CDQ
Pollock: [3 4 5]		
Inshore	BS	151,279
Offshore	BS	280,946
Inshore	AI	8,330
Offshore	AI	15,470
Inshore	BogDist	298
Offshore	BogDist	553
CDQ	BS	38,137
CDQ	AI	2,100
CDQ	BogDist	75
Total Pollock		497,187
Pacific Cod [6]	Jig	1,148
	H/L & Pot	29,261
	TRW catcher	13,483
	TRW C/Ps	13,483
Total P cod		57,375
Sablefish [7 8]	BS-TRW	117
	BS-H/L & Pot	N/A
	AI-TRW	63
	AI-H/L & Pot	N/A
Total Sablefish		180
Atka mackerel	Western AI	6,842
	Central AI	4,143
	Eastern AI/BS	3,187
Total Atka mackerel		14,172
Yellowfin sole	BSAI	48,875
Rock sole	BSAI	20,651
Greenland turbot	BS	1,281
	AI	631
Total Greenland turbot		1,912
Arrowtooth flounder	BSAI	4,411
Flathead sole	BSAI	9,243
Other flatfish [9]	BSAI	10,784
Pacific ocean perch	BS	595
	Western AI	1,357
	Central AI	673
	Eastern AI	688
Total Pacific ocean perch		3,313
Other Rockfish [11]	BS	79
	AI	151
Total Other Rockfish		230
Other red rockfish [10]	BS	223
Sharpchin/Northern	AI	926
Shortraker/Rougheye	AI	199
Squid	BSAI	418
Other Species [12]	BSAI	5,482

TABLE 1. INTERIM 1998 TAC AMOUNTS[1] FOR GROUNDFISH AND APPORTIONMENTS THEREOF FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA[2]—Continued

Species and component (if applicable)	Area and Gear (if applicable)	Interim TAC and CDQ
Total interim TAC		675,581

[1] Interim TAC amounts are in metric tons and have been rounded downwards to the nearest whole ton.

[2] Amounts apply to the entire Bering Sea and Aleutian Islands management area (BSAI), Bering Sea (BS), or Aleutian Islands (AI), as indicated. With the exception of pollock, and for purposes of these specifications, the BS includes the Bogoslof District (BogDist).

[3] After subtraction of reserves, the ITAC amounts of pollock for each subarea or district are divided into roe and non-roe seasonal allowances. (See § 679.20(a)(5)(i).) For the BS subarea, the roe and non-roe seasonal allowances are 45 and 55 percent of the pollock ITAC amounts, respectively. The AI subarea and the Bogoslof District receive 100 percent of their respective ITAC seasonal allowances during the roe-season with the remainder of the respective ITAC seasonal allowance during the non-roe season.

[4] Inshore and offshore component allocations are 35 and 65 percent of the ITAC amounts, respectively. (See § 679.20(a)(6)(i).) The first seasonal allowance of the inshore/offshore component allocations are in effect on January 1 as an interim TAC.

[5] One-half of the pollock TAC (7.5 percent of each TAC) placed in the reserve for each subarea or district will be assigned to the Community Development Quota (CDQ) program. (See § 679.31(a)(1).) For the BS subarea, the roe seasonal allowance is 45 percent of the CDQ pollock reserve. The AI subarea and the Bogoslof District receive 100 percent of their respective CDQ reserve allocations during the roe season with the remainder of the respective reserve becoming available after the end of the roe season. The first seasonal allowance of the CDQ reserve is available on January 1 as an interim TAC.

[6] After subtraction of the reserves, the ITAC amount for Pacific cod, is allocated 2 percent to vessels using jig gear, 51 percent to H/L gear, and 47 percent to TRW. The Pacific cod allocation to trawl gear is split evenly between catcher vessels and catcher/processor vessels (See § 679.20(a)(7)(i)). Pacific cod ITAC seasonal apportionments to vessels using H/L or pot gear are not reflected in the interim TAC amounts. One-fourth of the ITAC gear apportionments are in effect on January 1 as an interim TAC.

[7] Sablefish gear allocations are as follows: In the BS subarea, TRW gear is allocated 50 percent and H/L and pot gear is allocated 50 percent of the TAC. In the AI subarea, TRW gear is allocated 25 percent and H/L and pot gear is allocated 75 percent of the TAC (See § 679.20(a)(4)(iii) and (iv)). Fifteen percent of the sablefish TRW gear allocation is placed in the nonspecific reserve. One-fourth of the ITAC amount for TRW gear is in effect January 1 as an interim TAC amount.

[8] The sablefish H/L gear fishery is managed under the Individual Fishing Quota (IFQ) program and subject to regulations contained in subpart D of 50 CFR part 679. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Twenty percent of the sablefish H/L and pot gear final TAC amount will be reserved for use by CDQ participants. (See § 679.31(c).) Existing regulations at § 679.20(c)(2)(ii) do not provide for an interim specification for the CDQ sablefish reserve or an interim specification for sablefish managed under the IFQ program. In addition, in accordance with § 679.7(f)(3), retention of sablefish caught with fixed gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1998, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1998 final specifications. Thus, fishing for sablefish with fixed gear is not authorized under these interim specifications. See subpart D of 50 CFR part 679 and § 679.23(g) for guidance on the annual allocation of IFQ and the sablefish fishing season.

[9] ''Other flatfish'' includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, arrowtooth flounder and yellowfin sole.

[10] ''Other red rockfish'' includes shortraker, rougheye, sharpchin, and northern.

[11] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

[12] ''Other species'' includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

Interim Allocation of PSC Limits for Crab, Halibut, and Herring

Under § 679.21(e), annual PSC limits are specified for red king crab and *Chionoecetes bairdi* Tanner crab in applicable Bycatch Limitation Zones (see § 679.2) of the BS subarea, and for Pacific halibut and Pacific herring throughout the BSAI.

Section 679.21(e) authorizes the apportionment of each PSC limit into PSC allowances for specified fishery categories. NMFS has approved Amendment 40 to the FMP that establishes a *C. opilio* PSC limit. NMFS anticipates that regulations implementing the *C. opilio* PSC limit will not be published in the **Federal Register** and effective before mid-December 1997. Thus, regulatory authority does not exist to establish an interim 1998 PSC limit for this species. NMFS anticipates that the final 1998 specifications will include a *C. opilio* PSC limit apportioned among specific trawl fisheries.

Section 679.20(c)(2)(ii) requires that one-fourth of each proposed PSC allowance be made available on an interim basis for harvest at the beginning of the fishing year, until superseded by the final harvest specifications. The interim PSC allowances are specified in Table 2 and are in effect at 0001 hours, A.l.t., January 1, 1998.

TABLE 2.—INTERIM 1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES.

Trawl fisheries	Prohibited species and zone			*C. bairdi* (animals)	
	Halibut (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1[1]	Zone 1[1]	Zone 2[1]
Yellowfin sole	233	67	2,500	69,079	267,750
Rock sole/oth.flat/flat sole[2]	199		18,750	74,013	89,250
Turbot/arrow./sable[3]	0				0
Rockfish	0	2			1,750
Pacific cod	400	5	1,875	33,306	48,750
Midwater pollock		286			
Pollock/Atka/other[4]	88	36	1,875	11,102	117,500

TABLE 2.—INTERIM 1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES.—Continued

Trawl fisheries	Prohibited species and zone			*C. bairdi* (animals)	
	Halibut (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1 [1]	Zone 1 [1]	Zone 2 [1]
Total Trawl	919	395	25,000	187,500	525,000
Non Trawl Fisheries					
Pacific Cod	210				
Other Non-Trawl	15				
Groundfish pot & jig	([5])				
Sablefish hook & line	([5])				
Total non-Trawl	225				

[1] Refer to § 679.2 for definitions of areas.
[2] Rock sole, flathead sole, and other flatfish fishery category.
[3] Greenland turbot, arrowtooth flounder, and sablefish fishery category.
[4] Pollock other than midwater pollock, Atka mackerel, and ''other species'' fishery category.

Prior to the beginning of the 1998 fishing year, NMFS will issue fishery closures based on these interim specifications if the Administrator, Alaska Region, NMFS determines that interim TAC amounts are required as incidental catch to support other anticipated groundfish fisheries or if the PSC allowance for a fishery has been reached.

After consideration of public comments on the proposed 1998 specifications for BSAI groundfish and additional scientific information presented at its December 1997 meeting, the Council may recommend other closures to directed fishing. NMFS may implement other closures at the time the final 1998 harvest specifications are implemented or during the 1998 fishing year, as necessary for effective management.

Classification

This action is authorized under 50 CFR part 679 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries finds for good cause under 5 U.S.C. 553(b)(B) that the need to establish interim harvest specifications for the fisheries in the BSAI, effective January 1, 1998, makes it impractical and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Section 679.20(c)(2) requires NMFS to specify interim harvest specifications that are effective on January 1 and that will remain in effect until superseded by final specifications established by notice and comment rulemaking in order for the BSAI groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1, which would result in unnecessary closures and disruption within the fishing industry. Because stock assessment reports and other information concerning the fisheries in the BSAI became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect for only a short period of time before they are superseded by the final specifications. Proposed specifications are published as a proposed rule in this issue of the **Federal Register** and provide the opportunity for public comment.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

Dated: December 9, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–32683 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 62, No. 240
Monday, December 15, 1997

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 85

[Docket No. 96–013–1]

Official Pseudorabies Tests

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the pseudorabies regulations by adding the glycoprotein I Particle Concentration Fluorescence Immunoassay test to the list of official pseudorabies tests and allow its use as an approved differential test. We are proposing to take this action based on a finding that the sensitivity and specificity of the glycoprotein I Particle Concentration Fluorescence Immunoassay test are equivalent to those of official tests for the diagnosis of pseudorabies. This proposed change would allow the glycoprotein I Particle Concentration Fluorescence Immunoassay test to be used as an official pseudorabies test to qualify certain pseudorabies vaccinated swine for interstate movement to destinations other than slaughter or a quarantined herd or quarantined feedlot. Adding the glycoprotein I Particle Concentration Fluorescence Immunoassay test to the list of official pseudorabies tests would also allow its use for the testing of nonvaccinated swine.

DATES: Consideration will be given only to comments received on or before February 13, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–013–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–013–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold C. Taft, Senior Staff Veterinarian, Swine Health Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–4916; or e-mail: ataft@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Pseudorabies is a contagious, infectious, and communicable disease of livestock, primarily swine, and other animals. The disease, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is caused by a herpes virus. The Animal and Plant Health Inspection Service's (APHIS') regulations in 9 CFR part 85 (referred to below as the regulations) govern the interstate movement of swine and other livestock (cattle, sheep, and goats) in order to help prevent the spread of pseudorabies.

For the purposes of interstate movement, the regulations separate swine into four basic categories: (1) Swine infected with or exposed to pseudorabies; (2) pseudorabies vaccinated swine (except swine from qualified negative gene-altered vaccinated herds) not known to be infected with or exposed to pseudorabies; (3) swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies; and (4) swine from qualified negative gene-altered vaccinated herds. Provisions governing the interstate movement of swine from each category are found in §§ 85.5, 85.6, 85.7, and 85.8, respectively.

Paragraphs (a) and (b) of § 85.6 provide that pseudorabies vaccinate swine, except swine from qualified negative gene-altered vaccinated herds, that are not known to be infected with or exposed to pseudorabies may be moved interstate directly to slaughter or to a quarantined herd or quarantined feedlot under certain specified conditions. Paragraph (c) of § 85.6 further provides that such pseudorabies vaccinate swine may be moved interstate to destinations other than slaughter or a quarantined herd or quarantined feedlot if the swine have been vaccinated for pseudorabies with a glycoprotein I (gpI) deleted gene-altered pseudorabies vaccine and they are accompanied by a certificate that is delivered to the consignee. The regulations in § 85.6(c) also require that the certificate contain certain additional information, specifically: (1) The identification of each swine; (2) a statement that each swine was vaccinated with a gpI deleted gene-altered pseudorabies vaccine; (3) a statement that each swine has been subjected to an approved differential pseudorabies test no more than 30 days prior to the interstate movement and has been found negative; (4) the date of the approved differential pseudorabies tests; and (5) the name of the laboratory that conducted the approved differential pseudorabies test. Currently, the regulations provide only for the use of the gpI enzyme-linked immunosorbent assay (ELISA) as an approved differential pseudorabies test to qualify swine for interstate movement under § 85.6(c).

The Committee on Diagnostics and Interpretive Serology of the American Association of Veterinary Laboratory Diagnosticians (AAVLD) has recognized that the sensitivity and specificity of the gpI Particle Concentration Fluorescence Immunoassay (PCFIA) test are equivalent to those of official tests for the diagnosis of pseudorabies. Based on that finding, we are proposing to add the gpI PCFIA test to the list of official pseudorabies tests in § 85.1 and allow its use as an approved differential pseudorabies test to qualify swine for interstate movement under § 85.6(c).

Adding the gpI PCFIA test as an official pseudorabies test would also mean that the gpI PCFIA test would be available for testing nonvaccinated swine to determine their pseudorabies status. As noted above, the AAVLD has recognized that the sensitivity and specificity of the gpI PCFIA test are equivalent to those of official tests for the diagnosis for pseudorabies. The gpI PCFIA test is specific for antibodies to the glycoprotein I present in the pseudorabies virus; nonvaccinated swine, as well as swine vaccinated with a gpI-deleted vaccine, would not produce positive results to the gpI PCFIA test unless the swine were infected with pseudorabies. Designating the gpI PCFIA test as an official pseudorabies test would enable swine

producers to use a single test on both gpI vaccinates and nonvaccinated swine.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule would amend the pseudorabies regulations by adding the gpI PCFIA test to the list of official pseudorabies tests. This proposed change would allow the gpI PCFIA test to be used as an official pseudorabies test to qualify certain pseudorabies vaccinated swine for interstate movement to destinations other than slaughter or a quarantined herd or quarantined feedlot. Adding the gpI PCFIA test to the list of official pseudorabies tests would also allow its use for the testing on nonvaccinated swine.

The total U.S. inventory of hogs and pigs was approximately 56 million, valued at $5.283 billion, in 1996. The gross income of the inventory is approximately $11 billion. More than 99 percent of swine producers are considered to be small entities. According to the standard set by the Small Business Administration for agricultural producers, a producer with less than $0.5 million annually in sales qualifies as a small entity.

Nearly 95 percent of the swine inventory within the United States has not yet achieved pseudorabies-free status. The addition of this new test would provide an extra choice of official pseudorabies test for those who raise swine, when a test is required for interstate movement. Testing costs would be incurred only when an owner chose to move gpI vaccinates interstate to destinations other than slaughter or a quarantined herd or quarantined feedlot, since pseudorabies vaccinated swine do not require a test prior to interstate movement for slaughter or to a quarantined herd or quarantined feedlot. The cost of the gpI PCFIA test is within the range of the currently available tests. The test is highly automated and those laboratories that have the test kit would be expected to accomplish the testing on large numbers of samples with greater speed. The test results have been found to produce fewer false negatives, reducing the need for tracebacks. The positive effect of having accurate results in a short time would be beneficial in all stages of pseudorabies eradication.

The provisions of this proposed rule that would allow the use of the gpI PCFIA test to determine the pseudorabies status of nonvaccinated swine are not expected to have a significant economic impact on the owners of nonvaccinated swine, as it only introduces an additional pseudorabies testing tool to ensure the health of the U.S. swine population. It is likely, though, that since the new gpI PCFIA test may be slightly higher in cost than other testing tools that are on the market, most owners of nonvaccinated swine would continue using less expensive official pseudorabies test until the cost of the gpI PCFIA test became comparable to that of other official tests.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 85

Animal diseases, Livestock, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 85 would be amended as follows:

PART 85—PSEUDORABIES

1. The authority citation for part 85 would continue to read as follows:

Authority: 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 85.1 [Amended]

2. In § 85.1, in the definition of *official pseudorabies test,* in the second sentence, item 6 would be amended by adding the words ‘‘, including the gpI PCFIA test’’ immediately after the word ‘‘Test’’.

§ 85.6 [Amended]

3. Section 85.6 would be amended as follows:

a. In paragraph (c)(2)(iii), the words ‘‘or a gpI Particle Concentration Fluorescence Immunoassay (PCFIA)’’ would be added immediately after the word ‘‘(ELISA)’’.

b. In paragraph (c)(2)(iv), the words ‘‘or the gpI PCFIA’’ would be added immediately after the word ‘‘ELISA’’.

c. In paragraph (c)(2)(v), the words ‘‘or the gpI PCFIA’’ would be added immediately after the word ‘‘ELISA’’.

Done in Washington, DC, this 9th day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–32658 Filed 12–12–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ANM–15]

RIN 2120–AA66

Proposed Modification of VOR Federal Airway V–465

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Federal Airway 465 (V–465) by lowering the floor of a portion of the airway from 12,400 feet mean sea level (MSL) to 1,200 feet above the surface. This action also proposes to establish a new segment of V–465 between Billings, Montana, and Miles City, Montana. The FAA is proposing this action to support an instrument approach procedure that is being developed for the Jackson Hole Airport, Wyoming, and to enhance aircraft operations management in the Jackson Hole, Wyoming, area.

DATES: Comments must be received on or before January 28, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 96–ANM–15, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055–4056. The

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

An informal docket may also be examined during normal business hours at the Office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ANM–15.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is proposing to amend 14 CFR part 71 by lowering the floor of a portion of V–465 from 12,400 feet MSL to 1,200 feet above the surface. This action also proposes to establish a new segment of V–465 between Billings, Montana, and Miles City, Montana. When V–465 was established, the FAA intended that the airway include the segment between Billings, MT, and Miles City, MT; however, the airway segment was omitted due to a typographical error. This new segment does not result in any additional controlled airspace because the segment will be co-located with a segment of V–2. The FAA is proposing this action to support an instrument approach procedure that is being developed for the Jackson Hole Airport, Wyoming, and to enhance aircraft operations management in the Jackson Hole, Wyoming, area. The FAA is proposing this action to improve traffic flow and reduce controller workload at the Salt Lake City Air Route Traffic Control Center, thereby providing maximum service to all airspace users.

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

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–465 [Revised]

From Bullion, NV; Wells, NV, 12 miles, 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, ID; Jackson, WY; Dunoir, WY; 14 miles, 45 miles, 137 MSL, Billings, MT; Miles City, MT; to Williston, ND.

* * * * *

Issued in Washington, DC, on December 2, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97–32666 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK–023–FOR]

Oklahoma Abandoned Mine Land Reclamation Plan

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Oklahoma Abandoned Mine Land Reclamation Plan (hereinafter referred to as the ''Oklahoma plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment pertains to a formal request by the Oklahoma Conservation Commission (OCC) to assume responsibility of the abandoned mine land reclamation (AMLR) emergency program in Oklahoma. The proposed amendment is intended to provide information to verify that Oklahoma has the authority under its existing plan to conduct the AMLR emergency program on behalf of OSM.

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

DATES: Written comments must be received by 4:00 p.m., c.s.t., January 14, 1998. If requested, a public hearing on the proposed amendment will be held on January 9, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on December 30, 1997.

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

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

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

Oklahoma Conservation Commission, 2800 N. Lincoln Blvd., Suite 160, Oklahoma City, Oklahoma 73105–4210, Telephone: (405) 521–2384

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

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Plan

On January 21, 1982, the Secretary of the Interior approved the Oklahoma plan. Background information on the Oklahoma plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the January 21, 1982, **Federal Register** (47 FR 2989). Subsequent actions concerning program amendments can be found at 30 CFR 936.25.

II. Description of the Proposed Amendment

Section 410 of SMCRA authorizes the Secretary to use funds under the AMLR program to abate or control emergency situations in which adverse effects of past coal mining pose an immediate danger to the public health, safety, or general welfare. On September 29, 1982 (47 FR 42729), OSM invited States to amend their AMLR plans for the purpose of undertaking emergency reclamation programs on behalf of OSM. States would have to demonstrate that they have the statutory authority to undertake emergencies, the technical capability to design and supervise the emergency work, and the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

By letter dated November 3, 1997 (Administrative Record No. OAML–77), Oklahoma submitted a proposed amendment to its plan pursuant to SMCRA. Oklahoma submitted the proposed amendment at its own initiative. This amendment is intended to demonstrate Oklahoma's capability to effectively perform the AMLR emergency program on behalf of OSM. A brief discussion of the proposed amendment is presented below.

A. The proposed amendment would allow Oklahoma to assume the administration of the AMLR emergency program in Oklahoma on behalf of OSM. In its formal submittal, Oklahoma stated that in 1982, as part of its approved State Abandoned Mine Land Program, the OCC incorporated the necessary language to assume responsibility of the AMLR emergency program at a later date. The following information, taken from the approved Oklahoma plan, was included in Oklahoma's formal submission to OSM to verify that the authority already exists for the OCC to assume AMLR emergency program responsibilities:

1. A letter from the Governor that designates the OCC as the agency responsible for the Abandoned Mine Land Reclamation Program in Oklahoma.

2. A legal opinion from the Attorney General that the OCC has the power to administer the Abandoned Mine Land Reclamation Program in Oklahoma.

3. A copy of the Oklahoma Abandoned Mine Reclamation Act (45 O.S., sections 740.1 through 940.7).

Section 740.7(A) authorizes OCC to spend monies from the State Abandoned Mine Reclamation Fund for emergency restoration, reclamation, abatement, control or prevention of adverse effects of coal mining practices on eligible land if it finds that an emergency exists constituting a danger to the public health, safety or general welfare and no other person or agency will act expeditiously to restore, reclaim, abate, control or prevent the adverse effects of coal mining practices. Section 740.7(B) authorizes the OCC to enter on any land where an emergency exists and any other necessary access land to restore, reclaim, abate, control or prevent the adverse effects of coal mining practices and do all things necessary or expedient to protect the public health, safety or general welfare.

4. A copy of the Oklahoma Abandoned Mine Land Reclamation Program (Oklahoma Administrative Code (OAC) 155:15–1–1 through 155:15–1–16).

Oklahoma's regulation at OAC 155:15–1–8(e) provide procedures for emergency studies or reclamation.

5. A copy of section 884.13(c)(6) of the Oklahoma plan concerning entry for emergency study and reclamation.

6. A copy of section 884.13(e) of the Oklahoma plan concerning public participation in Oklahoma's AMLR program.

B. After assuming the emergency program, Oklahoma would conduct investigations of potential emergency sites, and following OSM concurrence that emergency situations exist, perform remedial reclamation.

III. Public Comment Procedures

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

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time

indicated under ''DATES'' or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on December 30, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

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

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

Public Meeting

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

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12988

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

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Unfunded Mandates

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

List of Subjects in 30 CFR Part 936

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

Dated: December 5, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–32599 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MT–001–0002b, MT–001–0003b; FRL–5934–4]

Approval and Promulgation of Air Quality Implementation Plans; Montana; 1990 Base Year Carbon Monoxide Emission Inventories for Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of the 1990 base year carbon monoxide (CO) emission inventories for Missoula, Billings, and Great Falls that were submitted by the State to satisfy certain requirements of the Clean Air Act (CAA), as amended in 1990. In the Final Rules Section of this **Federal Register**, EPA is approving the State's State Implementation Plan (SIP) revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to 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.

DATES: Comments on this proposed rule must be received in writing by January 14, 1998.

ADDRESSES: Written comments should be addressed to: Richard R. Long, Director, Air Program (8P2–A), United States Environmental Protection

Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 8, Air Program, 999 18th Street, suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program (8P2–A), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, ph. (303) 312–6479.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: October 3, 1997.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 97–32645 Filed 12–12–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[ND–001–0003b; FRL–5933–9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the North Dakota plan for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines at 40 CFR part 60, subpart Cc, which was required pursuant to section 111(d) of the Clean Air Act (Act). The State's plan, which was submitted to EPA on September 11, 1997, establishes performance standards for existing MSW landfills and provides for the implementation and enforcement of those standards.

In the final rules section of this **Federal Register**, the EPA is approving the State's submittal in a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. 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 document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by January 14, 1998.

ADDRESSES: Written comments on this action should be addressed to Vicki Stamper, 8P2-A, at the EPA Region VIII Office listed. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202–2466; and the North Dakota Department of Health, Division of Environmental Engineering, 1200 Missouri Avenue, room 304, Box 5520, Bismarck, North Dakota 58506–5520.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action which is located in the rules section of this **Federal Register**.

Dated: October 24, 1997.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 97–32639 Filed 12–12–97; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA–97–2362; Notice 1]

RIN 2137—AD06

Pipeline Safety: Incorporation by Reference of Industry Standard on Leak Detection

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Correction to RIN number.

SUMMARY: This document corrects the RIN number of the Notice of Proposed Rulemaking [Docket RSPA–97–2362; Notice 1], published in the **Federal Register** on October 29, 1997 (62 FR 56141). In the document heading on page 56141, the RIN number ''RIN 2137–AD05'' is changed to read ''RIN 2137–AD06.'' The notice proposes to adopt as a referenced document an industry publication for pipeline leak detection, API 1130, ''Computational Pipeline Monitoring.''

FOR FURTHER INFORMATION CONTACT: Lloyd Ulrich, (202) 366–4556.

Issued in Washington, DC on December 9, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97–32624 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971201282–7282–01; I.D. 102897B]

RIN 0648-AK38

Halibut Fisheries in U.S. Convention Waters Off Alaska; Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures to Reduce Seabird Bycatch in the Hook-and-Line Halibut and Groundfish Fisheries

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations that would require operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska to conduct fishing operations in a specified manner and to employ specified measures intended to reduce seabird bycatch and incidental seabird mortality. This rule would also amend the regulations requiring seabird bycatch avoidance measures in the hook-and-line groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) and the Gulf of Alaska (GOA) to clarify one of the measures. The proposed halibut fisheries measures are intended to mitigate interactions with the short-tailed albatross (*Diomedea albatrus*), an endangered species protected under the Endangered Species Act (ESA), and with other seabird species in fisheries in and off Alaska.

DATES: Comments must be received by January 14, 1998.

ADDRESSES: Comments should be sent to Chief, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668,

Juneau, AK 99802, Attn: Lori J. Gravel, or delivered to Room 401 of the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for the regulatory amendment may be obtained from NMFS at the above address, or by calling the Alaska Region, NMFS at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Kim S. Rivera, 907–586–7228.

SUPPLEMENTARY INFORMATION: The U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone are managed by NMFS under the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 773 *et seq.*, 1801 *et seq.*; Magnuson-Stevens Act) and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600. The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773 *et seq.*, authorizes the Council to develop and NMFS to implement regulations concerning halibut that are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). Furthermore, the Magnuson-Stevens Act and the Halibut Act authorize the Council and NMFS to make regulatory changes that are consistent with the FMPs and that are necessary to conserve and manage the fixed gear Pacific halibut fisheries.

Background

The issue of seabird bycatch and incidental mortality in commercial fishing operations has been heightened in recent years. Further information on this issue was provided in the preambles to the proposed and final rules implementing seabird avoidance measures in the GOA and BSAI hook-and-line groundfish fisheries (62 FR 10016, March 5, 1997; 62 FR 23176, April 29, 1997), and the EA/RIR/FRFA prepared for that action. In addition, the United States is working with the United Nations' Food and Agriculture Organization to conduct a technical consultation on implementing mitigation measures to reduce seabird bycatch in longline fisheries around the world (62 FR 42766, August 8, 1997). NMFS and the U.S. Fish & Wildlife Service (USFWS) are the U.S. co-leaders in this effort.

Recent takes of the endangered short-tailed albatross (two in 1995 and one in 1996) in hook-and-line groundfish fisheries in the BSAI and the GOA highlight a seabird bycatch problem. At its December 1996 meeting, the Council voted unanimously to recommend that all hook-and-line vessels fishing for groundfish in the GOA and BSAI be required to use certain seabird bycatch avoidance measures intended to reduce the incidental mortality of the short-tailed albatross and other seabird species. Furthermore, the Council recommended that these or similar measures be implemented in the Pacific halibut fishery in U.S. Convention waters off Alaska. Addressing a potential seabird bycatch problem in the Pacific halibut fishery is warranted given the similarities between the Pacific halibut fishery and the hook-and-line groundfish fisheries. At its annual meeting in January 1997, the IPHC reviewed and concurred with the development of seabird avoidance measures for the Pacific halibut fishery in U.S. Convention waters off Alaska.

A proposed rule that would implement seabird avoidance measures in the Alaska groundfish hook-and-line fisheries was published in the **Federal Register** on March 5, 1997 (62 FR 10016) and public comments were accepted through March 20, 1997. Final regulations were published April 29, 1997 (62 FR 23176). At its June 1997 meeting, the Council recommended extending the seabird avoidance requirements in the Alaska groundfish hook-and-line fisheries to the Pacific halibut fishery in U.S. Convention waters off Alaska. The Council also recommended that vessels less than 26 ft (7.9 m) length overall (LOA) in the Pacific halibut fishery and in the GOA and BSAI groundfish hook-and-line fisheries be exempt from some of the specified seabird avoidance measures.

Proposed Seabird Bycatch Avoidance Gear and Methods in the Pacific Halibut Fishery

The following proposed measures would apply to vessels fishing for Pacific halibut with hook-and-line gear in U.S. Convention waters off Alaska and are not intended to differ from measures implemented for the GOA and BSAI groundfish fisheries.

1. All applicable hook-and-line fishing operations:

a. Must use hooks that, when baited, sink as soon as they are put in the water. This could be accomplished by the use of weighted groundlines and/or thawed bait;

b. If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must either be aft of the hauling station or on the opposite side of the vessel from the hauling station; and

c. Must make every reasonable effort to ensure that birds brought aboard alive are released alive and that, wherever possible, hooks are removed without jeopardizing the life of the bird.

2. All vessels greater than or equal to 26 ft (7.9 m) LOA and using hook-and-line gear must employ one or more of the following seabird avoidance measures:

a. Set gear between hours of nautical twilight (as specified in paragraph (e)(2)(iv)(D) of this section) using only the minimum vessel's lights necessary for safety;

b. Tow a streamer line or lines during deployment of gear to prevent birds from taking hooks;

c. Tow a buoy, board, stick or other device during deployment of gear at a distance appropriate to prevent birds from taking hooks. Multiple devices may be employed; or

d. Deploy hooks underwater through a lining tube at a depth sufficient to prevent birds from settling on hooks during deployment of gear.

This proposed rule would also remove a regulation at 50 CFR 679.24(e)(1)(ii) that effectively exempts halibut fishermen from having to use seabird avoidance gear and methods. When the seabird avoidance measures were promulgated for the Alaska groundfish fisheries, halibut fishermen were exempt until the Council and the IPHC could address this issue in the Pacific halibut fishery. This exemption would no longer be appropriate if NMFS approves this proposed rule.

Exemption for Operators of Small Vessels in the Pacific Halibut Fishery and the Alaska Groundfish Hook-and-Line Fisheries

Vessels less than 26 ft (7.9 m) LOA using hook-and-line gear in the Pacific halibut fishery and vessels less than 26 ft (7.9 m) LOA using hook-and-line gear in the groundfish fisheries in the BSAI or GOA would be required to comply with the above measures 1a through 1c, but would not be required to comply with measure 2.

Relatively little scientific information is available regarding the relationship of vessel size to seabird bycatch. One study of an experimental hake longline fishery off South Africa noted that

variations in the numbers of observed seabird catches appeared to be related, at least in part, to the extent to which birds congregate around vessels. This, in turn, appeared to be a function of the length of time during which offal is discarded. Smaller vessels may not attract scavenging seabirds to as great an extent as do large vessels, which provide a continuous supply of food. For example, smaller vessels fishing off the southwest cape in South Africa do not attract large numbers of scavenging birds because hauling and setting periods are much shorter and irregular, and the offal is available to birds only for short periods and in small quantities.

Public testimony at the Council meeting in June 1997 supported exempting small vessels from some of the avoidance measures. Representatives of fishing vessel associations testified that fishing practices of vessels less than 26 ft (7.9 m) LOA did not warrant the more extensive measures that are required under the current groundfish regulations, primarily because such vessels typically (1) use baited hooks that sink as soon as they enter the water; (2) use anchored groundlines; (3) deploy snap-on gear which adds weight to the groundline; (4) deploy gear at slow speeds, allowing the gear to sink immediately; (5) have minimal freeboard at the stern, reducing the exposure of baited hooks to seabirds; (6) use offal discharge in smaller quantities and more sporadically relative to larger vessels, thus providing less of an attraction to seabirds; and (7) fish in nearshore areas where the likelihood of encountering the short-tailed albatross and other pelagic seabirds is minimal. Small vessels using snap-on gear are less likely to have a seabird bycatch problem because of the weight of the snaps and the slow speed at which gear is deployed, both factors that contribute to the baited hooks sinking immediately upon gear deployment. Using snap-on gear requires attachment of gangions manually to the groundline as it is being deployed, so the vessel must deploy gear at slower speeds than when using conventional gear. The vessel length criterion of 26 ft (7.9 m) LOA was chosen because vessels of this size represent the typical skiff fleet. In 1996, of the 2,124 vessels that made landings in the halibut and sablefish fisheries, 328 were less than 26 ft (7.9 m) LOA (15 percent of the total number of vessels making halibut and sablefish landings). In 1996, of the 1,847 vessels issued Federal fisheries permits for the BSAI and GOA groundfish fisheries, 47 were less than 26 ft (7.9 m) LOA (2.5 percent of the total number of vessels issued Federal fisheries permits in 1996).

Proposed Amendment to Clarify Offal Discharge Requirement in the Alaska Groundfish Hook-and-Line Fisheries

The final rule promulgating seabird avoidance regulations for the Alaska groundfish hook-and-line fisheries (62 FR 23176; April 29, 1997) requires that any discharge of offal from a vessel must occur in a manner that distracts seabirds, to the extent practicable, from baited hooks while gear is being set or hauled. Public comment received after the final rule was published indicated that some persons interpreted the regulation to require offal discharge during the setting or hauling of gear. This was not NMFS' intent. This proposed rule would amend § 679.24(e)(2)(ii) to state more clearly NMFS' intent that if offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable.

Classification

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

NMFS prepared an IRFA as part of the RIR that describes the impact this proposed rule would have on small entities, if adopted. A copy of this analysis is available from NMFS (see **ADDRESSES**). Based on the analysis, it was determined that this proposed rule could have a significant negative economic impact on a substantial number of small entities. In 1996, 2,124 vessels landed halibut from U.S. Convention waters off Alaska. Of these vessels, 1,935 were less than 60 ft (18.3 m) LOA. NMFS does not have data indicating how many of these vessels are small entities, but it is reasonable to assume that most are small entities, and that all vessels under 60 ft are small entities.

The Regulatory Flexibility Act requires that the IRFA describe significant alternatives to the proposed rule that accomplish the stated objectives of the applicable statutes and that minimize any significant negative impact on small entities. Consistent with the stated statutory objectives, the IRFA must discuss significant alternatives to the proposed rule, such as (1) establishing different reporting requirements for small entities that take into account the resources available to small entities; (2) consolidating or simplifying reporting requirements; (3) using performance rather than design standards; and (4) allowing regulatory exemptions for small entities. Alternatives that addressed modifying reporting requirements for small entities were not considered by the Council or in this analysis. Such alternatives are irrelevant to this proposed action and would not mitigate the impacts on small entities. The proposed seabird avoidance measures are based on performance standards rather than on design standards, therefore alleviating a potential economic burden to small entities. The exemption for vessels less than 26 ft (7.9 m) LOA (all small entities) in the proposed rule would also alleviate a potential economic burden to small entities. In 1996, of the 2,124 vessels that made landings in the halibut and sablefish fisheries, 328 were less than 26 ft (7.9 m) LOA (15 percent of total number of vessels making halibut and sablefish landings). In 1996, of the 1,847 vessels that were issued Federal fisheries permits for the BSAI and GOA groundfish fisheries, 47 were less than 26 ft (7.9 m) LOA (2.5 percent of 1996 Federal fisheries permittees).

A variety of alternatives that would achieve this action's goal while minimizing economic impacts were considered. To provide maximum flexibility to participants in the fishery these alternatives are included in the proposed rule as options from which a vessel operator may chose in deciding how to comply with this proposed rule. Consequently, there are no additional alternatives that would mitigate the economic impact while achieving this action's purpose that can be discussed in this section. The economic impacts of this proposed rule would vary depending on which seabird avoidance measures a fisherman employs. The cost of buoys and bird streamer lines as seabird bycatch avoidance devices range from $50 to $250 per vessel. A lining tube is a technology used in fisheries of other nations to deploy baited hooks underwater to avoid birds and is offered as a possible option. NMFS anticipates that the operators of smaller vessels (less than 60 ft (18.3 m)) would choose an avoidance measure other than a lining tube, which could cost as much as $35,000 per vessel. There were 189 hook-and-line vessels equal to or greater than 60 ft (18.3 m) that made halibut landings in 1996.

Although this action could result in economic impacts on small entities, the status quo alternative could result in even more severe economic impacts. Failure to establish seabird avoidance measures proposed under this action could increase the likelihood of exceeding the incidental take limit to be specified for the short-tailed albatross. In that event, additional measures to

minimize the take of short-tailed albatross could be implemented, ranging from those proposed in this rule to additionally more stringent measures, including closures. The economic impacts to small entities resulting from such measures would depend on a variety of factors, although very significant negative impacts could be expected if the halibut fishery were closed due to the take of short-tailed albatross in excess of the incidental take authorized under the section 7 consultation with the USFWS.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: December 9, 1997.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.24, paragraph (e)(1)(ii) is removed, paragraphs (e)(1)(i), (e)(2)(iv) introductory text, and (e)(2)(iv)(A) through (e)(2)(iv)(D) are redesignated as paragraphs (e)(1), (e)(3) introductory text, and (e)(3)(i) through (e)(3)(iv), respectively, and redesignated paragraphs (e)(1) and (e)(3) introductory text and paragraph (e)(2)(ii) are revised to read as follows:

§ 679.24 Gear limitations.

* * * * *

(e) *Seabird avoidance gear and methods for hook-and-line vessels fishing for groundfish*—(1) *Applicability*. The operator of a vessel that is required to obtain a Federal fisheries permit under § 679.4(b)(1) must comply with the seabird avoidance measures in paragraphs (e)(2) and (e)(3) of this section while fishing for groundfish with hook-and-line gear in the BSAI, in the GOA, or in waters of the State of Alaska that are shoreward of the BSAI and the GOA.

(2) * * *

(ii) If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must be either aft of the hauling station or on the opposite side of the vessel from the hauling station.

* * * * *

(3) For a vessel greater than or equal to 26 ft (7.9 m) LOA, the operator of that vessel described in paragraph (e)(1) of this section must employ one or more of the following seabird avoidance measures:

* * * * *

3. In § 679.42, paragraph (b) is revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(b) *Gear*. (1) *IFQ Fisheries* Halibut IFQ must be used only to harvest halibut with fishing gear authorized in § 679.2. Sablefish fixed gear IFQ must not be used to harvest sablefish with trawl gear in any IFQ regulatory area, or with pot gear in any IFQ regulatory area of the GOA.

(2) *Seabird avoidance gear and methods*. The operator of a vessel using gear authorized at § 679.2 while fishing for IFQ halibut or hook-and-line gear while fishing for IFQ sablefish must comply with requirements for seabird avoidance gear and methods set forth at § 679.24(e).

* * * * *

[FR Doc. 97–32682 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298–7298–01; I.D. 112097B]

Groundfish Fishery of the Bering Sea and Aleutian Islands; Fisheries of the Exclusive Economic Zone; Proposed 1998 Harvest Specifications for Groundfish

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

ACTION: Proposed 1998 harvest specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1998 harvest specifications, prohibited species bycatch allowances, and associated management measures for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish for the 1998 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI and to provide an opportunity for public participation in the annual groundfish specification process.

DATES: Comments must be received by January 12, 1998.

ADDRESSES: Comments must be sent to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel.

The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1997, is available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510–2252 (907–271–2809).

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total annual catch (TAC) for each target species and the ''other species'' category, the sum of which must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Regulations under § 679.20(c)(1) further require NMFS to publish annually and solicit public comment on proposed annual TACs, prohibited species catch (PSC) allowances, seasonal allowances of the pollock TAC, and amounts for the pollock and sablefish Community Development Quota (CDQ) reserve. The proposed specifications set forth in tables 1–6 of this proposed rule satisfy these requirements. For 1998, the sum of proposed TAC amounts is 2,000,000 mt. Under § 679.20(c)(3), NMFS will publish the final annual specifications for 1998 after considering (1) comments received within the comment period (see **DATES**) and (2) consultations with the Council at its December 1997 meeting.

Section 679.20(c)(2)(ii) require that interim specifications—one-fourth of each proposed initial TAC (ITAC)

amount and apportionment thereof, one-fourth of each proposed PSC allowance established under § 679.21, and the first seasonal allowances of pollock—be established effective 0001 hours Alaska local time (A.l.t.), January 1, that will remain in effect until the effective date of the 1998 final harvest specifications, which will be published in the **Federal Register**. Regulations at § 679.20(c)(2)(ii) do not provide for an interim specification either for sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota management plan. Interim TAC specifications and apportionments thereof for the 1998 fishing year are being published in the Rules and Regulations section of this **Federal Register** volume.

Proposed Acceptable Biological Catch (ABC) and TAC Specifications

The proposed ABC and TAC for each species are based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at its September 1997 meeting. This information was compiled by the Council's BSAI Groundfish Plan Team and is presented in the preliminary 1998 SAFE report for the BSAI groundfish fisheries, dated September 1997. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1998 SAFE report will be updated to include information collected during the 1997 resource assessment surveys. Revised stock assessments will be made available by the Plan Team in November 1997 and be included in the final 1998 SAFE report.

The proposed ABC amounts adopted by the Council for the 1998 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The proposed ABCs also are based on new definitions of ABC and overfishing that were adopted by the Council as Amendment 44 to the FMP. A final rule implementing Amendment 44 was published in the **Federal Register** January 17, 1997 (62 FR 2656). In general, the new definitions involve sophisticated statistical analyses of fish populations and are based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. In 1997, the application of the revised definitions resulted in lower exploitation rates and ABCs for most species, although biomass estimates generally are unchanged. Details of the Plan Team's recommendations for preliminary 1998 overfishing and ABC amounts for each species are provided in the preliminary 1998 SAFE report. This report is available from the Council (see **ADDRESSES**). At its September 1997 meeting, the Council's SSC reviewed the Plan Team's preliminary recommendations for 1998 ABC amounts. The SSC concurred in the Plan Team's recommendations, except for pollock in the Bogoslof district. For this stock, the Plan Team had recommended an ABC of 60,319 mt. However, the SSC recommended that this ABC be adjusted downwards by the ratio of current estimated biomass (280,000 mt) to target biomass (2,000,000 mt), which resulted in an SSC-recommended ABC of 8,400 mt. The Council adopted the proposed overfishing and ABC amounts recommended by the SSC (Table 1).

Specification and Apportionment of TAC Amounts

The Council adopted the AP's proposals for the 1998 BSAI TAC amounts. For each species, this amount equals the lesser of either the 1997 TAC or the SSC's recommended 1998 ABC. NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 1.4 million to 2.0 million mt.

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in reserve is designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the ''other species'' category during the year, providing that such reapportionments do not result in overfishing.

NMFS anticipates that the final 1998 groundfish specifications will include a 7.5 percent CDQ reserve for each groundfish species TAC and PSC limit as are authorized under Amendment 39 to the FMP. A proposed rule to implement Amendment 39 was published in the **Federal Register** on August 15, 1997 (62 FR 43866). Amendment 39 was approved by NMFS on September 12, 1997.

On November 13, 1997, NMFS approved Amendment 34 to the FMP. This amendment requires that up to 2 percent of the TAC for Atka Mackerel in the Eastern Aleutian Islands District and the Bering Sea subarea be allocated to the jig gear fleet. The amount of this allocation will be determined annually by the Council based on the anticipated harvest capacity of the jig gear fleet. At its June 1997 meeting, the Council noted its intent to allocate 1 percent of Atka Mackerel TAC in the Eastern Aleutian Islands District/Bering Sea subarea to the jig gear fleet for the 1998 fishing year. A proposed rule to implement Amendment 34 was published in the **Federal Register** on September 22, 1997 (62 FR 49464). NMFS anticipates that a final rule will be effective prior to the 1998 trawl season (January 20). NMFS further anticipates that the final 1998 specifications will allocate 1 percent of the Eastern Aleutian Islands District/ Bering Sea subarea Atka mackerel TAC to jig gear. Based on a proposed TAC of 15,000 mt, the jig gear allocation would be 150 mt.

Table 1 lists the proposed 1998 ABC, TAC, and ITAC amounts, overfishing levels, and initial apportionments of groundfish in the BSAI. The apportionment of TAC amounts among fisheries and seasons is discussed below. These proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, and new information regarding the fishery, and consultation with the Council at its December meeting.

TABLE 1.—PROPOSED 1998 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUNDFISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA [1]

Species	Area	ABC	TAC	ITAC [2 3]	Overfishing level
Pollock	Bering Sea (BS)	1,130,000	1,130,000	960,500	1,980,000
	Aleutian Islands (AI)	28,000	28,000	23,800	38,000
	Bogoslof District	8,400	1,000	850	22,800
Pacific cod	BSAI	306,000	270,000	229,500	418,000
Sablefish [4]	BS	1,308	1,100	468	2,750
	AI	1,367	1,200	255	2,860
Atka mackerel	Total	66,700	66,700	56,695	81,600
	Western AI	32,200	32,200	27,370	.....
	Central AI	19,500	19,500	16,575	.....
	Eastern AI/BS	15,000	15,000	12,750	.....
Yellowfin sole	BSAI	233,000	230,000	195,500	339,000
Rock sole	BSAI	296,000	97,185	82,607	427,000
Greenland turbot	Total	12,350	9,000	7,650	25,100
	BS	.....	6,030	5,126	.....
	AI	.....	2,970	2,525	.....
Arrowtooth flounder	BSAI	108,000	20,760	17,646	167,000
Flathead sole	BSAI	101,000	43,500	36,975	145,000
Other flatfish [5]	BSAI	97,500	50,750	43,138	150,000
Pacific ocean perch	BS	2,800	2,800	2,380	5,400
	AI Total	12,800	12,800	10,880	25,300
	Western AI	6,390	6,390	5,432	.....
	Central AI	3,170	3,170	2,695	.....
	Eastern AI	3,240	3,240	2,754	.....
Other red rockfish [6]	BS	1,050	1,050	893	1,400
Sharpchin/Northern	AI	4,360	4,360	3,706	5,810
Shortraker/rougheye	AI	938	938	797	1,250
Other rockfish [7]	BS	373	373	317	497
	AI	714	714	607	952
Squid	BSAI	1,970	1,970	1,675	2,620
Other species [8]	BSAI	25,800	25,800	21,930	138,000
Total		2,440,430	2,000,000	1,698,768	3,980,339

[1] Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock, and for the purpose of these specifications, the BS includes the Bogoslof District.

[2] Except for the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves. One half of the amount of the pollock TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see § 679.31(a)(1)).

[3] Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear is reserved for use by CDQ participants (see § 679.31(c)). Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. The ITAC for sablefish reflected in table 1 is for trawl gear only.

[4] Regulations at § 679.20(a)(4) require sablefish TACs for BSAI subareas be divided between trawl and hook-and-line/pot gear in the following proportions: BS subarea— trawl gear 50 percent, hook-and-line/pot gear 50 percent; AI subarea—trawl gear 25 percent, hook-and-line/pot gear 75 percent.

[5] ''Other flatfish'' includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

[6] ''Other red rockfish'' includes shortraker, rougheye, sharpchin, and northern.

[7] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

[8] ''Other species'' includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

Seasonal Allowances of Pollock TACs

Under § 679.20(a)(5)(i)(A), the pollock ITAC for each subarea or district of the BSAI is divided into two seasonal allowances. The first allowance is made available for directed fishing from January 1 to April 15 (roe season), and the second allowance is made available from September 1 until November 1 (non-roe season). The Council proposed that the seasonal allowances for the Bering Sea pollock roe and non-roe seasons be specified at 45 percent and 55 percent of the ITAC amounts, respectively (Table 2). As in past years, the pollock TAC amounts specified for the Aleutian Islands subarea and the Bogoslof District would not be seasonally apportioned and the entire ITAC would be made available January 1.

When specifying seasonal allowances of the pollock TAC, the Council and NMFS considered the factors specified in section 14.4.10 of the FMP. A discussion of these factors relative to the roe and non-roe seasonal allowances was presented in the proposed 1995 specifications for BSAI groundfish (59 FR 64383, December 14, 1994). At this time, the Council's findings are unchanged from those set forth for 1995, given that the relative seasonal allowances are the same.

Apportionment of the Pollock TAC to the Inshore and Offshore Components

Section 679.20(a)(6)(i) requires that the proposed pollock ITAC amounts specified for the BSAI be allocated 35 percent to vessels catching pollock for processing by the inshore component and 65 percent to vessels catching pollock for processing by the offshore component. Definitions of these components are found at § 679.2. The proposed 1998 ITAC specifications are consistent with these requirements (Table 2).

TABLE 2.—PROPOSED SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS [1]

Subarea and Component	TAC	ITAC	Roe season [2]	Non-roe season [3]
Bering Sea	1,130,000	960,500	432,225	528,275
Inshore		336,175	151,279	184,896
Offshore		624,325	280,946	343,379
Aleutian Islands	28,000	23,800	23,800	[4]
Inshore		8,330	8,330	[4]
Offshore		15,470	15,470	[4]
Bogoslof District	1,000	850	850	[4]
Inshore		298	298	[4]
Offshore		553	553	[4]

[1] Based on an offshore component allocation of 0.65 (ITAC) and on an inshore component allocation of 0.35 (ITAC).
[2] January 1 through April 15—based on a 45/55 split (roe=45 percent).
[3] September 1 until November 1—based on a 45/55 split (non-roe equals 55 percent).
[4] Remainder.

Apportionment of the Pollock TAC to the Western Alaska Community Development Quota

Section 679.31(a)(1) requires that one-half of the pollock TAC placed in the reserve for each subarea or district, or 7.5 percent of each TAC, be assigned to a CDQ reserve for each subarea or district. The proposed 1998 CDQ reserve amounts for each subarea are as follows:

BSAI subarea	Pollock CDQ (MT)
Bering Sea	84,750
Aleutian Islands	2,100
Bogoslof	75
Total	86,925

Under regulations governing the CDQ program at § 679.30, NMFS may allocate the 1998 pollock CDQ reserves to eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). NMFS has approved six CDPs and associated percentages of the CDQ reserve for each CDP recipient for 1996–98 (60 FR 66516, December 22, 1995). As with the pollock ITAC, the Council recommended that the CDQ pollock reserve be seasonally apportioned so that no more than 45 percent of a CDP's 1998 Bering Sea pollock allocation may be harvested during the pollock roe season, January 1 through April 15. Up to 100 percent of a CDP's 1998 Aleutian Islands or Bogoslof District pollock allocation could be harvested during this time period.

Allocation of the Pacific Cod TAC

Under § 679.20(a)(7), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear. The portion of the Pacific cod TAC allocated to trawl gear is further allocated 50 percent to catcher vessels and 50 percent to catcher processor vessels (§ 679.20(a)(7)(i)(B)). The Council proposes to continue the 1997 seasonal allowances of the portion of the Pacific cod TAC allocated to the hook-and-line and pot gear fisheries. The seasonal allowances are authorized under § 679.20(a)(7)(iv) and are intended to provide for the harvest of Pacific cod when flesh quality and market conditions are optimum and Pacific halibut bycatch rates are low. The Council's recommendations for seasonal apportionments are based on (1) seasonal distribution of Pacific cod relative to prohibited species distributions, (2) variations in prohibited species bycatch rates in the Pacific cod fisheries throughout the year, and (3) economic effects of seasonal allowances of Pacific cod on the hook-and-line and pot gear fisheries. Table 3 lists the proposed 1998 allocations and seasonal apportionments of the Pacific cod ITAC. Consistent with § 679.20(a)(iv)(C), the Council has proposed that any portion of the first seasonal allowance that is not harvested by the end of the first season would become available on September 1, the beginning of the third season.

TABLE 3.—1998 GEAR SHARES AND SEASONAL APPORTIONMENTS OF THE BSAI PACIFIC COD INITIAL ITAC

Gear	Percent TAC	Share ITAC (mt)	Seasonal apportionment [1]		
			Date	Percent	Amount
Jig	2	4,590	Jan 1-Dec 31	100	4,590
Hook-&-line/pot gear	51	117,045	Jan 1-Apr 30	73	85,443
			May 1-Aug 31	23	26,920
				4	4,682
Trawl gear	47	107,865	Jan 1-Dec 31	100	107,865
Catcher vessel (50%)		53,933			
Catcher/processor (50%)		53,933			
Total	100	229,500			

[1] Any unused portion of the first seasonal Pacific cod allowance specified for the Pacific cod hook-and-line or pot gear fishery would be re-apportioned to the third seasonal allowance.

Sablefish Gear Allocation and CDQ Allocations for Sablefish

Section 679.20(a)(4) requires that the sablefish TACs for the BSAI subareas be divided between trawl and hook-and-line/pot gear types. Gear allocations of TACs are established in the following proportions: Bering Sea subarea—trawl gear 50 percent, hook-and-line/pot gear 50 percent; and Aleutian Islands subarea—trawl gear 25 percent, hook-and-line/pot gear 75 percent. In addition, regulations under § 679.31(c) require NMFS to withhold 20 percent of the hook-and-line and pot gear sablefish allocation as sablefish CDQ reserve. Gear allocations of the proposed sablefish TAC and CDQ reserve amounts are specified in Table 4 as follows:

TABLE 4.—1998 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

Subarea and gear	Percent of TAC	Share of TAC (mt)	Initial TAC (mt) [1]	CDQ reserve
Bering Sea:				
Trawl	50	550	468	N/A
Hook-and-line/pot gear [2]	50	550	N/A	110
Total	.....	1,100	468	110
Aleutian Islands:				
Trawl	25	300	255	N/A
Hook-and-line/pot gear [2]	75	900	N/A	180
Total	.....	1,200	255	180

[1] Except for the sablefish hook-and-line and pot gear allocation, 15 percent of TAC is apportioned to reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

[2] For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Section 679.20(b)(1) does not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

Under regulations governing the sablefish CDQ program at subpart C of part 679, NMFS may allocate the 1998 sablefish CDQ reserve to eligible Western Alaska communities or groups of communities that have an approved CDP. However, CDPs have not been approved for 1998. The State of Alaska consulted with the Council at its September meeting and recommended CDPs and the associated allocations of sablefish CDQ reserve. If NMFS approves the recommended CDPs, a notice of the decision will be published in the **Federal Register**, prior to the publication of the final specifications.

Allocation of Prohibited Species Catch (PSC) Limits for Crab, Halibut, and Herring

PSC limits for halibut are set forth at § 679.21 (e)(1)(iii). For the BSAI trawl fisheries, the limit is 3,775 mt mortality of Pacific halibut (§ 679.21(e)(1)(iii)) and for non-trawl fisheries, the limit is 900 mt mortality (§ 679.21(e)(2)). PSC limits for crab and herring are annually specified based on abundance and spawning biomass.

For 1998, the PSC limit of red king crab in Zone 1 for trawl vessels is 100,000 crab based on the criteria set out at § 679.21(e)(1)(i). The number of mature female red king crab is estimated to be above the threshold of 8.4 million animals, and the effective spawning biomass is estimated to be greater than 14.5 million lbs (6,577 mt) but less than 55 million lbs (24,948 mt) (§ 679.21(e)(1)(i)(B)).

The 1998 *C. bairdi* PSC limit is 750,000 animals in Zone 1 and 2.1 million animals in Zone 2. These numbers are based on the criteria set out at § 679.21(e)(1)(ii). In Zone 1, *C. bairdi* abundance is estimated at over 150 million to 270 million animals (§ 679.21(e)(1)(ii)(A)(*2*)). In Zone 2, *C. bairdi* abundance is estimated at over 175 million to 290 million animals (§ 679.21(e)(1)(ii)(B)(*2*)).

NMFS approved Amendment 40 to the FMP on October 15, 1997. This amendment establishes a PSC limit for *C. opilio* crab based on annual abundance of crab as indicated by trawl surveys. NMFS anticipates that regulations implementing Amendment 40 will be published and effective by mid-December 1997. Based on the proposed rule (62 FR 43307, August 13, 1997), the 1998 *C. opilio* PSC limit would be established at 0.1133 percent of the 1997 Bering Sea *C. opilio* crab abundance, or 4,654,000 crab.

The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass(§ 679.21(e)(1)(iv)). NMFS's best estimate of 1998 herring biomass is 157,900 mt. This amount was derived using 1996 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Therefore, the proposed herring PSC limit for 1998 is 1,579 mt. This value is subject to change, pending an updated forecast analysis of 1997 herring survey data that will be presented to the Council by the ADF&G during the Council's December 1997 meeting.

Section 679.21(e)(3) authorizes the apportionment of each trawl PSC limit into PSC allowances for seven specified trawl-fishery categories. Section 679.21(e)(4)(ii) further authorizes the apportionment of the non-trawl halibut PSC limit among five non-trawl fishery categories. The fishery bycatch allowances for the trawl and non-trawl fisheries are listed in Table 5.

The fishery bycatch allowances listed in table 5 reflect the recommendations made to the Council by its AP. These recommendations are unchanged from those specified for 1997. The justification for these allowances is discussed in the publication of the final 1997 specifications (62 FR 7168, February 18, 1997). Because NMFS action on Amendment 40 and its implementing rule had not been finalized at the time of the September 1997 Council meeting, the Council did not propose to apportion the proposed *C. opilio* PSC limit among trawl fishery categories. The Council is expected to do so at its December 1997 meeting.

Section 679.21(e)(4)(ii) authorizes the exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years, the Council proposes to exempt the 1998 pot gear, jig gear, and sablefish hook-and-line gear fishery categories from halibut bycatch restrictions.

The Council proposed that the pot and jig gear fisheries be exempt from halibut-bycatch restrictions because these fisheries use selective gear types

that experience low halibut bycatch mortality. Between January 1997 and September 1997, the groundfish pot gear fishery was responsible for an estimated halibut bycatch mortality of about 12 mt. The jig gear fleet comprises of vessels less than 60 ft (18.3 m) length overall that are exempt from observer coverage requirements. As a result, no observer data are available on halibut bycatch in the BSAI jig gear fishery. Nonetheless, the selective nature of this gear type and the relatively small amount of groundfish harvested with jig gear likely results in a negligible amount of halibut bycatch mortality.

As in past years, the Council recommended that the sablefish Individual Fishing Quota (IFQ) fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (subpart D of part 679). The IFQ program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard. In 1995, about 36 mt of halibut discard mortality was estimated for the sablefish IFQ fishery. A similar estimate for the 1996 or 1997 fishery has not been calculated.

Section 679.21(e)(5) authorizes NMFS, after consultation with the Council, to establish seasonal apportionments of prohibited species bycatch allowances. At its September 1997 meeting, the Council adopted the AP's recommendation to propose seasonal apportionments of the trawl bycatch allowances only for halibut bycatch specified for the rockfish trawl fishery. The intent of this proposal was to reduce halibut bycatch during the first quarter when it is the highest. NMFS anticipates the Council will consider additional seasonal apportionments during its December 1997 meeting.

TABLE 5.—PROPOSED 1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl fishers	Prohibited species and zone			C. bairdi (animals)	
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1 [1]	Zone 1 [1]	Zone 2 [1]
Yellowfin sole	930	267	10,000	276,316	1,071,000
Rock sole/oth.flat/flat sole [1]	795	.....	75,000	296,052	357,000
Turbot/sablefish/arrowtooth [2]	0	.....	.....	.....	0
Rockfish	100	7	.....	.....	7,000
Jan. 1–Mar. 31	0				
Apr. 1–Dec. 31	100				
Pacific cod	1,600	20	7,500	133,224	195,000
Midwater pollock	.....	1,142			
Pollock/Atka/other [3]	350	143	7,500	44,408	470,000
TOTAL TRAWL	3,775	1,579	100,000	750,000	2,100,000
Non-trawl fisheries:					
Pacific cod	840				
Other non-trawl	60				
Groundfish pot & jig	(4)				
Sablefish hook & line	(4)				
Total non-Trawl	900				

[1] Rock sole, flathead sole, and other flatfish fishery category.
[2] Greenland turbot, arrowtooth flounder, and sablefish fishery category.
[3] Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.
[4] Exempt.

To monitor halibut bycatch mortality allowances and apportionments, the Administrator, Alaska Region, NMFS (Regional Administrator), will use observed halibut bycatch rates, assumed mortality rates, and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The Regional Administrator monitors the fishery's halibut bycatch mortality allowances using assumed mortality rates that are based on the best information available, including information contained in the annual SAFE report.

The Council proposed that the assumed halibut mortality rates developed by staff of the International Pacific Halibut Commission (IPHC) for the 1997 BSAI groundfish fisheries be rolled over for purposes of monitoring halibut bycatch allowances established for 1998. The justification for these mortality rates is discussed in the February 18, 1997, publication of the 1997 final specifications (62 FR 7168). NMFS notes that the assumed halibut mortality rate for the hook-and-line gear fishery for Pacific cod was adjusted in mid-1997 from 11.5 percent to 12 percent as a result of updated analyses provided by the IPHC. NMFS proposes to use the 12-percent rate in 1998. The proposed mortality rates listed in Table 6 are subject to change pending the results of an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff is scheduled to present to the Council at the Council's December 1997 meeting.

TABLE 6.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1998

Fishery	Assumed mortality (percent)
Hook-and-line gear fisheries:	
Rockfish	15
Pacific cod	12
Greenland turbot	11
Sablefish	29
Trawl gear fisheries:	
Midwater pollock	79
Non-pelagic pollock	76
Yellowfin sole	79
Rock sole	73
Flathead sole	65
Other flatfish	65

TABLE 6.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1998—Continued

Fishery	Assumed mortality (percent)
Rockfish	72
Pacific cod	68
Atka mackerel	73
Arrowtooth flounder	66
Greenland turbot	66
Sablefish	23
Other species	68
Pot gear fisheries Pacific cod	10

Classification

This action is authorized under 50 CFR 679 and is exempt from review under E.O. 12866.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1998 SAFE Report will be available for public review at the December 1997 Council meeting. After the December meeting, a final EA will be prepared on the final TAC amounts recommended by the Council.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce made the following certification to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these proposed specifications, if adopted, would not have a significant impact on a substantial number of small entities as follows:

The Small Business Administration has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of $3,000,000 as small businesses. Additionally, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a populations of 50,000 or less are considered small entities. NMFS has determined that a ''substantial number'' of small entities would generally be 20 percent of the total universe of small entities affected by the regulation. A regulation would have a ''significant economic impact'' on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent, or resulted in compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. NMFS typically assumes that all catcher vessels participating in the Alaska groundfish fisheries are ''small entities'' for purposes of the Regulatory Flexibility Act (RFA).

Based on the number of vessels that caught groundfish in 1996, the number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1998 Bering Sea and Aleutian Islands groundfish fishery is 410. All participants in the BSAI groundfish fisheries, including small entities, could be affected by the harvest limits established in the 1998 specifications. Thus, a substantial number of small entities would likely be affected by these proposed specifications.

No changes in the 1998 TACs are proposed relative to the 1997 TACs. Further, no significant changes in the socioeconomic condition of the BSAI groundfish fishery have occurred or are anticipated that could affect the economic impact on small entities of the 1998 specifications. Any changes in final TAC amounts for specific species that may be recommended by the Council at its December 1997 meeting likely would not have a significant economic impact given that the Alaska groundfish fishing fleet is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures.

Based on 1996 data presented in the preliminary 1998 SAFE report dated September 1997 (See **ADDRESSES**), the total exvessel value of the BSAI groundfish fishery is estimated at $413.1 million. These revenues are shared among small and large sector entities. Based on the proposed specifications, the value of the BSAI fishery is expected to remain at approximately this level with no significant allocation shifts between sectors. Thus, based on the SAFE report and the existence of no significant intervening changes, it is unlikely that the proposed specifications would have a significant economic impact on small entities. For the reasons presented above, these revenues are not expected to change significantly within either sector. This assessment will be reviewed again subsequent to the Council's final recommendations for 1998 TAC amounts. These final recommendations will be based on new information on the status of BSAI groundfish stocks that currently is not available. If the Council recommends significant changes to the proposed specifications, the potential economic impacts on small entities will be reevaluated.

Therefore, an initial regulatory flexibility analysis was not prepared.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

Dated: December 9, 1997.

Gary C. Matlock,

Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 97–32681 Filed 12–12–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297–7297–01; I.D. 112097A]

Groundfish Fishery of the Gulf of Alaska; Fisheries of the Exclusive Economic Zone; Proposed 1998 Harvest Specifications for Groundfish

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

ACTION: Proposed 1998 harvest specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1998 harvest specifications for groundfish, reserves and apportionment thereof, Pacific halibut prohibited species catch (PSC) limits, and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits and associated management measures for groundfish the 1998 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the GOA and to provide an opportunity for public participation in the annual groundfish specification process.

DATES: Comments must be received by January 14, 1998.

ADDRESSES: Comments must be sent to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel.

The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501–2252 (907–271–2809).

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–486–6919.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the GOA are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and the ''other species'' category, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20 (a)(1)(ii)). Section 679.20(c)(1) further requires NMFS to annually solicit public comment on proposed annual TACs and publish halibut PSC amounts, seasonal allowances of pollock, and inshore/offshore Pacific cod. The proposed specifications set forth in Tables 1–6 of this action satisfy these requirements. For 1998, the sum of the proposed TAC amounts is 309,715 mt. Under § 679.20(c)(3), NMFS will publish the final specifications for 1998 after considering (1) comments received within the comment period (see **DATES**), and (2) consultations with the Council at its December 1997 meeting.

Section 679.20(c)(2)(i) requires that interim specifications—one-fourth of each proposed TAC and apportionment thereof (not including the reserves and the first seasonal allowance of pollock), one-fourth of the proposed halibut PSC amounts, and the proposed first seasonal allowance of pollock—be established effective 0001 hours, Alaska local time (A.l.t.) January 1, that will remain in effect until the effective date of by the final 1998 harvest specifications, which will be published in the **Federal Register**.

NMFS is publishing, in the Rules and Regulations section of this **Federal Register** volume, interim TAC specifications and apportionments thereof for the 1998 fishing year that will become effective 0001 hours, A.l.t. January 1, 1998, and remain in effect until superseded by the final 1998 harvest specifications. Proposed Acceptable Biological Catch (ABC) and TAC Specifications

The proposed ABC and TAC for each species are based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SCC) reviewed current biological information about the condition of groundfish stocks in the GOA at their September 1997 meeting. This information was compiled by the Council's GOA Plan Team and is presented in the preliminary 1998 SAFE report for the GOA groundfish fisheries, dated September 1997. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1998 SAFE report will be updated to include new information collected during 1997. Revised stock assessments will be made available by the Plan Team in November 1997 and be included in the final 1998 SAFE report.

The proposed ABC amounts adopted by the Council for the 1998 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The proposed ABCs also are based on new definitions of ABC and overfishing that were approved by NMFS under Amendment 44 to the FMP (62 FR 2652, January 17, 1997). In general, the new definitions involve sophisticated statistical analyses of fish populations and are based on a successive series of six levels or tiers of reliable information available to fishery scientists. The revised definitions result in lower exploitation rates and ABCs for most species, although biomass estimates are generally unchanged.

Details of the Plan Team's recommendations for preliminary 1998 overfishing and ABC amounts for each species are provided in the preliminary 1998 SAFE report. This report is available from the Council (see **ADDRESSES**). At its September 1997 meeting, the Council's SSC reviewed the Plan Team's preliminary recommendations for 1998 ABC amounts. The SSC concurred in the Plan Team's recommendations except for the ABCs for deep-water flatfish in the Western and Central areas of the GOA and for nearshore pelagic shelf rockfish in the Central area of the GOA. For these stocks the Plan Team had based its ABC recommendations on a tier six calculation of average catch of these species for the period 1991 though 1997, rather than for the period 1987 though 1995 as specified in Amendment 44 to the FMP. The SSC's corrected ABC recommendations were unchanged from 1997 and equaled 3,690 mt for deep-water flatfish in the Western area, 3,140 mt for deep-water flatfish in the Central area, and 260 mt for nearshore pelagic shelf rockfish in the Central area of the GOA. The Council adopted the proposed overfishing and ABC amounts recommended by the SSC (Table 1).

At its June 1997 meeting, the Council adopted Amendment 46 to the FMP. This amendment would remove the nearshore component of pelagic shelf rockfish (consisting of black rockfish and blue rockfish) from the FMP. The intent of this action was to provide the State of Alaska with full management authority for these stocks. The Council believes that regional management of these stocks by the Alaska Department of Fish and Game will more fully address fishery and management concerns. A proposed rule to implement Amendment 46 was published in the **Federal Register** on December 2, 1997 (62 FR 63690). Pending the timely approval of Amendment 46 by NMFS, the final 1998 specifications would not include specifications for the nearshore component of pelagic shelf rockfish as proposed in Table 1.

Specification and Apportionment of TAC Amounts and Reserves

The Council adopted the AP's proposals for the 1998 GOA TAC amounts. For each species these amounts equal the 1997 TAC amounts except for pollock, which equals the 1998 ABC recommended by the Plan Team, SSC, and AP. NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 116,000–800,000 mt.

The reserves for the GOA (under § 679.20(b)(2)) are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish target species categories, and ''other species.'' The GOA groundfish TAC amounts have been fully utilized by the respective domestic target species categories since 1987, and NMFS expects the same to occur in 1998. NMFS proposes apportionment of all the reserves to the respective target species categories except for Pacific cod. The Pacific cod fishery in the GOA has become increasingly difficult to manage. The increased number of participants, unexpected increases in harvest rates, and unexpected shifts to other management areas and targets in the GOA have resulted in overharvests of Pacific cod in some areas. Therefore, NMFS proposes to initially reserve 20 percent of the Pacific cod TACs in the GOA as a management buffer to prevent exceeding the Pacific cod TAC.

Table 1 sets forth the proposed 1998 ABC, TAC, initial TAC amounts (for Pacific cod only), overfishing levels, and initial apportionments of groundfish in the GOA. The section following Table 1 discusses the apportionment of TAC amounts among fisheries. These

proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, new information regarding the fishery, and consultation with the Council at its December 1997 meeting.

TABLE 1.—PROPOSED 1998 ABCS, TACS, INITIAL TACS (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUNDFISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA

Species	Area [1]	ABC	TAC	Initial TAC	Overfishing
		(mt)			
Pollock [2]					
Shumagin	(610)	24,200	24,200		
Chirikof	(620)	40,660	40,660		
Kodiak	(630)	31,940	31,940		
Subtotal	W/C	96,800	96,800		137,900
	E	8,800	8,800		12,600
Total		105,600	105,600		150,500
Pacific cod [3]					
	W	28,500	24,225	19,380	
	C	51,400	43,690	34,952	
	E	1,600	1,200	960	
Total		81,500	69,115	55,292	180,000
Flatfish (deep-water) [4]	W	340	340		
	C	3,690	3,690		
	E	3,140	3,140		
Total		7,170	7,170		9,420
Rex sole [4]	W	1,190	1,190		
	C	5,490	5,490		
	E	2,470	2,470		
Total		9,150	9,150		11,920
Flathead sole	W	8,440	2,000		
	C	15,630	5,000		
	E	2,040	2,040		
Total		26,110	9,040		34,010
Flatfish (shallow-water) [5]	W	22,570	4,500		
	C	19,260	12,950		
	E	1,320	1,180		
Total		43,150	18,630		59,540
Arrowtooth flounder	W	33,010	5,000		
	C	149,640	25,000		
	E	25,690	5,000		
Total		208,340	35,000		295,970
Sablefish [6]	W	1,860	1,860		
	C	6,410	6,410		
	WYK	2,410	2,410		
	SEO	3,840	3,840		
Total		14,520	14,520		30,360
Pacific ocean perch [7]	W	2,230	1,472		3,190
	C	8,160	5,352		11,630
	E	5,450	2,366		7,770
Total		15,840	9,190		22,590
Short raker/rougheye [8]	W	160	160		
	C	970	970		
	E	460	460		

TABLE 1.—PROPOSED 1998 ABCS, TACS, INITIAL TACS (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUNDFISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

Species	Area [1]	ABC	TAC	Initial TAC	Overfishing
Total		1,590	1,590		2,740
Other rockfish [9 10 11]	W	20	20		
	C	650	650		
	E	4,590	1,500		
Total		5,260	2,170		7,560
Northern Rockfish [12]	W	840	840		
	C	4,150	4,150		
	E	10	10		
Total		5,000	5,000		9,420
Pelagic shelf rockfish [13]	W combined	570	570		
	C nearshore	260	260		350
	C offshore	3,320	3,320		
	E combined	990	990		
Total excl.	C nearshore	4,880	4,880		
Total incl.	C nearshore	5,140	5,140		8,190
Demersal shelf rockfish [11]	SEO	950	950		1,450
Thornyhead rockfish	GW	1,700	1,700		2,440
Atka mackerel	GW	1,000	1,000		6,200
Other species [14]	GW	N/A [15]	14,750		
Total [16]		531,020	309,715		832,540

[1] Regulatory areas and districts are defined at § 679.2.
[2] Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into three seasonal allowances. In the Eastern Regulatory Area, pollock is not divided into seasonal allowances.
[3] Pacific cod is allocated 90 percent for processing by the inshore, and 10 percent for processing by the offshore component. Component allocations are shown in Table 4.
[4] ''Deep-water flatfish'' means Dover sole and Greenland turbot.
[5] ''Shallow-water flatfish'' means flatfish not including ''deep-water flatfish,'' flathead sole, rex sole, or arrowtooth flounder.
[6] Sablefish is allocated to trawl and hook-and-line gears (Table 2).
[7] ''Pacific ocean perch'' means *Sebastes alutus*.
[8] ''Shortraker/rougheye rockfish'' means *Sebastes borealis* (shortraker) and S. *aleutianus* (rougheye).
[9] ''Other rockfish'' in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category ''other rockfish'' in the Southeast Outside District means Slope rockfish.
[10] ''Slope rockfish'' means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegates* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), S. *proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), and *S. reedi* (yellowmouth).
[11] ''Demersal shelf rockfish'' means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S.* helvomaculatus (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).
[12] ''Northern rockfish'' means *Sebastes polyspinis*.
[13] ''Pelagic shelf rockfish'' means *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail). ''Pelagic shelf rockfish nearshore'' means *Sebastes melanops* (black) and *S. mystinus* (blue). ''Pelagic shelf rockfish offshore'' means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).
[14] ''Other species'' means sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for ''other species'' equals 5 percent of the TACs of target species.
[15] N/A means not applicable.
[16] The total ABC is the sum of the ABCs for target species.

Proposed Apportionment of the Sablefish TAC Amounts to Users of Hook-and-Line and Trawl Gear

Under § 679.20(a)(4)(i) and (ii), sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC amounts is allocated to vessels using hook-and-line gear and 20 percent is allocated to vessels using trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to vessels using hook-and-line gear and 5 percent is assigned to vessels using trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed fisheries for other trawl target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl must be treated as prohibited species and may not be retained. Table 2 sets forth the assignments of the proposed 1998 sablefish TAC amounts between vessels using hook-and-line and trawl gears.

TABLE 2.—PROPOSED 1998 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ASSIGNMENTS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR

Area/District	TAC	Hook-and-line share	Trawl share
	(mt)		
Western	1,860	1,488	372
Central	6,410	5,128	1,282
Eastern:			
West Yakutat	2,410	2,290	120
Southeast Outside	3,840	3,648	192
Total	14,520	12,554	1,966

Proposed Apportionments of Pollock and Pacific Cod TAC Amounts

In the GOA, pollock is apportioned by area and season. Section 679.20(a)(5)(ii)(A) requires that the TAC for pollock in the combined Western/Central (W/C) Regulatory Areas be apportioned among statistical areas Shumagin (610), Chirikof (620), and Kodiak (630) in proportion to known distribution of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Under § 679.20(a)(5)(ii)(B), the pollock TAC for the W/C Regulatory Areas is apportioned into three seasonal allowances of 25, 25 and 50 percent, respectively. As established under § 679.23(d)(2), the first, second, and third seasonal allowances of the W/C Regulatory Area pollock TAC amounts are available on January 1, June 1, and September 1, respectively. Within any fishing year, any unharvested amount of any seasonal allowance of pollock TAC is added in equal proportions to all subsequent seasonal allowances, resulting in a sum for each allowance not to exceed 150 percent of the initial seasonal allowance. Similarly, harvests in excess of a seasonal allowance of TAC are deducted in equal proportions from the remaining seasonal allowances of that fishing year. The Eastern Regulatory Area proposed TAC of 8,800 mt is not allocated among smaller areas, or seasonally.

Section 679.20(a)(6)(ii) requires the allocation of the pollock apportionment in all regulatory areas and for all seasonal allowances to the inshore and offshore components as defined at § 679.2. Similarly, § 679.20(a)(6)(iii) requires allocation of the Pacific cod apportionment in all regulatory areas to the inshore and offshore components. The inshore component would be allocated as 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Administrator, Alaska Region, NMFS (Regional Administrator), to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. The proposed distribution of pollock within the combined W/C Regulatory Areas is shown in Table 3, except that the allocation to the inshore and offshore components are not shown.

The inshore component for Pacific cod would be allocated as 90 percent of the TAC in each regulatory area. Inshore and offshore component allocations of the proposed 55,292 mt initial TAC for each regulatory area are set forth in Table 4.

TABLE 3.—PROPOSED DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL

Statistical area	Biomass percent	1998 ABC = TAC	Seasonal Allowances		
			First	Second	Third
		(mt)			
Shumagin (610)	25	24,200	6,050	6,050	12,100
Chirikof (620)	42	40,660	10,165	10,165	20,330
Kodiak (630)	33	31,940	7,985	7,985	15,970
Total	100	96,800	24,200	24,200	48,400

NOTE: Allowances. ABC for the W/C GOA is proposed to be 96,800 metric tons (mt). Biomass distribution is based on 1996 survey data. TAC amounts are equal to ABC. Inshore and offshore allocations of pollock are not shown.

TABLE 4.—PROPOSED 1998 ALLOCATION OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS.

Regulatory area	Initial TAC	Component Allocation	
		Inshore (90%)	Offshore (10%)
	(mt)		
Western	19,380	17,442	1,938
Central	34,952	31,457	3,495

TABLE 4.—PROPOSED 1998 ALLOCATION OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS.—Continued

Regulatory area	Initial TAC	Component Allocation	
		Inshore (90%)	Offshore (10%)
Eastern	960	864	96
Total:	55,292	49,763	5,529

"Other Species" TAC

The FMP specifies that amounts for the ''other species'' category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide ''other species'' TAC is calculated as 14,750 mt, which is 5 percent of the sum of combined TAC amounts for the target species.

Proposed Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line gear and may be established for pot gear. At its September meeting, the Council recommended that NMFS reestablish the PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-and-line limit allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and the remainder to the remaining hook-and-line fisheries. The Council did not propose seasonal apportionments of these PSC limits but may recommend such apportionments at its December 1997 meeting. Section 679.21(d)(4) authorizes the exemption of specified nontrawl fisheries from the halibut PSC limit. As in 1996 and 1997, the Council proposes to exempt pot gear and the hook-and-line sablefish fishery from the nontrawl halibut limit for 1998. The Council proposed these exemptions because the halibut bycatch mortality experienced in the pot gear fisheries was low (17 mt in 1996, and 13 mt in 1997) and because the sablefish and halibut Individual Fishing Quota (IFQ) program, implemented in 1995, allows retention of legal-sized halibut in the sablefish fishery by persons holding IFQ permits for halibut.

NMFS preliminarily concurs in the Council's 1998 recommendations for halibut bycatch limits.

Section 679.21(d)(3)(iii) authorizes the apportionment of the trawl halibut PSC limit to a deep-water species fishery (consisting of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder) and a shallow-water species fishery (consisting of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and ''other species''). The proposed apportionment for these two fishery complexes is presented in Table 5 and is unchanged from 1997.

TABLE 5.—PROPOSED 1998 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX

Season	Shallow-water	Deep-water	Total
	(mt)		
Jan. 20–Sep. 30	800	800	1,600
Oct. 1–Dec. 31	.....	.....	400
Total	.....	.....	2,000

There is no apportionment between shallow-water and deep-water fishery categories between October 1 and December 31.

Some changes may be made by the Council or NMFS in the seasonal, gear type and fishing-complex apportionments of halibut PSC limits for the final 1998 harvest specifications. NMFS considers the following types of information in setting halibut PSC limits as presented by, and summarized from, the preliminary 1998 SAFE Report, or from public comment and testimony.

Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from data collected during 1997 by observers. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through October 18, 1997, is 1,748 mt, 210 mt, and 13 mt, respectively, for a total halibut mortality of 1,971 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the first, second, and third quarters of the 1997 fishing year and are anticipated to constrain trawl gear fisheries during the fourth quarter. Trawling for the deep-water fishery complex was closed during the first quarter on March 15 (62 FR 13352, March 20, 1997), for the second quarter on April 14 (62 FR 18725, April 17, 1997), and for the third quarter on July 20 (62 FR 39782, July 24, 1997). The shallow-water fishery complex was closed in the second quarter on May 6 (62 FR 25138, May 8, 1996) and in the third quarter on August 8 (62 FR 43485, August 14, 1996). The amount of groundfish that might have been harvested if halibut had not been seasonally limiting in 1997 is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

Expected Changes in Groundfish Stocks

At its September 1997 meeting, the Council recommended 1998 ABC amounts higher than 1997 ABC amounts for pollock, arrowtooth, and Pacific ocean perch (POP). The proposed 1998 ABC amounts for the remaining species or species groups are unchanged from 1997 amounts. More information on these proposed changes is included in the preliminary SAFE Report, dated September 1997, and in the AP, SSC, and Council minutes from the September 1997 meeting.

Expected Changes in Groundfish Catch

The total of the proposed 1998 TAC amounts for the GOA is 309,715 mt, which represents 110 percent of the sum of TAC amounts for 1997 (282,815 mt). Increases in TAC are proposed for pollock, arrowtooth, and POP. The proposed increases in TAC should not directly affect halibut bycatch.

Current Estimates of Halibut Biomass and Stock Condition

The most recent information on halibut biomass and stock condition may be found in the 1997 final SAFE report, dated December 1997. New information will be incorporated in the final 1998 SAFE report.

The International Pacific Halibut Commission (IPHC) has been developing substantially different methods of estimating halibut biomass and stock conditions. These methods have resulted in new estimates of biomass and recruitment. The IPHC estimates of biomass and recruitment of halibut are higher than previously indicted. The increase in estimated biomass under the new method can be attributed to three factors.

1. Halibut size at age information is better represented in the population model. Growth has declined and the new method more appropriately accounts for the availability of young halibut to capture by hook and line gear; the estimated abundance of young halibut has increased accordingly.

2. Bycatch mortality of legal-sized halibut (32 inches or greater) is now included in the assessment along with other removals such as commercial and sport; this inclusion of bycatch mortality causes the estimated biomass to increase to account for the increase in removals.

3. Catch rates from IPHC hook and line surveys are included in the analysis; these data support trends observed in the commercial fishery that the halibut population has increased.

The 1987 year class of halibut is large, although individual fish are small. The strength of this year class has increased current estimates of abundance and suggests that halibut biomass is likely to stay high for the next several years.

Potential Impacts of Expected Fishing for Groundfish on Halibut Stocks and U.S. Halibut Fisheries

The allowable commercial catch of halibut will be adjusted to account for the overall halibut PSC mortality limit established for groundfish fisheries. The 1998 groundfish fisheries are expected to use the entire proposed halibut PSC limit of 2,300 mt. The allowable directed commercial catch is determined by accounting for the recreational catch, waste, and bycatch mortality, and then providing the remainder to the directed fishery. Groundfish fishing is not expected to affect the halibut stocks.

Methods Available for, and Costs of, Reducing Halibut Bycatches in Groundfish Fisheries

Methods available for reducing halibut bycatch include (1) Reducing halibut bycatch rates through the Vessel Incentive Program (2) modifications to gear (3) changes in groundfish fishing seasons (4) individual transferable quota programs and (5) time/area closures.

Reductions in groundfish TAC amounts provide no incentive for fishermen to reduce bycatch rates. Costs that would be imposed on fishermen as a result of reducing TAC amounts depend on species and amounts of groundfish foregone.

Trawl vessels carrying observers for purposes of complying with the observer coverage requirements (50 CFR 679.50) are subject to the Vessel Incentive Program. The program encourages trawl fishermen to avoid high halibut bycatch rates while conducting groundfish fisheries by specifying bycatch rate standards for various target fisheries.

Current regulations (§ 679.24(b)(1)(ii)) require groundfish pots to have halibut exclusion devices to reduce halibut bycatch. Resulting low bycatch and mortality rates of halibut in pot fisheries have justified exempting pot gear from PSC limits.

The regulations also define pelagic trawl gear in a manner intended to reduce bycatch of halibut by displacing fishing effort off the bottom of the sea floor when certain halibut bycatch levels are reached during the fishing year. The definition provides standards for physical conformation (§ 679.2, see Authorized gear) and performance of the trawl gear in terms of crab bycatch (§ 679.7(b)(3)). Furthermore, all hook-and-line vessel operators are required to employ careful release measures when handling halibut bycatch (§ 679.7(b)(2)). These measures are intended to reduce handling mortality, increase the amount of groundfish harvested under the available halibut mortality bycatch limits, and possibly lower overall halibut bycatch mortality in groundfish fisheries.

The sablefish/halibut IFQ program (implemented in 1995) was intended, in part, to reduce the halibut discard mortality in the sablefish fishery.

Methods available for reducing halibut bycatch listed above will be reviewed by NMFS and the Council to determine their effectiveness. Changes will be initiated, as necessary, in response to this review or to public testimony and comment.

Consistent with the goals and objectives of the FMP to reduce halibut bycatches while providing an opportunity to harvest the groundfish OY, NMFS proposes the assignments of 2,000 mt and 300 mt of halibut PSC mortality limits to trawl and hook-and-line gear, respectively. While these limits would reduce the harvest quota for commercial halibut fishermen, NMFS has determined that they would not result in unfair allocation to any particular user group. NMFS recognizes that some halibut bycatch will occur in the groundfish fishery, but the Vessel Incentive Program, required modifications to gear, and implementation of the halibut IFQ program are intended to reduce adverse impacts on halibut fishermen while promoting the opportunity to achieve the OY from the groundfish fishery.

Halibut Discard Mortality Rates

The Council recommended that revised assumed halibut mortality rates developed by staff of the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1998 GOA groundfish fisheries. NMFS concurs in the Council's recommendation. Most of the IPHC's assumed mortality rates were based on an average of mortality rates determined from NMFS-observer data collected during 1995 and 1996. For fisheries where a steady trend from 1993 to 1996 towards increasing or decreasing mortality rates was observed, the IPHC recommended using the most recent year's rate. Rates for 1995 and 1996 were lacking for some fisheries, so rates from the most recent years were used. Most of the assumed mortality rates recommended for 1998 differ slightly from those used in 1997. The recommended rates are the same as 1997 for all longline targeted fisheries, except rockfish, for which the rate is higher. The recommended rates for longline targeted fisheries range from 9 to 24 percent. The recommended rates are higher for all trawl targeted fisheries and range from 57 to 73 percent. The recommended rates are lower for all pot-targeted fisheries at 14 percent. The halibut mortality rates are listed in Table 6.

The proposed mortality rates listed in Table 6 are subject to change after the Council considers an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff are

scheduled to present to the Council at the Council's December 1997 meeting.

TABLE 6.—PROPOSED 1998 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA. TABLE VALUES ARE PERCENT OF HALIBUT BYCATCH ASSUMED TO BE DEAD

Gear and target	Percent
Hook-and-line:	
Sablefish	24
Pacific cod	12
Rockfish	9
Other species	12
Trawl:	
Midwater pollock	66
Rockfish	68
Shallow-water flatfish	71
Pacific cod	67
Deep-water flatfish	64
Bottom pollock	73
Atka mackerel	57
Flathead sole	67
Rex sole	69
Sablefish	67
Other species	67
Pot:	
Pacific cod	14
Pollock	14
Other species	14

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1998 SAFE Report will be available for public review at the December 1997 Council meeting. After the December meeting, a final EA will be prepared on the final TAC amounts recommended by the Council.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce the following certification to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these proposed specifications, if adopted, would not have a significant impact on a substantial number of small entities as follows:

The Small Business Administration has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of $3,000,000 as small businesses. Additionally, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a populations of 50,000 or less are considered small entities. NMFS has determined that a ''substantial number'' of small entities would generally be greater than or equal to 20 percent of the total universe of small entities affected by the regulation. A regulation would have a ''significant economic impact'' on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent, or resulted in compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. NMFS typically assumes that all catcher vessels participating in the Alaska groundfish fisheries generally are ''small entities'' for purposes of the Regulatory Flexibility Act (RFA). Based on the number of vessels that caught groundfish in 1996, the number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1998 GOA groundfish fishery is 1,492. Of these, about 200 vessels used trawl gear to harvest GOA groundfish. All participants in the GOA groundfish fisheries, including small entities, could be affected by the harvest limits established in the 1998 specifications. Thus a substantial number of small entities would likely be affected by the proposed specifications.

The only change in the proposed 1998 TAC amounts relative to 1997 is a 25,620 mt increase in the pollock TAC. No significant changes in the socioeconomic condition of the GOA groundfish fishery have occurred or are anticipated that could affect the economic impact on small entities of the 1998 specifications. Any changes in final TAC amounts for specific species that may be recommended by the Council at its December 1997 meeting likely would not have a significant economic impact on a substantial number of small entities given that the Alaska groundfish fishing fleet is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures. The proposed TAC increase for GOA pollock would positively benefit trawl catcher vessels that harvest this species. Based on an exvessel price for GOA pollock of $ 0.102 per lb as reported in the preliminary 1998 Stock Assessment Fishery Evaluation (SAFE) report dated September 1997 (See **ADDRESSES**), the potential increased revenue to trawl catcher vessels is $5.8 million, assuming all of the fish is harvested and landed.

Based on 1996 data presented in the preliminary 1998 SAFE report, the total exvessel value of the GOA groundfish fishery is estimated at $125.3 million. These revenues are shared among small and large sector entities. Based on the proposed specifications, the value of the GOA fishery is expected to remain at approximately this level with no significant allocation shifts between sectors, and for the reasons presented above, these revenues are not expected to be reduced significantly within either sector. Thus, based on the SAFE report, and the existence of no significant intervening changes, it is unlikely that the proposed specifications would have a significant economic impact on small entities. In fact, a positive impact on small entities would occur to the extent that TAC amounts for pollock are increased. This assessment will be reviewed again subsequent to the Council's final recommendations for 1998 TAC amounts. The final recommendations will be based on new information on the status of GOA groundfish stocks that currently is not available. If the Council recommends significant changes to the proposed specifications, the potential economic impacts on small entities will be re-evaluated.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

Dated: December 9, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–32684 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 62, No. 240

Monday, December 15, 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.

Joint Board for the Enrollment of Actuaries

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Conference Room 118 of the Aerospace Building, L'Enfant Plaza, 901 D Street, SW, Washington, DC, on Thursday and Friday, January 8 and 9, 1998, from 8:30 a.m. to 5 p.m. each day.

The purpose of this meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B) and to review the November 1997 Joint Board examination in order to make recommendations relative thereto, including the minimum acceptable pass score. In addition, a number of issues will be discussed relative to the future Joint Board examinations including, but not limited to, the structure of the exams, the possibility of open book exams, the elimination of commutation functions, and varying point values of questions.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) that the portions of the meeting dealing with the discussion of questions which may appear on future Joint Board examinations and review of the November 1997 Joint Board examination fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552(c)(9)(B), and that public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the structure of future exams, open book exams, commutation functions, and varying point values of questions will commence at 1:30 p.m. on January 8 and will continue for as long as necessary to complete the discussion, but not beyond 3:00 p.m. This portion of the meeting will be open to the public as space is available. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements are requested to notify the Committee Management Officer in writing prior to the meeting in order to aid in scheduling the time available, and should submit the written text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Persons planning to attend the public session must also notify the Committee Management Officer in writing to obtain building entry. Notifications should be faxed to (202) 401–6657 no later than December 30, 1997, Attention: Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Department of Treasury, Internal Revenue Service (C:AP:P), 1111 Constitution Avenue, NW, Washington, DC 20224.

Dated: December 8, 1997.

Robert I. Brauer,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 97–32672 Filed 12–12–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–111–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the Foreign Animal Disease Surveillance Program.

DATES: Comments on this notice must be received by February 13, 1998 to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 97–111–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket 97–111–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION: For information regarding the Foreign Animal Disease Program, contact Dr. Mark Teachman, Senior Staff Veterinarian, Emergency Programs, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737–1231, (301) 734–8908. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Field Epidemiology Data System.

OMB Number: 0579–0071.

Expiration Date of Approval: August 31, 1998.

Type of Request: Extension of approval of an information collection.

Abstract: The United States Department of Agriculture (USDA) is responsible for preventing foreign diseases of livestock or poultry from entering the United States, for conducting a surveillance program for the early detection of such foreign animal diseases, and for eradicating such foreign animal diseases if they are detected.

Through our Foreign Animal Disease Surveillance Program, the Emergency Programs division of Veterinary Services, Animal and Plant Health

Inspection Service (APHIS), USDA, compiles essential epidemiologic and diagnostic data that are used to define foreign animal diseases and their risk factors. When a potential foreign animal disease incident is reported, APHIS dispatches a foreign animal disease veterinary diagnostician to the site to conduct an investigation.

The diagnostician obtains vital epidemiologic data by conducting field investigations and by interviewing the owner or manager of the premises being investigated.

These important data include such items as the number of sick or dead animals on the premises, the results of necropsy examinations, vaccination information on the animals in the flock or herd, the level of biosecurity practiced at the site, whether any animals were recently moved out of the herd or flock, whether any new animals were recently introduced into the herd or flock, and detailed geographic data concerning premises location.

The diagnostician records this information on VS Form 12–27. Information from this form is then entered into our Field Epidemiology Data System (FEDS).

VS Form 12–27 is used for both task force emergency disease investigations and all suspect foreign animal disease investigations. After laboratory confirmation of a specific foreign animal disease, the information collected on the form ensures prompt attention and follow-up by a disease eradication specialist.

We are asking the Office of Management and Budget (OMB) to approve the continued use of this information collection activity.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average .5 hours per response.

Respondents: Owners and operators of livestock and poultry producing operations, State personnel who assist with information collection.

Estimated number of respondents: 260.

Estimated annual number of responses per respondent: 1.615.

Estimated annual number of responses: 420.

Estimated total annual burden on respondents: 210 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 9th day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–32660 Filed 12–12–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–112–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the Swine Health Protection Program.

DATES: Comments on this notice must be received by February 13, 1998 to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 97–112–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket 97–112–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION: For information regarding the Swine Health Protection Program, contact Dr. Arnold Taft, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–4916. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Swine Health Protection.

OMB Number: 0579–0065.

Expiration Date of Approval: July 31, 1998.

Type of Request: Extension of approval of an information collection.

Abstract: The United States Department of Agriculture is responsible for preventing the spread of contagious, infectious, or communicable diseases of livestock or poultry from one State to another, and for eradicating such diseases from the United States when feasible.

The Swine Health Protection Act prohibits the feeding of garbage to swine unless the garbage has been treated to kill disease organisms. Untreated garbage is one of the primary media through which numerous infections and communicable diseases are transmitted to swine. The garbage must be treated at a facility holding a valid permit to treat the garbage. The garbage must be treated in accordance with regulations promulgated by the Animal and Plant Health Inspection Service (APHIS). APHIS requires certain information in order to license (issue a permit to) a facility to operate and in order to monitor the facility for compliance with the regulations.

Information collection activities include the submission of an application for a license to operate a garbage treatment facility, the recording of the destination and date of removal of all food waste or garbage from the treatment facility, and the submission of food waste reports.

With this information we are able to carefully monitor garbage treatment facilities to ensure that they are adhering to our requirements.

The information provided by these information gathering activities is

critical to our ability to prevent the interstate spread of various swine diseases, and, therefore, plays a vital role in our Swine Health Protection Program.

We are asking the Office of Management and Budget (OMB) to approve the continued use of this information collection activity.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average .890 hours per response.

Respondents: Operators of garbage treatment facilities.

Estimated number of respondents: 264.

Estimated annual number of responses per respondent: 2.48.

Estimated annual number of responses: 656.

Estimated total annual burden on respondents: 584 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 9th day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–32661 Filed 12–12–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1998 Annual Demographic Survey—Supplement to the Current Population Survey.

Form Number(s): CPS–580, -589(SP), -676, 676(SP).

Agency Approval Number: 0607–0354.

Type of Request: Reinstatement, with change, of an expired collection.

Burden: 20,410 hours.

Number of Respondents: 50,500.

Avg Hours Per Response: 24 and one half minutes.

Needs and Uses: The Bureau of the Census conducts the Annual Demographic Survey (ADS) every year in March as a supplement to the Current Population Survey (CPS). The Bureau of the Census, the Bureau of Labor Statistics, and the Department of Health and Human Services sponsor this supplement. In the ADS, we collect information on work experience, migration, personal income and noncash benefits, household noncash benefits, and race.

The work experience items in the ADS provide a unique measure of the dynamic nature of the labor force as viewed over a one-year period. The income data from the ADS are used by social planners, economists, Government officials, and market researchers to gauge the economic well-being of the Nation as a whole, and selected population groups of interest. Researchers evaluate March income data not only to determine poverty levels, but also to determine whether Government programs are reaching eligible households.

We have made question changes, additions, and deletions to the 1998 supplement to address changes caused by the recent welfare reform and changes recommended by interviewers, data users, and others.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182 and Title 29 U.S.C., Sections 1–9.

OMB Desk Officer: Nancy Kirkendall, (202) 395–7313.

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, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Nancy Kirkendall, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: December 9, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–32686 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 934]

Expansion of Foreign-Trade Zone 15: Kansas City, Missouri, Area (Carthage, Missouri, Site)

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the Greater Kansas City Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 15, Kansas City, Missouri, area, for authority to expand FTZ 15 to include an additional site in Carthage, Missouri, was filed by the Board on February 11, 1997 (FTZ Docket 7–97, 62 FR 8422, 2/25/97);

Whereas, notice inviting public comment was given in **Federal Register** and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 15 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to the standard 2,000-acre activation limit for the overall zone project.

Signed at Washington, DC, this 8th day of December 1997.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–32692 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 81–97]

Proposed Foreign-Trade Zone: Lakewood, New Jersey; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Township of Lakewood, New Jersey, to establish a general-purpose foreign-trade zone in Lakewood, New Jersey, adjacent to the Philadelphia Consolidated Customs port of entry. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 8, 1997. The applicant is authorized to make the proposal under New Jersey Statutes Annotated 12:13–1.

The proposed zone would be the third general-purpose zone in the New Jersey portion of the Philadelphia Consolidated Customs port of entry area. The existing zones are: FTZ 142 at sites in Salem/Millville, New Jersey (Grantee: South Jersey Port Corporation, Board Order 358, 52 F.R. 33855, 9/8/87); and FTZ 200 in Mercer County, New Jersey (Grantee: County of Mercer, New Jersey, Board Order 683, 59 F.R. 13698, 3/23/94).

The proposed new zone would consist of 2 sites (2,248 acres) in the Township of Lakewood: *Site 1* (3 contiguous parcels, 1,996 acres)—*Parcel A* (1,540 acres)—Lakewood Industrial Park (includes the Lakewood Airport), State Highway Route 70, Lakewood; *Parcel B* (47 acres)—Pine Street South Industrial District, Pine Street, Lakewood; *Parcel C* (409 acres)—Lakewood Industrial Campus West, Cedar Bridge Avenue, Lakewood; and *Site 2* (252 acres)—Prospect Street Industrial Park, Prospect and James Streets, Lakewood. Parcel A in Site 1 and Site 2 are located within a State Urban Enterprise Zone, and Parcels B and C are expected to be included in a proposed expansion of the Urban Enterprise Zone. The applicant or the Lakewood Industrial Commission owns a substantial portion of the land, with the remaining property being privately owned.

The application contains evidence of the need for foreign-trade zone services in the Lakewood area. Several firms have indicated an interest in using zone procedures for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on January 15, 1998, 1:00 p.m., Conference Room C, Township of Lakewood Municipal Building, 231 Third Street, Lakewood, New Jersey 08701.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 13, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 2, 1998.

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Office of the Municipal Clerk, Township of Lakewood Municipal Building, 2nd Floor—Room 8, 231 Third Street, Lakewood, NJ 08701

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: December 9, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–32691 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 939]

Grant of Authority for Subzone Status: The B&F System, Inc. (Consumer Products/Knife Assembly), Dallas, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Dallas/Fort Worth Maquila Trade Development Corporation, grantee of Foreign-Trade Zone 168, for authority to establish special-purpose subzone status at the warehousing/distribution and processing facility of The B&F System, Inc., in Dallas, Texas, was filed by the Board on November 6, 1996, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 81–96, 61 FR 58860, 11–19–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 168A) at the The B&F System, Inc., facility in Dallas, Texas, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the condition that foreign origin merchandise related to the assembly activity shall be admitted to the subzone in privileged foreign status.

Signed at Washington, DC, this 8th day of December 1997.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–32693 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 933]

Expansion/Relocation of Foreign-Trade Subzone 84L, California Microwave—Microwave Network Systems, Inc. (Telecommunications Products), Houston, Texas Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the Port of Houston Authority, grantee of Foreign-Trade Zone 84, Houston, Texas, area, requesting authority on behalf of California Microwave—Microwave Network Systems, Inc., to relocate subzone status (Subzone 84L) to a larger facility located in Stafford, Texas, was filed by the Board on January 22, 1997 (FTZ Docket 4–97, 62 FR 7751, 2/20/97);

Whereas, notice inviting public comment was given in **Federal Register** and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand/relocate FTZ 84L is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the condition that the company elect privileged foreign status on foreign merchandise admitted to the subzone.

Signed at Washington, DC, this 3rd day of December 1997.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–32628 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–813]

Notice of Extension of Time Limit of Antidumping Duty Administrative Review: Canned Pineapple Fruit From Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: December 15, 1998.

SUMMARY: The Department of Commerce is extending the time limit for the final results of the first administrative review on canned pineapple fruit from Thailand. The Department has determined that it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Tariff Act of 1930, as amended.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Kris Campbell, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1442 and (202) 482–3813, respectively.

SUPPLEMENTARY INFORMATION: On August 7, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on canned pineapple fruit from Thailand. *See Canned Pineapple Fruit from Thailand; Preliminary Results and Partial Termination of Antidumping Duty Administrative Review* (62 FR 42487). The review covers shipments of this merchandise to the United States during the period of review January 11, 1995, through June 30, 1996, and three manufacturers/exporters of the subject merchandise: Siam Food Products Public Company Ltd., The Thai Pineapple Public Company, Ltd., and Thai Pineapple Canning Industry Corp., Ltd.

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) directs the Department to issue its final results of review within 120 days after the date on which the preliminary results are published, unless it is not practicable to complete the review in that period, in which case the Department may extend the period to 180 days. Because it is not practicable to complete this review within a 120-day period, the Department is extending the time limit for completion of the final results until 180 days from the date of publication of our preliminary results of review. The deadline for issuance of our final results of review is thus February 3, 1998.

Dated: December 5, 1997.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–32627 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–807]

Ferrovanadium and Nitrided Vanadium From the Russian Federation: Notice of Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 7, 1997, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on ferrovanadium and nitrided vanadium from the Russian Federation (62 FR 42492). This review covers the period January 4, 1995, through June 30, 1996. Based on our analysis of the comments received from interested parties, we have made certain changes to our preliminary results, including corrections of errors. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin is listed below in the section entitled ''Final Results of Review.''

We have determined that sales have been made below normal value during the period of review. Accordingly, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between export price and normal value.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Mary Jenkins, AD/CVD Enforcement Group II, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4136 or (202) 482–1756, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 CFR Part 353 (April 1, 1997).

Background

The Department of Commerce (the Department) published an antidumping duty order on ferrovanadium and nitrided vanadium from the Russian Federation (Russia) on July 10, 1995 (60 FR 35550).

The Department published a notice of ''Opportunity To Request an Administrative Review'' of the antidumping duty order for this review period on July 8, 1996 (61 FR 35712). We received a timely request for review and on August 15, 1996, we published a notice of initiation of the review (61 FR 42416).

This review covers one exporter of the subject merchandise, Galt Alloys, Inc. (Galt).

On August 7, 1997, the Department published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia, as well as a recission of the review for a second exporter, Odermet Ltd., which had no shipments during the period of review (POR) (62 FR 42492). Galt and the petitioner, Shieldalloy Metallurgical Co., Inc., submitted case and rebuttal briefs in September 1997. In response to the Department's October 15, 1997, letter, the petitioner submitted additional surrogate value data on October 27, 1997, and Galt submitted comments related to this submission on November 3, 1997. As the Department placed additional surrogate value information on the record on November 6, 1997, we allowed comments on this information from the petitioner, submitted on November 14 and 18, 1997, and rebuttal comments from Galt submitted on November 20, 1997, in accordance with section 782(g) of the Act.

The Department has now completed this review in accordance with section 751(a) of the Act.

Scope of the Review

The products covered by this administrative review are ferrovanadium and nitrided vanadium, regardless of grade, chemistry, form or size, unless expressly excluded from the scope of this order. Ferrovanadium includes alloys containing ferrovanadium as the predominant element by weight (*i.e.,* more weight than any other element, except iron in some instances) and at least 4 percent by weight of iron. Nitrided vanadium includes compounds containing vanadium as the predominant element, by weight, and at least 5 percent, by weight, of nitrogen. Excluded from the scope of this order are vanadium additives other than ferrovanadium and nitrided vanadium, such as vanadium-aluminum master alloys, vanadium chemicals, vanadium waste and scrap, vanadium-bearing raw materials, such as slag, boiler residues, fly ash, and vanadium oxides.

The products subject to this order are currently classifiable under subheadings 2850.00.20, 7202.92.00, 7202.99.5040, 8112.40.3000, and 8112.40.6000 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Period of Review

The period of review (POR) is January 4, 1995, through June 30, 1996. The review covers one exporter, Galt.

Facts Available

In accordance with section 776(a) of the Act, we have determined that the use of adverse facts available (FA) is appropriate for sales of merchandise produced by Chusovoy, as discussed in the *Preliminary Results of Antidumping Duty Administrative Review of Ferrovanadium and Nitrided Vanadium from the Russian Federation* (62 FR 42494, August 7, 1997) and below at Comment 1.

Analysis of Comments Received

Comment 1: Application of Facts Available to Chusovoy-produced Merchandise.

Galt contends that the use of an adverse facts available rate of 88.63 percent for Galt's sales of merchandise produced by Chusovoy, a non-cooperative party to the proceeding, is contrary to the statutory requirements and Department precedent, and punishes the wrong party for non-cooperation. Galt cites section 776(b) of the Act which provides that adverse FA may be applied when an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information. Accordingly, while Chusovoy may be uncooperative, Galt notes that it has cooperated to the best of its ability, and thus adverse FA cannot be applied in calculating its margin. In a recent case with a similar fact pattern, *Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China,* 62 FR 6173 (February 11, 1997) (*PRC TRBs*), Galt states that the Department did not apply adverse FA from the less than fair value (LTFV) investigation petition for the merchandise from the uncooperating producers sold by the cooperating exporter, as was applied in these preliminary results, but rather used the facts available from other producers in that proceeding to calculate normal value (NV) for those sales. Galt thus argues that the margin for these sales should be calculated using Galt's actual sales prices for export price (EP) and the information obtained from the other producer in this proceeding, Tulachermet, or, alternatively, Chusovoy's data from the LTFV investigation, to calculate NV.

The petitioner argues that the Department properly considered Chusovoy an uncooperative respondent in the preliminary results and correctly applied adverse FA to sales of Chusovoy's merchandise. Given the absence of the required data from Chusovoy, the petitioner contends that the petition rate properly constitutes the ''facts otherwise available'' in accordance with section 776(b) of the Act. This approach, the petitioner continues, is consonant with the Department's established, and judicially approved, pre-URAA two-tiered ''best information available'' (BIA) methodology, and the Department's practice regarding facts available under the URAA. With regard to Galt's proposed alternatives to the LTFV petition rate, the petitioner claims that Chusovoy's data from the LTFV segment of the proceeding cannot be considered in this segment because Galt improperly submitted the information on this record without Chusovoy's consent or knowledge. The petitioner also notes that the facts in this case are different from those in *PRC TRBs,* where, the petitioner contends, the amount of usable information was much greater than in this instance.

DOC Position: We find no basis to change our finding in the preliminary results that the use of adverse FA is warranted for Chusovoy's factors of production. As we stated in the preliminary results, we find that, pursuant to section 782(e) of the Act, the limited information that Chusovoy

submitted is so incomplete that it cannot serve as a reliable basis for reaching a determination in this review. Further, by failing to respond, Chusovoy is an interested party which has not cooperated to the best of its ability under section 776(b) of the Act. Therefore, we have continued to use an adverse inference in selecting from the facts available to determine the margins for Galt's sales of Chusovoy-produced merchandise and applied the 88.63 percent margin used in the preliminary results for these sales.

With regard to Galt's reference to a different approach applied in *PRC TRBs*, we note that the facts in *PRC TRBs* are distinguishable from the instant situation in a number of ways. Premier purchased the subject merchandise from eight suppliers, two of which did not cooperate; here, Galt purchased only from two suppliers, of which one did not cooperate. Premier's six cooperating suppliers reported little variation in factor-utilization rates; thus, using their data to calculate the unreported factor data for the same model may have been appropriate for that case. Here, we only have one cooperating producer's fully reported factors of production to consider and thus an insufficient basis to conduct a similar evaluation of variation in consumption rates. Under these circumstances, it is inappropriate to allow Chusovoy (or any producer) to benefit for not cooperating in a proceeding.

With regard to petitioner's comment concerning Galt's submission of Chusovoy data from the LTFV investigation, we do not agree that the information was improperly submitted. The information in question was originally obtained by Galt and submitted to the Department by counsel common to Galt and Chusovoy. Galt did not obtain the information through a violation of the administrative protective order, but rather had direct access to the information and thus was in a position to submit it for this record.

Comment 2: Valuation of Chusovoy's Vanadium Slag for Facts Available Rate.

The petitioner contends that the Department cannot use Tulachermet's purchase price of South African vanadium slag to value Chusovoy's consumption of vanadium slag. According to the petitioner, Department precedent and policy establish the Department's intent to apply the price paid by an NME producer for a market economy input only to that producer's own consumption of the input. The petitioner also claims that, in applying the facts available rate as NV for Galt's sales of Chusovoy merchandise, the Department improperly concluded that Chusovoy procured all of its slag requirements from Russian suppliers and thus improperly applied a quality adjustment in valuing vanadium slag. As facts otherwise available, the petitioner holds that the Department should adversely assume that this uncooperative respondent did not purchase any of its vanadium slag requirements from Russian suppliers of low grade vanadium slag, but rather consumed high grade vanadium slag such as South African slag, containing 23 percent vanadium pentoxide, and thus apply, without adjustment, the LTFV margin of 108 percent to all of Galt's sales of subject merchandise produced by Chusovoy.

Galt objects to the use of the unadjusted petition value for vanadium slag (*i.e.*, the price paid by Shieldalloy for South African slag exported to the United States) because it relates to sales to a different market and is thus less accurate than a price to the Russian market. According to Galt, the price paid by Tulachermet for South African vanadium slag imported into Russia is the best available information to value Chusovoy's slag.

DOC Position: We have not valued Chusovoy's consumption of vanadium slag based on Tulachermet's South African purchase, but rather we applied the LTFV investigation margin rate, adjusted to reflect the quality of Russian-sourced vanadium slag as we did for the preliminary results of this administrative review, for all of Galt's sales of Chusovoy-produced merchandise. We disagree with the petitioner that the Department must make an adverse assumption of the facts available that Chusovoy obtained higher quality South African slag for all of its vanadium slag consumption. The facts available in this segment include all of the relevant information obtained and verified during the LTFV segment of the proceeding, and placed specifically on the record prior to the preliminary results, as well as information in the public record. In the LTFV investigation, Chusovoy reported, and the Department verified, that none of its slag was obtained from market economy sources. The LTFV investigation established that Chusovoy obtained slag from two sources: as a by-product of its production of other goods, and from a steel manufacturer in Nizhni-Tagil in Russia. There is no basis to assume, adversely or otherwise, that Chusovoy has completely changed its supply pattern and relies exclusively on foreign-sourced vanadium inputs.

Comment 3: Application of Facts Available to Galt and Tulachermet Data.

The petitioner claims that Galt's and Tulachermet's data as well as Chusovoy's should be disregarded for the final results because of numerous deficiencies and failure to provide requested data. Moreover, the petitioner argues that these parties are also uncooperative and adverse FA must be applied for the final results. The petitioner cites the following areas as the basis for its claim:

(a) Failure to meet certification requirements—The petitioner contends that the respondents failed to comply with the Department's certification requirements of 19 CFR 353.31(i) by omitting certifications from Chusovoy or its counsel, or by submitting certifications that were merely copies of faxes used in previous submissions and have never replaced them with original signed certifications.

(b) Galt failed to report all of its POR sales—The petitioner contends that Galt failed to report all of its sales during the POR because it did not report data for merchandise sold from a shipment that allegedly entered the United States prior to suspension of liquidation. The petitioner claims that in order to exclude these sales, Galt must meet the stringent requirements outlined in *Final Results of Antidumping Duty Administrative Review: Certain Stainless Steel Wire Rod from France*, 62 FR 7206 (February 18, 1997) (*SSWR*), namely that such sales may be excluded only if the Department determines that these sales (1) entered the United States prior to suspension of liquidation, and (2) that there is sufficient linkage between the entry and the POR sales. The petitioner argues that Galt had provided insufficient documentation to establish the date of entry as being prior to the suspension of liquidation, and that Galt has not adequately demonstrated linkage between this entry and corresponding sales.

(c) Galt failed to provide all required audited financial statements—The petitioner states that Galt never provided the audited financial statement for Galt International for the fiscal year ending September 30, 1996, as requested by the Department. The internal financial documents Galt submitted, the petitioner contends, were untimely and inadequate.

(d) Tulachermet failed to provide critical information—The petitioner contends that Tulachermet did not adequately respond to the Department's questionnaire because it did not provide full translations of production worksheets, revealed late in this proceeding that it produced an intermediate product, limestone, in making the subject merchandise, failed

to provide complete packing materials and labor factor data for the POR, and omitted other information specifically requested by the Department.

Galt counters that it has fully cooperated with the Department. Galt's responses to the petitioner's comments are as follows:

(a) Failure to meet certification requirements—Galt contends that all submissions included the necessary certifications for factual information and that no submission has been rejected by the Department because of the absence of a proper certification. Galt adds that the petitioner is incorrect in its understanding of the certification regulation in that it does not specify the particular form of certification that the petitioner is demanding. Accordingly, there is no reason to reject Galt's and Tulachermet's submission on this basis.

(b) Galt failed to report all of its POR sales—Galt replies that it has adequately demonstrated that the sales in question were properly excluded from its reporting because the merchandise entered the United States prior to suspension of liquidation. Galt states that, although the petitioner insists that Galt has supplied insufficient documentation, the petitioner fails to identify what piece of documentation, other than the actual entry documents, Galt should have submitted. Galt asserts that the entry summary provided to U.S. Customs sufficiently establishes the date of entry for this merchandise. Further, Galt argues that it has already established during the LTFV investigation verification that it keeps records in the ordinary course of business that enables it to link entered merchandise and sales.

(c) Galt failed to provide all required audited financial statements—Galt responds that there is no audited financial statement for its affiliate Galt International for the fiscal year ending September 30, 1996; thus, Galt cannot be said to be uncooperative in this regard.

(d) Tulachermet failed to provide critical information—Galt states that Tulachermet reported all inputs to the Department. The production summary worksheet translations are adequate, Galt states, because each monthly summary has year-to-date cumulative calculations, so that by providing translations for December 1995 and June 1996, Tulachermet has provided translations for the entire POR. With regard to Tulachermet's own production of lime from limestone, Galt states that the necessary information was immediately submitted to the Department after the Department raised the issue, and that the labor and energy consumed in the production of lime already had been included in the reporting of vanadium pentoxide production. Galt states that Tulachermet's packing input reporting is complete in that a comparison of the response for the POR to the verified response in the LTFV investigation shows that the petitioner's claim that all of its packing materials were not reported is baseless, and that the petitioner has failed to identify even one material that is missing.

DOC Position: We continue to hold, as we stated in our preliminary results, that Galt and Tulachermet have fully cooperated with the Department and that the information submitted by Galt and Tulachermet meets the requirements of section 782(e) of the Act in that:

(1) the information is timely;

(2) the information is verifiable;

(3) the information is not so incomplete that it cannot serve as a reliable basis for our determination;

(4) these parties have acted to the best of their abilities in providing the requested information; and

(5) the information can be used without undue difficulties.

Accordingly, we have relied upon the information submitted by Galt and Tulachermet for the final results. We address the specific areas raised by the petitioner as follows:

(a) In our review of Galt's submissions, we found that all submissions that required certifications were accompanied by a certification that meets the regulatory requirement. Most of these certifications were of the faxed, copied type. While this type may not be ideal, there is no regulatory or statutory basis for rejecting such certification.

(b) The Department is satisfied that the ''unreported sales'' claimed by the petitioner are for pre-antidumping duty order entries. We disagree with the petitioner that Galt failed to meet the two-prong test as articulated in *SSWR* from France. The first prong of the test is established by showing that the merchandise entered the United States before the suspension of liquidation. Galt met this part of the test by submitting entry documents for the sales in question which established that the merchandise entered the United States prior to suspension of liquidation. In addition, the second part of the test was met because a comparison of the lot number for the entry to the lot numbers supplied in the sales listing confirms that Galt has been able to link specific sales to entries. We verified in the LTFV investigation that Galt is able to link specific sales to specific entries of the subject merchandise and we have no reason to believe that circumstances have changed with regard to Galt's ability to link these entries and sales.

(c) We find no basis to conclude that Galt has withheld any financial statements. Galt has stated that there is no financial statement for its affiliate and we have no reason to dispute this assertion.

(d) With respect to Tulachermet's provision of information, the information provided is timely, verifiable, complete to the extent that it serves as a reliable basis for our determination, and can be used without undue difficulty. Galt provided Tulachermet's production worksheets in full compliance with the Department's instructions, and provided adequate translations for them. The information on lime production, which constitutes only a small portion of NV, by value, was provided in a timely manner for this segment of the proceeding. The information provided for the relatively minor packing factors is sufficient to serve as a reliable basis for our final results.

Comment 4: ''Combination Rates'' for Galt.

Galt contends that, if the Department applies adverse FA to sales of Chusovoy merchandise, it should do so in a way that punishes Chusovoy for its non-cooperation, but not Galt. Accordingly, Galt advocates establishing separate deposit rates for each producer/exporter combination (''combination rates'')—*i.e.*, a deposit rate for Chusovoy (producer) and Galt (exporter) based on adverse FA, and a deposit rate for Tulachermet (producer) and Galt (exporter) based on the Department's margin calculations using the submitted data. Galt also advocates a different basis for assessment purposes using the actual sales information from Galt.

The petitioner argues that the issuance of a single dumping margin for Galt is proper and consistent with the Department's practice. Indeed, it would be inappropriate and improper for the Department to issue separate combination rates, according to the petitioner. The petitioner cites a number of past determinations where the Department has refused to establish producer/exporter combination rates, except where a producer/exporter margin is found to be zero or de minimis and thus excluded from an antidumping duty order. The petitioner further contends that the issuance of a single dumping margin for Galt facilitates administration of the antidumping duty order. Finally, the petitioner notes that establishing assessment and deposit rates on

different bases would have the effect of rewarding Chusovoy for its failure to cooperate since, under Galt's proposal, little or no antidumping duties would be assessed on the sales already made, while there would be no impact for future sales since Chusovoy has shown no further interest in exports to the United States.

DOC Position: We have followed our long-established practice and calculated a single rate applicable to the exporter, Galt, consistent with our approach in similar cases (*see, e.g., Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Ukraine,* 60 FR 16433, March 30, 1995). As the rate calculated merely reflects the margins determined on all of Galt's U.S. sales, we are not persuaded that there is a compelling reason to deviate from our normal practice.

Comment 5: Whether Verification Should Have Been Conducted in this Proceeding.

The petitioner claims that it established a compelling and apparent need for verification of the sales and factors of production responses in this proceeding, based on, inter alia, the changes in Galt's distribution system since the LTFV investigation, alleged deficiencies in Galt's and Tulachermet's responses, and Tulachermet's failed verification in the LTFV investigation. The petitioner further contends that the respondents have ''ducked'' verification by claiming that verification would be a needless expense and that all required information could be provided without verification. Instead, the petitioner argues, the respondents have provided an incomplete and contradictory record; they should not benefit from their objection to verification.

The respondents counter that they have not ''ducked'' verification, but rather contend that it would be an unnecessary expense for the Department and for the respondents to conduct on-site verifications again in this review when the Department could achieve the same ends through written submissions. The respondents also contend that the petitioner failed to meet the deadline for requesting verification in this review and therefore has no standing to object to the Department's decision not to conduct a verification in this instance.

DOC Position: As stated in section 782(i)(3) of the Act, the Department shall verify information relied on for the final results of an administrative review if (A) there is a timely request for verification, and (B) no verification was made during the two immediately preceding reviews and investigations, unless good cause for verification is shown. Under the applicable regulation, 19 CFR 353.36(a)(v)(A), the petitioner's request was not timely, as it was made more than 120 days after the initiation of this administrative review. However, 19 CFR 353.36(a)(iv) also provides for verification if the Department determines that good cause for verification exists. In response to the petitioner's assertions, we do not find that good cause exists for verification in the instant segment of the proceeding.

Both Galt and Tulachermet were verified in the LTFV investigation, which immediately preceded this review. While Tulachermet failed verification of its sales response in the LTFV investigation, its reported factors of production were successfully verified and used to calculate foreign market value for an unaffiliated exporter. Although Galt has made changes in its distribution system since our last verification, it has fully responded to our requests for information and provided sufficient data in this review for the Department's analysis and reliance upon for the final results. We do not consider a change in a respondent's distribution system, in and by itself, sufficient cause to require a verification. In sum, we are satisfied that the data provided by Galt and Tulachermet is sufficiently reliable under section 782(e) of the Act so as to form the basis of our final results without conducting verification.

Comment 6: Surrogate Value for Vanadium Slag.

In the preliminary results, the Department valued Tulachermet's Russian-sourced vanadium slag based on the price Tulachermet paid for a purchase of South African slag immediately prior to the POR, adjusted for the quality difference between the South African and Russian material using the methodology applied in the LTFV final determination. The petitioner contends that the use of a single, pre-POR purchase of vanadium slag, which is of an insignificant quantity in comparison to Tulachermet's consumption of Russian slag, is an inadequate basis for the surrogate value. The petitioner claims that the Department rejected its valuation proposal—the weighted-average of the petitioner's own South African vanadium slag purchases during the POR—because of the Department's faulty mathematical analysis of the petitioner's purchases. Because its South African vanadium slag purchases are of the material to be valued, and cover the entire POR, the petitioner argues that these prices are the appropriate basis for the surrogate value. With regard to vanadium price data obtained from the South African Minerals Bureau subsequent to the preliminary results (*see* fax dated November 6, 1997), which includes the domestic average price for vanadium slag, the petitioner objects to this source because the petitioner believes that the South African values stated are likely to be distorted by intracompany transfers not conducted at arm's length, and thus do not represent market value.

Galt claims that the use of Tulachermet's purchase price as the basis for the vanadium slag surrogate value is consistent with the Department's policy and practice, as embodied in section 351.408(c)(1) of the Department's new regulations, which states that the Department will base surrogate value on a market economy purchase when an input is sourced from both market economy and NME suppliers. Galt asserts that Tulachermet made bonafide, substantial purchases for Tulachermet's production, and not a *de minimis* purchase meant to distort a dumping margin; thus, this purchase is a reasonable basis for valuing Russian sourced slag in accordance with the Department's policy. The use of the petitioner's prices for vanadium slag, Galt further contends, would be unfair and unpredictable because this business proprietary information is unavailable when the respondents make sales. Thus, argues Galt, how could Tulachermet know if Shieldalloy purchased slag at the beginning, at the end, or anytime at all during the POR, and in what quantities? And, how could Galt even attempt to price fairly if it must guess at the value of an important input rather than use a figure that is readily accessible? Galt also notes that relying on the petitioner's purchase prices would involve the use of prices to the United States rather than to an appropriate surrogate country, contrary to section 773(c)(4) of the Act. Finally, with regard to petitioner's contentions regarding the use of the vanadium slag price data from the South African Minerals Bureau, Galt claims that its analysis shows that any price distortion that exists in this value would be to respondents' detriment and the value should be adjusted accordingly if it were to be used.

DOC Position: Vanadium slag is the single most important input for production of ferrovanadium. Tulachermet obtained nearly all of its vanadium slag consumed during the POR from a Russian source, which provided the material at a grade of approximately 15–16 percent contained vanadium pentoxide. Tulachermet purchased a relatively small amount of vanadium slag from South Africa immediately prior to the POR for POR

consumption. This market economy purchase was of 22–24 percent contained vanadium pentoxide. As in the preliminary results, we valued the quantity purchased from South Africa at the purchase price for this material. Because this material is different from the Russian-sourced material, on the basis of the vanadium pentoxide content, we did not apply this price to the remainder of the vanadium slag consumed by Tulachermet, nor did we assign this price as the basis for the vanadium slag surrogate value (prior to adjustment), as we did in the preliminary results. As explained further below and in the Final Results Valuation Memorandum dated December 4, 1997 (FRVM), we have applied a different surrogate value and adjustment methodology (*see* Comment 7) for the final results.

The Department's stated practice in determining which surrogate value to use for valuing each factor of production is to select, where possible, publicly available information which is: (1) an average non-export value; (2) representative of a range of prices within the POR if submitted by an interested party, or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive (*see, e.g., Final Results of Antidumping Duty Administrative Review: Sebacic Acid From the People's Republic of China,* 62 FR 10530, 10534, March 7, 1997 (*Sebacic Acid*), and *Preliminary Results of Antidumping Administrative Review: Manganese Metal From the People's Republic of China,* 62 FR 60226, 60227, November 7, 1997). The Department has also articulated a preference for a surrogate country's domestic prices over import values (*see, e.g., Final Determinations of Sales at Less Than Fair Value: Brake Drums and Brake Rotors From the People's Republic of China*, 62 FR 9160, 9163, February 28, 1997).

As we have noted throughout this proceeding (*see, e.g.,* Preliminary Results Valuation Memorandum (PRVM) at page 3), we have not been able to identify a market economy surrogate value for vanadium slag with 16 percent contained vanadium pentoxide from any source. Indeed, our research indicates that vanadium slag of this quality is not produced outside of Russia and, perhaps, the People's Republic of China. Accordingly, the Department must identify the most comparable surrogate match.

Based on the available choices, we have rejected both the values offered by the petitioner based on its own purchases of South African vanadium slag, and the value based on Tulachermet's December 1994 South African purchase. These values are not product-specific (*i.e.,* are for vanadium slag of a different quality than that obtained by Tulachermet from its Russian supplier), and are export prices. We are also concerned that the use of the petitioner's proprietary purchase prices, unavailable to Galt and its suppliers, as the surrogate value for a major input would effectively allow the petitioner to directly influence our calculation of NV and hinder the exporter from adjusting its prices to eliminate dumping. As for Tulachermet's price, we agree with the petitioner that the use of a single price quote from December 1994 does not adequately represent the price levels of vanadium products experienced during the POR.

In this proceeding, we obtained data from the South African Minerals Bureau on the vanadium industry and price levels for a variety of products. Some of this information was in published form (*see* PRVM), while other data was obtained directly from the Bureau (*see* fax dated November 6, 1997). In addition, the South African Minerals Bureau, the petitioner, and Galt have provided information from the industry publication *Metal Bulletin* on vanadium pentoxide and ferrovanadium prices in the world market. We have relied on these public, independent sources as the bases for valuing vanadium slag and other vanadium products.

For vanadium slag, we have used as the base value the POR-average South African FOB value for 24 percent vanadium pentoxide content slag, as reported by the South African Minerals Bureau in the November 6 fax. This value is a domestic South African price for a material that is most comparable to the product among the publicly available values. The value calculated is an average of 1995 and 1996 values and is thus representative of the range of prices during the POR. Moreover, it is derived from the only source of public data for vanadium slag (of any grade) we have obtained in the course of this proceeding.

In our view, the inferences, speculations, and assumptions the petitioner and Galt applied in their respective analyses of the South African domestic prices fail to establish that these South African slag values are not market values. A comparison of the annual averages of the South African slag prices to the annual averages of CIF Europe spot prices for vanadium pentoxide shown in the November 6 fax, which are market-based prices, shows a consistent relationship of about 20 to 25 percent (*i.e.,* the slag price is about 20–25 percent of the European market price for vanadium pentoxide). Given the absence of any other public source for slag prices, based on the available information, we have no basis to conclude that, to the extent a market exists for vanadium slag, these prices are not the South African market prices for vanadium slag.

Comment 7: Quality Adjustment to Vanadium Slag Surrogate Value.

The petitioner disagrees with the Department's adjustments for what it considers alleged quality differences between the South African and Russian inputs. The petitioner contends that the record evidence does not support the Department's position in its preliminary results that Russian-sourced vanadium slag, of approximately 15–16 percent vanadium pentoxide content must be valued lower than South African slag of approximately 22–24 percent vanadium pentoxide, on a contained-vanadium basis [1]. The petitioner objects to the use of a quality adjustment methodology based on a ratio derived from the prices of Russian (*i.e.* NME) goods. Such a use of NME prices, the petitioner contends, is contrary to the Department's established policy and practice. Finally, if the Department were to make a quality adjustment to the South African input value, the petitioner states that the adjustment must be based on POR data and proposes an adjustment factor of .96, derived from *Metal Bulletin* news articles during the POR, rather than the .7292 factor derived from 1993–94 *Metal Bulletin* price comparisons. Alternatively, the petitioner suggests that, if the Department believes it has insufficient information from market economy countries to value the vanadium slag consumed by Tulachermet, the Department should base NV on the sales of South African ferrovanadium to other countries.

Galt agrees with the Department's approach to adjusting the surrogate value for quality differences between the South African material and the Russian-sourced material. Galt states that, contrary to the petitioner's assertion, the statute does not prohibit the use of NME-based value information to adjust a market-based surrogate value. Galt notes that this case differs from the *Final Determination of Sales at Less than Fair Value: Refined Antimony Trioxide from the People's Republic of China,* 57 FR 6801 (February 26, 1992),

[1] ''Contained vanadium basis'' refers to adjusting the price or value of the material based solely on the amount of vanadium contained, regardless of the content of other materials. Thus, products with varying percentages of contained vanadium or vanadium pentoxide can be compared on an equal basis.

cited by the petitioner in that (1) the non-market prices in question are being used to determine an adjustment factor, not to determine the base price to be used, and (2) there are no market economy prices available. Thus, Galt contends, under these conditions the Department has no choice but to use the available information in order to make the adjustment to the vanadium slag surrogate value that the record overwhelmingly shows is necessary. Galt also objects to the petitioner's proposed alternative methodology using POR price quotes, claiming that the information is anecdotal and does not adequately identify the Russian merchandise to allow for proper calculation of the quality adjustment ratio.

DOC Position: As we stated in the PRVM, the record throughout this proceeding overwhelmingly demonstrates that vanadium slag with a vanadium pentoxide content below 24 percent is lower quality than the 24 percent product, and its value to consumers cannot be quantified in terms of a straight-line adjustment based on relative percentages of vanadium pentoxide, as argued by the petitioner. Principally, the Russian-sourced vanadium slag contains a higher level of impurities than the 24 percent vanadium pentoxide content slag, which, in turn, results in higher processing and waste disposal costs. We concluded in the LTFV investigation that the South African slag value should be adjusted in order to properly value the Russian-sourced vanadium slag to account for the latter's lower quality. Our finding and methodology was upheld in *Shieldalloy Metallurgical Corp.* v. *United States,* 975 F.Supp. 361 (Ct. Int'l Trade 1997) and *Shieldalloy Metallurgical Corp.* v. *United States,* 947 F.Supp. 525)Ct. Int'l Trade 1996). In this review, we continue to believe that Russian-sourced slag must be valued lower than the 24 percent vanadium pentoxide slag, on a contained vanadium basis.

The petitioner has never convincingly refuted the fact that the Russian-sourced slag is of an inferior quality to the South African slag upon which surrogate values have been based. The petitioner's claims and speculations that the inferior Russian vanadium slag should be valued the same as the higher quality South African material, on a contained vanadium basis, do not stand up against the weight of information to the contrary developed throughout this proceeding. Given that no market economy value exists to our knowledge for vanadium slag of a comparable quality to the Russian-sourced material, a quality adjustment must be made to the South African vanadium slag value in order to arrive at a surrogate value that fairly represents the material to be valued.

The petitioner has argued that the Department's quality adjustment methodology used in the LTFV final determination and the preliminary results of this review is flawed because it is based on NME prices, and is based on noncontemporaneous price data. We acknowledged in the preliminary results that, subsequent to the LTFV investigation and CIT litigation, we learned that the 90% vanadium pentoxide prices published in *Metal Bulletin* and used to calculate our adjustment ratio were based on Russian prices. However, since we have been unable to identify any other information suitable for making this adjustment, we must continue to use the ratio between vanadium pentoxide prices, including the prices of Russian vanadium pentoxide of lower quality, as a facts available basis for the quality adjustment methodology. We emphasize that we are not using any NME prices to arrive at the surrogate value, but rather the relationship between prices for internationally-traded goods in market economies, where some of these goods were produced in a NME country, and applying the resulting ratio to a South African value. Although this methodology may not be ideal because it involves the use of NME price data, it is, nevertheless, the best available information. To fail to apply a quality adjustment to the surrogate value would be, in our view, a far greater distortion to the valuation of Russian-sourced vanadium slag.

Its other objections aside, the petitioner proposes using POR vanadium pentoxide price information to recalculate the quality adjustment. We agree with the petitioner that this approach is preferable. However, we agree with Galt's concerns about the Russian vanadium pentoxide prices the petitioner selected from *Metal Bulletin.* These quotes are anecdotal citations chosen by the petitioner that include no information about the quality of the product allegedly sold. In contrast, the LTFV methodology relied on market research data by an independent source for vanadium pentoxide of a known purity (*see* Attachment 9 to PRVM). While the data is not contemporaneous, it is otherwise more reliable than the information proffered by the petitioner.

For the final results, we have revised our methodology from the preliminary results to incorporate more recent data from *Metal Bulletin,* as submitted by Galt on December 13, 1996. This submission includes 98 percent and 90 percent vanadium pentoxide price data for the last quarter of 1994—the last period that *Metal Bulletin* published 90 percent vanadium pentoxide prices and the quarter immediately prior to the POR. Thus, for the final results, we have applied the ratio between 98 percent vanadium pentoxide and 90 percent vanadium pentoxide prices reported for the fourth quarter of 1994, .9437, as the quality adjustment for the vanadium slag value. Our calculation is shown in the FRVM.

Comment 8: Contemporaneity of Vanadium Slag Surrogate Value.

The petitioner contends that a surrogate value based on a single purchase of vanadium slag immediately prior to the POR is inappropriate in this proceeding due to the price fluctuations of vanadium products during the POR. In support of its position, the petitioner provided information showing the rise and fall of world vanadium pentoxide and ferrovanadium prices during the POR, and that the Tulachermet purchase price is unrepresentative of prices during the POR. The petitioner asserts that the Department must make appropriate adjustments to ensure that the values of vanadium inputs accurately represent POR prices, otherwise the dumping calculation will be distorted. Accordingly, the petitioner claims that the surrogate value should be based on a weighted-average of prices during the POR, such as the weighted-average of the petitioner's vanadium slag purchases, or, if the Department continues to rely on Tulachermet's slag purchase price, an adjustment to that price must be made to reflect the difference between prices at the time of the purchase and the average prices during the POR.

Galt asserts that Tulachermet's purchase of the South African slag, although immediately prior to the POR, was for inputs consumed during the POR and thus is an appropriate value for the POR. Galt claims that to adjust the slag value for the vanadium price increases over the POR without ensuring that appropriate costs, prices, and production factors are matched will create distortions. In this case, Galt continues, the Department does not have the data on the record to link Tulachermet's actual production to its shipments to Galt, as such information was never requested by the Department. Therefore, Galt states that the only alternative is to find that there is no basis on the record to find this type of price inflation for the sales at issue and thus no time period adjustment need be made to Tulachermet's purchase price for vanadium slag.

DOC Position: We agree with the petitioner that, in this instance, it is inappropriate to base the surrogate value for vanadium slag on Tulachermet's single purchase price and have not done so for these final results (*see* Comment 6).

Comment 9: Sulfuric Acid Valuation.

The petitioner argues that Tulachermet's consumption of sulfuric acid should be adjusted to correct the Department's treatment of this input in diluted form. In fact, the petitioner contends that Tulachermet reported that it consumed sulfuric acid at 100 percent concentration. Thus, the petitioner states that, for the final results, Tulachermet's consumption of sulfuric acid should be valued based on the ratio of Tulachermet's 100 percent concentration consumption to the ''standard concentration of commerce'' of 93–98 percent, as identified by the Department. In addition, the petitioner states that the price used in the preliminary results was not the intended value identified by the Department as provided by a South African vanadium producer, and instead was a different value that was outside the POR. For the final results, the petitioner states that this error should be corrected.

DOC Position: We agree with the petitioner that Tulachermet has reported its consumption of sulfuric acid in undiluted form and that we erred in adjusting the consumption factor by the amount of dilution, which Tulachermet performs in the course of its production process. We also agree that the Department erred in its preliminary results in identifying the value source selected as a South African vanadium producer, while actually using the value obtained from the South African Chemical and Allied Industries Association. For the final results, we have continued to use the value for 98% sulfuric acid from the Association, which is a POR average provided to the Department in response to our specific request to the Association (*see* FRVM). The values obtained from both the Association and the vanadium producer were equally contemporaneous domestic tax-exclusive prices for the same material, but we selected the Association value as it is from a more publicly available source than a price quote from a company whose name cannot be revealed in our public documents.

Finally, we have adjusted Tulachermet's consumption factor to match the 98% concentration of the sulfuric acid surrogate value, as suggested by the petitioner.

Comment 10: Valuation of Small-Quantity Inputs.

In the preliminary results, the Department was unable to obtain surrogate values for boron anhydride and ammonium sulphite, and also did not include boron acid in its NV calculation. The petitioner claims that these chemicals are important, individually and in the aggregate, to the production of the subject merchandise, and thus their omission understates Galt's dumping margin. Accordingly, the petitioner contends that the Department should value these inputs based on U.S. price data it submitted, or on the highest surrogate value for any input. In addition, the petitioner asserts that the Department must also continue to assign the farthest distance reported by Tulachermet for any supplier to calculate the freight value cost for all inputs for which Tulachermet failed to provide the distance from its supplier.

Galt argues that disregarding these inputs is justified under section 777A(a)(2) of the Act, under which ''the administering authority may decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise.'' In addition, Galt opposes the application of the U.S. values for these inputs presented by the petitioner because these values are not from the primary surrogate country, South Africa, or from any other appropriate surrogate country identified by the Department.

DOC Position: Although the inputs in question are consumed in small quantities, we have accepted the petitioner's position in calculating NV for the final results. Department practice is to attempt to value all inputs in an NME NV for which there is available information. The U.S. price data is the only surrogate value information on the record for these inputs and thus may be used as facts available to value these materials. While the values identified by the petitioner for boric acid and ammonium sulfide acid are not the same as the boron (or boric) anhydride and ammonium sulphite consumed by Tulachermet (*see* ''Telcon with ITC Chemical Industry Analyst Re: Tulachermet Chemical Inputs,'' Memorandum to the File dated October 22, 1997), as facts available, we have accepted the petitioner's contention in its October 27, 1997, letter that these values are for materials similar enough for surrogate valuation purposes, and that the values are, if anything, conservative measures of surrogate value.

Comment 11: Valuation of Factors Unreported by Tulachermet.

The petitioner claims that Tulachermet did not accurately report all of its inputs and omitted several of these inputs from its factors of production response, based on the petitioner's analysis of Tulachermet's production summary worksheets. As AFA, the petitioner contends that the Department should apply the highest consumption factor reported for any input, and apply the highest surrogate value for any input. The petitioner also argues that Tulachermet did not report its consumption of ''technological electricity''; therefore, the Department should use adverse facts available to increase Tulachermet's reported consumption of electricity.

Galt argues that Tulachermet has accounted for all materials consumed and that the inputs cited by the petitioner either are already reported and accounted for, or are recycled materials.

DOC Position: We agree with Galt that certain inputs consumed and listed on the production worksheets—''metal skull,'' ''metal riddlings,'' limestone, steam, compressed air, water, and ''technical water''—are already accounted for in the factors of production worksheet. Tulachermet reported its consumption of vanadium and metal-based inputs on a gross, rather than net, basis. The production worksheets show that metal and vanadium waste was generated in the course of production and then re-used. Tulachermet's consumption of limestone has been reported separately in accounting for its lime production (*see* submission of March 7, 1997). Tulachermet's energy reporting accounts for the energy consumed to generate steam and compressed air. Water inputs are normally considered a factory overhead item and the Department usually does not value water separately (*see, e.g., Final Determination of Sales at Less Than Fair Value: Saccharin from the People's Republic of China From PRC,* 59 FR 58818, November 15, 1994).

The production worksheets indicate consumption of certain other inputs—silicovanadium, vanadium aluminum alloy,[2] and ''technological electricity''—which we agree should have been included in the factors of production worksheet. We have calculated consumption factors for these inputs, based on the data in the production worksheets submitted on February 7,

[2] Galt claims that it has reported vanadium aluminum alloy as ''pre-alloyed material.'' However, our analysis of the questionnaire response reveals that ''pre-alloyed material'' in the factors of production worksheet corresponds to ''iron-vanadium'' alloy in the production worksheets.

1997, and included them in the calculation of NV. We valued silicovanadium and vanadium aluminum alloy, on a contained vanadium basis, based on the POR average South African price for vanadium products, as reported by the South African Minerals Bureau. Because Tulachermet did not report the distance from the suppliers of these items to its factory, we have applied the distance from the farthest supplier, as facts available, to calculate the freight expense incurred in transporting these inputs.

Finally, we note that Tulachermet also consumed a very small amount of ''poliacrid'' during the POR, as indicated by the petitioner. However, there is no surrogate value for this material on the record. Therefore, we have not included a value for this material in our calculation of NV, although we have included a freight amount for this item, calculated in the same manner as discussed above.

Comment 12: Freight and Insurance costs for Surrogate Values derived from the Customs Union of Southern Africa (SACU) Import Statistics.

The petitioner contends that, in the preliminary results, the Department used surrogate values derived from SACU for factors whose input value did not include the cost of insurance and freight. The petitioner argues that the Department has thus understated the values for those inputs.

Galt responds that the Department already has made freight and insurance adjustments in its input freight value that is shown in its margin calculation. Galt states that to make additional adjustments to freight or insurance would be double counting.

DOC Position: We agree with *Galt.* In *Sigma Corp.* v. *United States,* No. 95–1509, 96–1036, 95–1510, 06–1037, 1997 U.S. App. LEXIS 16506 (Fed. Cir. July 7, 1997) (*Sigma*), the United States Court of Appeals for the Federal Circuit (CAFC) held that the calculated freight costs for PRC-made materials may not exceed the calculated freight costs of shipping the material from respondents' importing seaports in the PRC to their factories. The CAFC's decision in *Sigma* requires that we revise our calculation of source-to-factory-surrogate freight for those material inputs that are based in CIF import values in the surrogate country. Accordingly, we have added to CIF surrogate values from South Africa a surrogate freight cost using the shorter of the reported distances from either the closest reported port to the factory (*i.e.,* Ventspils, Latvia), or the domestic supplier to the factory.

Comment 13: Factory Overhead, Selling, General and Administrative Expenses.

The petitioner argues that, in calculating the surrogate value for factory overhead based on the 1995 Annual Report of Highveld Steel and Vanadium Corporation Limited (Highveld), the Department erred in excluding the figure for ''net provision for renewal and replacement of fixed assets'' from overhead expenses. Consistent with the Department's approach in *Final Determination of Sales at Less Than Fair Value: Sulfur Vat Dyes from the People's Republic of China,* 58 FR 7557, (February 8, 1993), the Department should include in the overhead ratio depreciation and all other elements of overhead that are identified in the Highveld's 1995 Annual Report. The petitioner further contends that because the Department verified separate cost centers for Tulachermet in the LTFV investigation, the surrogate overhead ratio should be applied to each cost center (*i.e.* vanadium pentoxide and ferrovanadium production centers). With regard to selling, general and administrative (SG&A) expenses, the petitioner states that the Department should include the amount spent on research and development, which was not included in the preliminary results calculation.

Galt states that the factory overhead figure calculated from the annual report is from the consolidated financial statement and represents the total overhead of all Highveld operations. To apply this percentage to each of Tulachermet's cost centers would result in double-counting overhead, according to Galt. To insure an ''apples to apples'' comparison, Galt contends that the Department should continue to apply the consolidated percentage to the consolidated factor.

DOC Position: We agree with the petitioner with respect to the omitted expenses in our factory overhead and SG&A calculations, and have made the corrections. These corrections result in revised surrogate percentages for factory overhead, SG&A expenses and profit (*see* FRVM).

We agree with Galt with respect to the application of factory overhead to the total of materials, labor, and energy values, rather than at each stage of production. Because our surrogate percentage is calculated on the basis of the total overhead of Highveld's production, the factory overhead percentage must be applied in the same manner to avoid double-counting (*see Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol From PRC,* 61 FR 14057,14056, March 29, 1996).

Comment 14: Surrogate Profit Calculation.

The petitioner argues that the Department should calculate profit based on ''net income before taxation,'' as reported in Highveld's 1995 Annual Report. The petitioner also contends that the Department erred in using ''net sales turnover,'' rather than ''cost of production,'' as the denominator for the surrogate profit calculation and should correct it for the final results.

Galt argues that the Department should calculate the surrogate profit percentage on the same basis it used to calculate the cost of production from Highveld's 1995 Annual Report. Galt contends that calculating the profit percentage on a different basis than the cost of production would violate the statutory requirement by exceeding the amount of profit normally realized by market economy exporters or producers.

DOC Position: We agree with the petitioner with regard to our surrogate profit calculation. We calculated profit based on the net sales turnover in the report, less cost of production, and applied the resulting ratio to the cost of production. Because of the changes to factory overhead and SG&A, noted above, the resulting profit figure, calculated as the difference between net sales and net costs per the Highveld 1995 Annual Report, differs from that cited by the petitioner (*see* FRVM).

Comment 15: Galt's SG&A and CEP Profit Calculations.

The petitioner contends that Galt has ignored the Department's explicit instructions and followed its own method of reporting and adjusting SG&A and profit used to calculate CEP expenses. The petitioner argues that Galt did not disclose the methodology for its numerous ''revisions'' or provide computations, beginning with the financial statement. Moreover, according to the petitioner, Galt did not provide any indication that its SG&A and profit calculations took proper account of the required antidumping duty.

Galt states that it responded to the petitioner's arguments regarding its SG&A expenses in its letter to the Department of May 21, 1997. Galt states that it explained how the figures are traced into the financial statements and provided additional background information on the figures. Galt objects to the petitioner's implication that the Department should examine backup documentation for financial statements that have already been certified as audited. In addition, Galt claims that it has thoroughly explained to the

Department its methodology regarding management fees and the petitioner has provided no meaningful criticism of Galt's approach.

DOC Position: We agree with Galt with respect to its presentation of the information. Based on our analysis, we have accepted Galt's SG&A calculations for adjustments to CEP sales, as described in Galt's May 21, 1997, submission. We have, however, made corrections to these calculations for mathematical errors (*see* Memorandum to the File dated December 3, 1997.) As in the preliminary results, we revised the SG&A calculation to reflect a value-based, rather than unit-based, amount.

In addition, we have revised the calculation of CEP profit to meet the requirements of section 772(d)(3) and 772(f) of the Act. Accordingly, we calculated the profit allocable to selling and distribution activities in the United States based on the data in Galt's audited financial statements for the two fiscal years that included the POR (*see* Memorandum to the File dated December 3, 1997). Pursuant to section 772(f)(C)(iii) of the Act, this information is the data on the record for calculating CEP profit that comprises the narrowest category of merchandise sold in all countries which includes the subject merchandise.

Comment 16: Valuation of Railway Freight and Insurance.

In lieu of the 1993 South African rail rate information from the LTFV investigation used in the preliminary results, the petitioner contends that the Department should apply the railway rate and insurance data from the POR that the petitioner obtained in a fax from a South African railway source.

Galt states the petitioner's fax is an unreliable basis for this information as it does not contain published rail rates and is largely a handwritten note from someone, apparently in South Africa, which appears to be cut and pasted. Accordingly, Galt contends that the Department should continue to use the rail rates from the LTFV investigation in the absence of any other reliable information.

DOC Position: In this instance, we are asked to choose between the only two available surrogate values for freight—a figure derived from publicly available published data of rail rates for a representative list of destinations, but non-contemporaneous to the POR; or a rail rate quote contemporaneous with the POR obtained by an interested party for a specific route. While the latter choice has the advantage of being contemporaneous with the POR, the rate proffered by the petitioner is based on transport of 144 kilometers, while the rate calculated by the Department for the LTFV investigation is based on transport of 468 to 1,342 kilometers (*see* PRVM at page 10). Most transport to be valued covers distances of hundreds to thousands of kilometers. Therefore, we find that the rate from the LTFV investigation, although non-contemporaneous, is a more representative surrogate value for Tulachermet's movement expenses and we have continued to apply it in the final results.

Comment 17: Valuation of ''Vanadium Pre-alloyed Material''.

The petitioner agrees with the Department's selection of ferrovanadium prices to determine the surrogate value for ''vanadium pre-alloyed material.'' However, the petitioner argues that the Department erred by applying the exchange rate conversion from South African rand to U.S. dollars for this value as the value was already expressed in U.S. dollars.

DOC Position: We agree with the petitioner that we made an error in applying an exchange rate to this value reported in U.S. dollars. However, for the final results, we have selected a different source for the ferrovanadium price. We have used the 1995–96 average South African FOB value for ferrovanadium reported by the South African Minerals Bureau in its November 6, 1997, fax. In applying this value, we have adjusted the consumption factor to reflect the maximum vanadium content of the input, as reported by Tulachermet in the February 7, 1997 response.

Final Results of Review: As a result of the comments received, we have changed the results from those presented in our preliminary results of review. Therefore, we determined that the following margin exists as a result of our review:

Exporter	Period	Margin (percent)
Galt Alloys, Inc.	1/4/95–7/31/96	34.66

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between EP and NV may vary from the percentages stated above. The Department will issue appraisement instructions directly to Customs.

Further, the following deposit requirements will be effective upon publication of these final results for all shipments of ferrovanadium and nitrided vanadium from Russia entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Galt will be the rate established in the final results of this administrative review; (2), for merchandise exported by manufacturers or exporters not covered in this review but covered in the original LTFV investigation and have a separate rate, the cash deposit rate will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) for Russian manufacturers or exporters not covered in the LTFV investigation, the cash deposit rate will continue to be the Russia-wide rate of 108.00 percent; and (4) the cash deposit rate for non-Russian exporters of subject merchandise from Russia who were not covered in the LTFV investigation or in this administrative review, will be the rate applicable to the Russian supplier of that exporter. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and published in accordance with section 777(i).

Dated: December 5, 1997.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–32631 Filed 12–12–97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–403–801]

Fresh and Chilled Atlantic Salmon From Norway: Initiation of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of new shipper antidumping duty administrative review.

SUMMARY: The Department of Commerce has received a request from Nornir Group A/S to conduct a new shipper administrative review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway, which has an October semi-annual anniversary date. In accordance with the Department of Commerce's regulations, we are initiating this administrative review.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (Department) has received a request pursuant to section 751(a)(2)(B) of the Act, and 19 CFR 351.214(b) of the regulations, for a new shipper review of this antidumping duty order, which has an April anniversary date.

Initiation of Review

In its request of October 31, 1997, Nornir Group A/S (Nornir) certified that it did not export the subject merchandise to the United States during the period of investigation (POI) (September 1, 1989, through February 28, 1990) and that it is not affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI. Accompanying its request, Nornir provided certifications which indicate the date the merchandise was first entered for consumption in the United States, that it is not affiliated with any other company, and that it did not under its current or a former name export the subject merchandise to the United States during the POI.

In accordance with section 751(a)(2)(B) and 19 CFR351.214(d), we are initiating a new shipper review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway. We intend to issue the final results of these reviews not later than 270 days from the publication of this notice.

Antidumping duty proceeding	Period to be reviewed
Norway: Fresh and Chiled Atlantic Salmon, A–403–801: Nornir Group A/S	4/01/97–9/30/97

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department regulations are to the regulations as codified at 19 CFR part 351, 62 FR 27295 (May 19, 1997).

Concurrent with publication of this notice, we will instruct the Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above in accordance with 19 CFR 351.214(e)(1997).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a) and 19 CFR 351.214.

Dated: December 5, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary, Group II Import Administration.

[FR Doc. 97–32689 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–804]

Industrial Nitrocellulose From Brazil; Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

SUMMARY: On August 28, 1997, the Department of Commerce (''the Department'') published in the **Federal Register** (62 FR 45621) a notice announcing the initiation of an administrative review of the antidumping duty order on industrial nitrocellulose from Brazil. This review covered the period July 1, 1996 through June 30, 1997. This review has now been rescinded at the request of the petitioner.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Alain Letort or John Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4243 or (202) 482–0649, respectively, or fax (202) 482–1388.

SUPPLEMENTARY INFORMATION: On July 30, 1997, the petitioner, Hercules Incorporated (''Hercules''), requested an administrative review of Companhia Nitro Química Brasileira (''Nitro Química''), a Brazilian producer and exporter of industrial nitrocellulose, with respect to the antidumping duty order published in the **Federal Register** on July 10, 1990 (55 FR 28266). We initiated this review on August 28, 1997 (62 FR 45621).

On November 26, 1997, Hercules withdrew its request for review, claiming that an industrial accident at Nitro Química's production facilities in Brazil had resulted in the shutdown of those facilities. Hercules stated that Nitro Química ''will not be in a position for some time to dump industrial nitrocellulose in the United States and thereby contribute to the ongoing material injury of petitioner.''

Section 351.213(d)(1) of the Department's regulations provides that ''[t]he Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' *See* 19 CFR § 351.213(d)(1) (1997). Because the only party which requested a review has withdrawn its request within the regulatory time limit, we are now rescinding this review. The cash deposit rate for this firm will continue to be the rate established in the most recently completed segment of this proceeding.

This notice is published in accordance with section 751 of the

Tariff Act of 1930, as amended (19 U.S.C. 1675 (1995)), and section 353.213(d)(4) of the Department's regulations (19 CFR § 353.213(d)(4) (1997)).

Dated: December 5, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III, Import Administration.

[FR Doc. 97–32630 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–802

Industrial Nitrocellulose From the People's Republic of China: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 8, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on industrial nitrocellulose (INC) from the People's Republic of China (PRC). This review covers one producer/exporter, China North Industries Guangzhou Corporation (CNIGC), and entries of the subject merchandise into the United States during the period July 1, 1995 through June 30, 1996.

We gave interested parties an opportunity to comment on our preliminary results. On September 8, 1997, we received case briefs from respondent and petitioner. On September 15, 1997, we received rebuttal comments from both parties. We rejected respondent's September 8, 1997 case brief because it contained new information. Respondent resubmitted its case brief on November 14, 1997. On November 21, 1997, we placed on the record new data concerning the price of steel drums in Indonesia. On November 25, 1997, respondents submitted comments on this data. Based on our analysis of the comments received, we have changed the margin from that presented in our preliminary results of review.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0666 and (202) 482–3020, respectively.

Applicable Statutes and Regulations: Unless otherwise stated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 CFR part 353 (April 1, 1996).

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1997, the Department published in the **Federal Register** (62 FR 42747) the preliminary results of the administrative review of the antidumping duty order on INC from the PRC (55 FR 28267, July 10, 1990). The preliminary results indicated the existence of a dumping margin. As we explained in the preliminary results, we did not grant CNIGC a separate rate. However, because U.S. import statistics indicate that CNIGC was the only exporter of the subject merchandise to the United States during the review period, we based the PRC-wide rate on the information submitted by CNIGC for this review. See, *Memorandum to the File* from Rebecca Trainor, dated July 23, 1997, on file in room B–099 of the Commerce Department. We received comments and rebuttal comments from the petitioner and the respondent. The Department has now completed this administrative review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of industrial nitrocellulose (INC) from the PRC. INC is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, and is produced from the reaction of cellulose with nitric acid. INC is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. The scope of this order does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

INC is currently classified under Harmonized Tariff System (HTS) subheading 3912.20.00. While the HTS item number is provided for convenience and Customs purposes, the written description remains dispositive as to the scope of the product coverage.

The period of review (POR) is July 1, 1995 through June 30, 1996.

Changes From the Preliminary Results

1. In the preliminary results we valued steel packing drums using the *Monthly Statistics of the Foreign Trade of India: Imports, Volume II* (Indian import statistics) for the period of April 1995 through March 1996, and April through June 1996. For the final results, we have valued steel drums using Indonesian prices contained in a facsimile from the American embassy in Jakarta, placed on the record for the investigation of furfuryl alcohol from the PRC. See Comment 4, and *Final Determination of Sales at Less than Fair Value; Furfuryl Alcohol from the People's Republic of China,* 60 FR 22544 (May 8, 1995) (*Furfuryl Alcohol*).

2. In the preliminary results, we incorrectly converted the water usage rate reported by respondent from tons to kilograms. We also assigned a separate surrogate value to water. For the final results, we have corrected the conversion error, and have not assigned a separate surrogate value to water, as it is included in the factory overhead value we have used. See Comment 6.

3. For the distance between packing materials suppliers and the INC factory in the preliminary results, we used the average distance between the supplier and factory for all other materials. For the final results, we have used the actual distances between packing materials suppliers and the respondent's factory, which we requested from respondent on November 5, 1997. See Comment 5.

4. In the preliminary results, we applied an Indonesian factory overhead rate which we obtained from the record for *Furfuryl Alcohol.* For selling, general and administrative (SG&A) expenses and profit rates, we used Indonesian data which we obtained from the record for *Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China,* 57 FR 21058 (May 18, 1992)(*Pipe Fittings*). For the final results, we have used data obtained from the financial statements of six Indian chemical-producing companies. See Comment 7.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case briefs and rebuttal briefs from petitioner and respondent.

Comment 1: Surrogate country selection: Respondent argues that the Department should use India instead of Indonesia as the primary surrogate country in this review because: (1) The volume of Indonesian exports of the subject merchandise were very small, unlike the volume of India's exports; (2)

like India, and unlike Indonesia, China does not import cotton linters and; (3) the lack of Indonesian surrogate value information for several factors sent the Department back to India anyway, as the ''secondary'' surrogate country. Respondent states that the Department should use either data from the secondary surrogate country, India, for factory overhead, SG&A and profit values, or use India as the primary surrogate country and resort to Indonesian values only for cotton linters, since there is no Indian data on cotton linters.

Department's Position: We agree with respondent in part. We have continued to use Indonesia as the surrogate country for the purposes of valuing all of the raw material inputs. We have also used Indonesian data as surrogate values for packing materials. However, as we discuss in Comment 7, we have determined that Indian data is the best information we have with which to value factory overhead, SG&A and profit.

In choosing the surrogate country, we first determined that both India and Indonesia were at a level of economic development comparable to the PRC, and that both are significant producers of the subject merchandise. *See* Memorandum to Maureen Flannery from David Mueller, dated January 29, 1997, and Memorandum to the File dated March 24, 1997, on file in Room B–099 of the Commerce Department. Although India is a larger exporter of INC, we chose Indonesia as the surrogate country because we could obtain price data from Indonesian sources for all of the factors of production except for steel drums. This was not true of India, from where no data was available for cotton linters, one of the primary raw materials.

Thus, contrary to respondent's assertion, the only surrogate value for which we preliminarily resorted to Indian data was for steel drums. We note that for the final results, we valued steel drums using an Indonesian source. (*See* Comment 4.) Our preference is to value all factors of production in a single surrogate country, when possible. *See* section 351.408(c)(2) of the *Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296 (May 19, 1997) (*Final Rule*) (''Except for labor, as provided in paragraph (d)(3) of this section, the Secretary normally will value all factors in a single surrogate country.'')[1] However, we were unable to obtain the most reliable data from just one country for this review, and have relied upon Indian data for factory overhead, SG&A and profit. We have continued to use Indonesia as the primary surrogate country, however, because we can value all other inputs in this country. This not true for India.

Furthermore, that China does not import cotton linters is irrelevant to our surrogate country selection. In using surrogate values, our goal is to substitute market-economy prices for non-market-economy (NME) prices. We use import data for no other reason than that they are a reliable source of market prices, not because the inputs may have been imported in the respondent country. In this case, we were unable to value all factors in a single country; however, our use of Indonesia as the primary surrogate country is consistent with this principle.

Comment 2: Surrogate Value for Cotton Linters: Petitioner argues that the Indonesian import statistics that the Department used to value cotton linters are flawed in several respects, and advocates that the Department use U.S. export data to either China, India or Indonesia (see Comment 3). However, petitioner asserts that, if the Department must use unit values related to a surrogate country, the Department should use certain surrogate unit values petitioner has identified from Indonesia or India. First, petitioner contends, the Indonesian import statistics are not reliable, because the amount of cotton linter imports they report are almost 15 times less than the amount that the U.S. Census reports were exported to Indonesia by the United States alone in 1995. Furthermore, the 1996 Indonesian statistics show no imports from any country at all, in contradiction with U.S. export figures that show that the United States exported 92,006 kg. to Indonesia in the second half of the POR (January through June 1996).

Secondly, petitioner claims that the unit value for cotton linters derived from the Indonesian import statistics is aberrationally low, compared to the unit value derived from U.S. export figures. Petitioner asserts that it is the Department's normal practice to disregard prices for factors of production inputs which are aberrational, and cites *Final Results of Antidumping Duty Administrative Review; Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China* (*Hand Tools*), 60 FR 49251, 49252 (September 22, 1995).

Third, petitioner claims the 1995 Indonesian import statistics show imports of cotton linters into Indonesia for only one month in the review period (August). Moreover, petitioner argues, Indonesian import statistics show no imports of cotton linters for 1996. Therefore, petitioner argues it is inappropriate for the Department to use figures based on one month of the POR and only one month of a 24-month period because the Indonesian import statistics do not provide an accurate portrayal of the import price for cotton linters over the entire review period. Petitioner also notes that the Department routinely seeks to use surrogate values ''from a time period that is contemporaneous to the period of investigation or the period of review.'' *Hand Tools,* 60 FR at 49253.

Fourth, petitioner asserts that the Indonesian import statistics reflect imports from Batam, which it claims is a separate customs zone of Indonesia. Because Batam is not a separate country from Indonesia, petitioner reasons, the data recorded in the Indonesian import statistics regarding cotton linter imports do not reflect true imports, and thus are not eligible for use as a basis for determining a market-economy price for cotton linters.

Finally, petitioner states that, because the unit values reflected in the import statistics are low, they may represent internal transfer prices. Moreover, they may represent a single transaction at a single port from a single supplier. Petitioner points out that the Department disregarded respondents' data for similar reasons in *Final Determination of Sales at Less Than Fair Value; Brake Drums and Brake Rotors from the People's Republic of China,* 62 FR 9160 (February 28, 1997) (*Brake Drums and Rotors*).

Respondent claims that the Indonesian import statistics do not underreport the volume of imports of cotton linters. Respondent points out that the import data record imports entered for consumption in Indonesia, while the U.S. export data include all exports sent into free trade zones in Indonesia including those which are re-exported without ever entering the Indonesian domestic market. Moreover, just because U.S. export data show shipments of U.S. cotton linters to China, India and Indonesia at a wide range of prices, this does not mean that those prices were actually paid in those countries, which is what the statute requires. Thus, respondent concludes, there can be no meaningful comparison of the two sets of data.

Respondent further argues that import data are inherently more reliable than export data. While there is little incentive for accuracy on the part of the providers of export data according to

[1] Although this administrative review is not being conducted under these new regulations, these regulations serve as a restatement of the Department's interpretation of the Act. *Id.* at 27378.

respondent, import data is compiled by customs officials who use the value of the imported merchandise to determine the customs duties to be paid on the merchandise. Moreover, understating import values would subject an importer to civil or criminal fines and penalties. Respondent notes that there are no similar consequences from inaccurately or negligently reporting U.S. export data. Therefore, it is the U.S. export data that should be called into question.

Assuming the accuracy of the U.S. export data, respondent states that the fact that the United States exports cotton linters at a wide range of prices that are different from the Indonesian import values does not discredit the latter.

Respondent argues that it is irrelevant that import data used by the Department were based on imports into Indonesia during only one month of the review period, because the data nonetheless constitute a surrogate value that was paid during the review period. Moreover, respondent argues, it does not detract from their accuracy.

Contrary to petitioner's assertion, respondent argues that the Indonesian import values are true import values, as Batam is a free trade zone. As such, the majority of products sent to Batam from outside Indonesia are not entered into the Indonesian market for consumption, but are re-exported. Those that do enter for consumption are recorded as imports and are assessed customs duties. Therefore, the imports into Indonesia through the Batam free trade zone fairly represent the value of cotton linters in Indonesia.

Respondent states that there is no evidence that the Indonesian import values represent internal transfer prices or that they represent a single transaction. Furthermore, the total imported quantity of 42 tons is not so small that the Department should assume that it constitutes a single transaction.

Department's Position: We find no evidence that the Indonesian import data for cotton linters are aberrational or unreliable, or that they represent a single transaction. The data cover imports into Indonesia from January to November 1995, and report 42 tons of cotton linters, not an insignificant amount. When appropriate, we compare surrogate value data to other available market-economy data to test the reliability of the data we intend to use in the factor analysis. *See, e.g. Hand Tools.* In this case, as petitioner and respondent have acknowledged, there is no other available data from countries with comparable economies with which to compare the Indonesian prices. Thus, we have no basis on which to conclude that the Indonesian import data is aberrational. Other than Indonesian import statistics or U.S. export data (see Comment 3), the only price data that we have been able to locate for cotton linters are import statistics from the United States and Canada. Such comparisons are not meaningful here, however, because all that they tell us is that cotton linters imported into Indonesia are priced lower than those imported into two countries with very different economies. Absent evidence that the Indonesian values are aberrational, to reject the Indonesian price simply because it is ''too low'' could be an overly subjective assumption. *See Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the People's Republic of China,* 58 FR 48833 (September 20, 1993) (''We agree that rejecting certain Indian import values simply because those are 'too high' is potentially overly subjective, but would add that so is rejecting certain values simply because they are 'too low.' '')

With respect to petitioner's assertion that the Indonesian import data are unreliable because they do not comport with United States export data, it stands to reason that all of the merchandise entering Batam would not appear as imports in the Indonesian import statistics, because Batam is a free trade zone and a bonded area. As such, it is entirely reasonable to assume that a large proportion of imported goods are re-exported from Batam, without ever entering the Indonesian customs area.

Moreover, if the Batam prices were not ''true'' imports, as petitioner suggests, then they must represent domestic prices in Indonesia, which are also suitable to use as a surrogate value.

Comment 3: Use of U.S. Export Data: Petitioner contends that instead of Indonesian import data, the Department should value cotton linters based on U.S. export statistics for merchandise exported to the PRC during the review period. Petitioner argues that unit values derived from U.S. export values: (1) Provide the most realistic figure for cotton linters; (2) are based on publicly available information; (3) come from a reliable source; (4) represent a large volume of U.S. exports to China; and (5) is on the record of this proceeding. Petitioner emphasizes that these export values are the most accurate prices available because they are based on actual prices paid by Chinese importers for cotton linters during the POR.

Petitioner claims that it is the Department's longstanding practice to use actual market-economy purchase prices instead of surrogate values if such market-economy prices exist for material inputs. Therefore, the Department should not have looked to any surrogate value for cotton linters at all. Petitioner maintains that there is ample evidence that the Department routinely uses actual prices paid by PRC importers to U.S. suppliers. Petitioner argues that in a non-market economy such as the PRC, the Department's practice calls for using a combination of surrogate values and actual market-economy prices when the latter are available. Petitioner cites the following determinations as evidence of the Department's practice of using actual prices: *Final Determination of Sales at Less Than Fair Value; Bicycles from the People's Republic of China* (*Bicycles*), 61 FR 19026, 19029 (April 30, 1996) and *Final Determination of Sales at Less Than Fair Value; Coumarin from the People's Republic of China* (*Coumarin*), 59 FR 66895, 66897 (December 28, 1994). Petitioner also cites *Lasko Metal Products, Inc.* v. *United States,* 43 F.3d 1442 (Fed. Cir. 1994), to support its contention that using actual prices paid to U.S. suppliers by Chinese importers conforms with the antidumping statute's intent to determine margins as accurately as possible and to use the ''best information available'' to it.

The petitioner contends that, if the Department determines that it must use unit values relating to a surrogate country, the Department should use a price derived from U.S. export data for cotton linters exported to either India or Indonesia during the review period, which petitioner claims are more reliable than the Indonesian import data the Department used for the preliminary results. Petitioner notes that both countries were determined to be surrogate market-economy countries and both countries produced INC. Petitioner also notes the Department's reluctance to use export figures is based on existence of subsidies and other distorting schemes. However, petitioner argues U.S. export statistics are the most reliable official indicators of market-economy prices. Moreover, petitioner cites to *Saccharin from the People's Republic of China,* 59 FR 58818 (November 15, 1995), and *Coumarin from the People's Republic of China,* 59 FR 66895 (December 28, 1994) as examples where the Department used export statistics as a reliable indicator of price and to test the reliability of import figures. Finally, petitioner notes that when prices in both countries used for comparison (Indonesia and India) were found aberrational, the Department used

the median export price to arrive at a surrogate value.

Respondent argues that it would be illegal to use U.S. export values to China as a surrogate value for cotton linters, and petitioner's interpretation of the court's decision in *Lasko* and the Department's decisions in *Bicycles* and *Coumarin* are inapposite. Respondent points out that the Department declines to use surrogate values for inputs only when the manufacturer under investigation has purchased those inputs from a market-economy country. Respondent also notes that it does not use imported cotton linters to make the subject merchandise; therefore, there are no actual costs paid to market-economy countries in this case. Respondent argues that petitioner's suggested methodology is neither the intent of the law, nor of *Lasko*, which affirmed the Department's use of actual market-economy prices paid by an NME producer. Respondent further objects that petitioner's proposal to add its own freight rates to U.S. export values would further distort surrogate values.

Respondent further contends that the use of U.S. export prices would contravene section 773(c)(4) of the Act requiring the Department to value NME producers' factors of production using the prices of the factors in one or more market-economy countries that are (A) at a level of economic development comparable to that of the NME country, and (B) significant producers of comparable merchandise, as the United States is much more economically developed than Indonesia.

Respondent contends that, for all of the reasons noted above, the Department should not use U.S. export data for exports to India or Indonesia, as petitioner suggests, but should use Indian import statistics. However, if the Department chooses to use export values, the Department should calculate a value that relates most closely to the market of Indonesia, the Department's chosen surrogate country.

Department's Position: As discussed in Comment 2, we have continued to use the Indonesian import price to value cotton linters. We do not consider the use of U.S. export data to be an appropriate option in this case, when we have an import price for a surrogate country that is both a significant producer and at a level of economic development comparable to the PRC. Furthermore, the Indonesian import prices are derived from a range of countries, and thus are a better indicator of domestic market prices than would be prices from a single country, the United States. That the imports reflected in the Indonesian import statistics may come from Batam, a free trade zone, does not contradict this, because merchandise re-exported from Batam into Indonesia would have originated from a number of different countries.

Petitioner misinterprets *Lasko* and the Department's practice, articulated in *Bicycles* and *Coumarin*, with respect to using market-economy prices instead of surrogate values in certain instances. In these cases and many others, we have established the practice of using actual prices instead of surrogate values when respondents have purchased certain inputs from market-economy suppliers and paid for them in a market-economy currency. In *Lasko* at 1446, the CIT affirmed this practice, which we recently codified in Section 351.408(c)(1) of the *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27413 (May 19, 1997) (" However, where a factor is purchased from a market economy supplier and paid for in a market economy currency, the Secretary normally will use the price paid to the market economy supplier.") In the present case, the respondent specifically stated in its questionnaire response that it purchases cotton linters only from PRC suppliers. Thus, there is no basis in this case for deviating from the surrogate value methodology used in the preliminary determination to value cotton linters.

Comment 4: Surrogate Value for Steel Drums: Respondent contends that the Department's calculated surrogate value for steel drums is an unreliable measure of iron drum costs. Respondent argues that the HTS category that the Department used in the preliminary results is a basket category, containing a variety of different products besides the galvanized iron sheet drums it used during the review period, as evidenced by the fact that unit values varied from country to country by up to 2843%. Respondent claims that the Department's valuation results in a per-drum dollar amount of $141.25, a figure that is excessive and aberrational.

Respondent adds that the Department generally rejects HTS-derived values that are aberrational compared to other available data, and cites *Chrome-Plated Lug Nuts from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 61 FR 58514, 58517–518 (November 15, 1996) (*Lug Nuts*), in which the Department rejected steel values from a basket HTS category as aberrational compared to other available data. Respondent also cites the April 22, 1996 Factors Valuation Memorandum from the Bicycles Team to the File, *Bicycles*, at 22, in which the Department used an export value for one of the chemical inputs because the import value had been deemed aberrational in another case.

Instead of the weighted average value of all steel drum imports into India, which the Department used in the preliminary results, respondent suggests that the Department use only the collected data on imports of steel drums into India from Indonesia. Respondent claims that this value would be appropriate, because it is based on two surrogate country values, and would be more reasonable than the $141.25 per drum figure used in the preliminary results.

Petitioner contends that the Department was correct in calculating the average unit value for steel drums, in keeping with its preference for using average non-export values. Petitioner cites *Lug Nuts* and *Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China*, 61 FR 14057 (March 29, 1996). Petitioner points out that respondent suggested both the source and the HTS number that the Department ultimately used in the preliminary results, but now is suggesting that the Department distort the statistics by valuing steel drums based on imports from just one country—Indonesia. Petitioner claims that to value steel drums based on imports from only one of the several countries listed in the Indian import statistics would undermine the Department's purpose in calculating a surrogate unit value—namely to determine a price that would be paid by an average Indian importer of steel drums—and result in a skewed unit value. Petitioner also objects to respondent's suggested methodology because it would cover only one month of the review period, even though statistics for the full POR were available from the same source respondent used. Petitioner also alleges that respondent distorted relevant information by creating a table showing imports of steel drums into India from only Indonesia and Singapore, and excluding imports from the United States, which accounted for 90% of all steel drums imported into India. Thus, petitioner advocates that the Department adhere to its preliminary weighted-average unit value, based on all Indian imports, and covering the entire review period.

Petitioner states that there is ample precedent for the Department's use of basket categories without finding that they lead to aberrational results. Moreover, the Department has used various steel drum subheadings, including the one used in the

preliminary results, in recent investigations.

Department's Position: As noted above, for the final results we have used an Indonesian steel drum price used in the less than fair value (LTFV) investigation of furfuryl alcohol from the PRC, adjusted for inflation. These data are superior to the Indian import statistics that we used in the preliminary results, because they are from the primary surrogate country and are for drums of approximately the same size as those used by respondent to pack a chemical product. These new data are better than the basket category provided in the Indian import statistics because they better approximate the cost of the input used by respondent.

We placed these data on the record of this review after the preliminary results. *See* Memorandum to the File from R. Trainor dated November 21, 1997, on file in room B–099 of the Commerce Department. We received comments from respondent supporting the use of the Indonesian data as more reasonably reflecting the market price of steel drums in a country that the Department has determined to be an accurate surrogate country in this review. We received no comments on the new data from petitioner.

Comment 5: Packing Distances: Petitioner argues that since respondent did not report shipping distances between packing materials suppliers and the factory, the Department should use as facts available the highest freight rate and the longest of all reported distances, instead of the simple average of all reported distances, which the Department used in the preliminary results.

Department's Position: As we stated above, for the final results we have used the actual distances between CNIGC's packing suppliers and its factory. On November 5, 1997, we requested that the respondent provide this information for the final results because we had not requested it in our questionnaires. Petitioners were provided an opportunity to submit comments regarding this data but did not comment.

Comment 6: Water Valuation: Respondent states that the Department miscalculated water usage in the preliminary results, because of a misunderstanding of the questionnaire response. Respondent contends that the Department understood the response to report water usage on the basis of tons used to produce one kilogram of subject merchandise, when in fact, it reported water usage in tons of water needed to produce a ton of subject merchandise. Thus, no conversion from tons to kilograms was necessary.

Respondent also argues that, in past cases, the Department has recognized that water used in the production process is included as part of factory overhead, and is not separately valued as a raw material input. Respondent notes that water itself is not a component of the final product, and cites *Final Determination of Sales at Less Than Fair Value; Saccharin From the People's Republic of China,* 59 FR 58818, 58824 (November 15, 1994) (*Saccharin*). Thus, the Department should not assign a separate factor value to water for the final results.

Department's Position: We agree with respondent that we incorrectly converted the water usage rate to kilograms in the preliminary results, and have corrected this error for the final results.

We have not assigned a separate surrogate value to water for the final results, because the overhead value we have used, derived from the financial statements of six Indian chemical-producing companies, includes water in factory overhead, along with power and fuel. See Comment 7.

Comment 7: Factory Overhead, SG&A and Profit: Respondent objects to the Indonesian data the Department used in the preliminary results for factory overhead, SG&A, and profit as being outdated, unreliable, and non-industry specific. Instead, respondent contends, the Department should rely on data from the April 1995 *Reserve Bank of India Bulletin* (RBIB), which the Department has used numerous times in the past, and which represent Indian metal and chemical industries.

Respondent argues that the Department should not rely on the data submitted by the petitioner, because these data, which consist of excerpts from the financial statements of several Indian companies, (1) do not represent an appropriate industry sector for comparison to the nitrocellulose industry; (2) were selectively hand-picked by petitioner to result in high ratios; and (3) do not allow any judgment as to whether the companies they represent are normally operative companies, or if their overhead, SG&A, and profit were abnormally high, because petitioner did not submit the complete financial statement for each company. Respondent points out that, although petitioner states that there are three plants producing nitrocellulose in India, it did not submit financial statements from any of them.

Finally, respondent claims that, in petitioner's SG&A, overhead and profit calculations, stores and spares consumed should be included in the category of ''Raw Materials, Labor, and Energy'' instead of in factory overhead.

Petitioner denies that it was selective in choosing the Indian financial data to place on the record. Petitioner states that it chose these companies because it was unable to obtain the financial statements of the three Indian INC producers. Furthermore, the six companies were identified in the Disclosure, Inc. database as the Indian publicly-traded companies manufacturing products within the SIC category that includes subject merchandise, and for which FY 1996 annual reports were available.

Petitioner contends that, although none of the six companies for which petitioner submitted annual reports manufacture the subject merchandise, they represent a narrower category of merchandise than do the RBIB data submitted by respondent, which cover the processing and manufacture of ''metals, chemicals, and products thereof.'' Furthermore, petitioner argues, respondent provides no support for its assertion that the RBIB industrial group is representative of the INC industry in India, or that the Indian companies upon which the data are based include Indian INC manufacturers. Petitioner argues that the data it submitted are more contemporaneous as well as being more industry-specific than the RBIB data submitted by respondent.

In response to CNIGC's claim that stores and spares consumed should be included in the category of ''Raw Materials, Labor, and Energy,'' petitioner argues that it is the Department's practice to include stores and spares consumed as an overhead element, and cites the February 28, 1997 final analysis memorandum for the 1994–95 administrative review of *Sebacic Acid From the People's Republic of China,* 62 FR 10530 (March 7, 1997).

Department's Position: We agree that the surrogate SG&A, overhead and profit information we used in the preliminary results was not current and not specific to the nitrocellulose industry. We requested more appropriate data from the U.S. embassy in Jakarta, Indonesia, but were unable to obtain complete data in time for these final results. Therefore, we have used the information provided by petitioner, obtained from the financial statements of six Indian chemical-producing companies. Although we have used the RBIB data in other cases, as respondent points out, we have determined that the data submitted by petitioner is preferable in this case, because it represents the overhead, SG&A and profit ratios of

several companies that manufacture products of the same SIC classification as the subject merchandise. The RBIB ratios, on the other hand, are derived from companies involved in the more general category of ''chemicals and metals'' industries.

Regardless of whether petitioner ''selectively hand-picked'' the information it provided on the record, this information is nonetheless more representative of the experience of Indian producers of comparable merchandise than is the RBIB data. Petitioner provided available data from Indian companies identified with an SIC code of 2821, which includes cellulose nitrate resins. Furthermore, rather than being uniformly high, the data reflect a wide range of overhead, SG&A and profit figures. Petitioners submitted the relevant pages of the financial statements, and there is no evidence on the record that these companies' overhead, SG&A and profit are abnormally high.

Finally, we agree with petitioner that stores and spares consumed should be included in overhead, as we have done in past cases. See, *Memorandum to the File; Certain Helical Spring Lockwashers from the People's Republic of China: Factor Values Used for the Preliminary Results,* dated July 3, 1997.

Comment 8: Separate rate for CNIGC: CNIGC argues that the Department should grant it a separate rate. CNIGC argues that the Department's decision in the preliminary results was based on analysis done for a separate antidumping investigation with an entirely different record. GNIGC alleges that information from the *Brake Drums and Rotors* investigation (63 FR 42748) was inserted into this record without notice to counsel on March 26, 1997. Notwithstanding, CNIGC argues that verification reports from *Brake Drums and Rotors* inserted into this record nevertheless satisfies the Department's requirements of *de jure* and *de facto* independence from government control to warrant a separate rate. CGIGC states that the focus of the separate rates analysis is not on whether there might be a general ''relationship'' between the company and the government, but rather on whether there is operational independence with regard to export sales.

Respondent argues that, in *Brake Drums and Rotors,* the Department based its decision that there is a *de facto* relationship between the company and government on two pieces of evidence. The first was an outdated company brochure from 1992 when CNIGC was still a branch of China North Industries Corporation (NORINCO). Respondent claims that it does not know why the brochure was given to the Department, but speculates that company personnel provided it in an effort to be helpful during verification. As further proof that the brochure was outdated, respondent notes that it was printed before the company's name was changed from China North Industries Guangzhou Branch to China North Industries Guangzhou Corporation, as supported by the company's pre-1993 and post-1993 business licences. Respondent also provides a chronology of the company's telephone numbers to show that the brochure predates the review period. CNIGC asserts that the agreement separating it from NORINCO makes it clear that the two entities are completely separate, with only the somewhat similar name suggesting their common past. CNIGC alleges that the Department's verification in *Brake Drums and Rotors* found no evidence contrary to their assertion that there can be no relationship between itself and NORINCO with respect to any of the relevant factors examined by the Department.

The second piece of evidence used in the brake drums and rotors case to deny separate rates was the fact that national NORINCO maintains an office in the same building as CNIGC. Respondent claims that many other companies, including a major bank, have offices in that same building. The fact that NORINCO maintains an office there does not translate into control over pricing, contractual powers, management selection, or disposition of profits.

Department's Position: In *Brake Drums and Rotors,* we found that this same respondent, CNIGC, had satisfied the Department's criteria for establishing freedom from *de jure* government control. However, we found that other evidence supported the conclusion that, *de facto,* CNIGC had not completely severed its ties with NORINCO, its former parent company which, the evidence showed, was controlled by the PRC government. We have placed this information on the record of this review. See, *Memorandum to the File; Industrial Nitrocellulose from the People's Republic of China: Information for the Separate Rates Determination,* dated March 26, 1997.

The fact that respondent would weight the evidence differently does not alter the fact that there is substantial evidence to support the Department's determination. Respondent has not provided any further evidence which indicates that the factual circumstances have changed and we do not find any basis on the record of this review on which to overturn our decision. We have, therefore, not granted CNIGC a separate rate in this review.

Final Results of Review

As a result of our review, we have determined that the following margin exists for the period July 1, 1995 through June 30, 1996.

Manufacturer/exporter	Margin (percent)
PRC-wide rate	0.00

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and NV may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of INC from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: for all PRC exporters, the cash deposit rate will be the PRC-wide rate established in these final results of administrative review; and (2) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice serves as a reminder to importers of their responsibility under section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested.

Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–32690 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order on Certain Pasta From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of anti-circumvention inquiry.

SUMMARY: On the basis of an application filed with the Department of Commerce, we are initiating an anti-circumvention inquiry to determine whether an Italian producer of pasta is circumventing the antidumping duty order on certain pasta from Italy issued July 24, 1996.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Edward Easton or John Brinkmann, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–1777 or (202) 482–5288, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1997, the Department of Commerce (''the Department'') received an application filed by the petitioners in the above-referenced case, requesting that the Department conduct an anti-circumvention investigation, pursuant to section 781(a) of the Tariff Act of 1930, as amended (''the Act''), with respect to the antidumping duty order on certain pasta from Italy (''the order'') issued July 24, 1996 (61 FR 38547). The petitioners allege that Barilla S.r.L. (''Barilla'') is circumventing the order by importing pasta into the United States in bulk, defined as packages of greater than five pounds (2.27 kilograms), and repackaging the pasta into packages of five pounds or less for resale in the United States. Inasmuch as the scope of the order covers only pasta in packages of five pounds or less, the petitioners claim that Barilla's repackaging operations in the United States have allowed it to import pasta into the United States free of any antidumping duties. The petitioners assert that all the elements necessary for an affirmative determination under Section 781(a) of the Act are present.

On November 19, 1997, Barilla filed comments replying to the petitioners' circumvention allegations. On December 2, 1997, petitioners filed comments in response to Barilla's November 19, 1997 submission. Barilla rebutted the petitioners' December 2, 1997 comments in a submission filed December 3, 1997.

Initiation of Anti-Circumvention Proceeding

In accordance with section 781(a) of the Act, the Department may include merchandise completed or assembled in the United States within the scope of an existing order when the following four conditions are met: (A) The merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject to the antidumping duty order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order applies; (C) the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components produced in the foreign country to which the antidumping duty order applies is a significant portion of the total value of the merchandise sold in the United States.

In determining whether to include parts or components in the order, the Act states at section 781(a)(3) that the Department must take into account: (1) the pattern of trade, including sourcing patterns; (2) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States; and (3) whether imports into the United States of the parts or components produced in such foreign country have increased after the initiation of the investigation which resulted in the issuance of such order or finding.

Based upon our review of the foregoing allegations and supporting information submitted in the application and in Barilla's submission, and with respect to the preceding criteria, we find that the application contains all of the elements that warrant an anti-circumvention inquiry (see, December 8, 1997 Memorandum from Richard Moreland to Robert S. LaRussa). Therefore, we are initiating an anti-circumvention inquiry concerning the antidumping duty order on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225 of the Department's regulations.

We intend to notify the International Trade Commission (''ITC'') in the event of an affirmative preliminary determination of circumvention, in accordance with 19 CFR 351.225(f)(7).

The Department will not order the suspension of liquidation at this time. However, in accordance with 19 CFR 351.225(l)(2), the Department will instruct the U.S. Customs Service to suspend liquidation in the event of an affirmative preliminary determination of circumvention.

This notice is issued pursuant to section 781 of the Act (19 U.S.C. 1677j) and 19 CFR 351.225.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–32629 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy; Notice of Court Decision

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On October 2, 1997, in the case of *De Cecco et al.* v. *United States et al.*, Slip Op. 97–143 (''*De Cecco*''), the United States Court of International Trade (the CIT) granted plaintiffs' and plaintiff-intervenors' motions for judgment with respect to the extension by the United States Department of Commerce (''Department'') of provisional antidumping measures for the period May 19, 1996 through July 24, 1996. On October 23, 1997, the CIT ordered the Department to issue appropriate instructions to the U.S. Customs Service to implement its October 2, 1997, decision to grant judgment to plaintiffs and plaintiff-intervenors.

EFFECTIVE DATE: November 3, 1997.

FOR FURTHER INFORMATION CONTACT: Edward Easton or John Brinkmann, at

(202) 482–1777 or (202) 482–5288, respectively, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1996, the Department published its final determination of sales at less than fair value in the antidumping duty investigation of certain pasta from Italy. On July 24, 1996, the Department published an amended final determination. Subsequently, De Cecco, *et al.*, filed lawsuits with the Court challenging the extension of provisional measures described above. On October 2, 1997, the CIT issued its opinion granting plaintiffs' and plaintiff-intervenors' motions. In its opinion, the CIT found that the Department had improperly extended the provisional measures period, as there had not been a proper request from exporters to extend this period. On October 23, 1997, the CIT directed the Department to issue instructions to implement its decision.

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The decision of the CIT in *De Cecco* constitutes a decision not in harmony with the Department's final determination. This notice fulfills the publication requirements of *Timken*.

Absent an appeal, or, if appealed, upon a ''conclusive'' court decision affirming the CIT's judgment, the Department will direct the U.S. Customs Service to: (1) Lift the suspension of liquidation, release any bonds or other security posted, and refund any and all cash deposits paid as estimated antidumping duties on any and all entries of the subject merchandise which were produced by the following producers:

F.lli Ce Cecco di Filippo San Martino S.p.A.
Rummo S.p.A. Molina e Pastificio
La Molisana Industrie Alimentari S.p.A.
Pastificio Fratelli Pagani S.p.A.
Industria Alimentari Colavita S.p.A.

or imported by the following importers:

Agrusa, Inc.
Bel Canto Fancy Foods, Ltd.
Cento Fine Foods, Inc. (Alanric Food Distributors)
George De Lallo Co., Inc.
Domil, Inc.
Ferrara Food Co., Inc.
Gourmet Award Foods
I.T. & M, Inc.
Italfoods, Inc.
La Pace Imports, Ltd.
Med-USA Corporation
Musco Food Corp.
The Pastene Companies, Ltd.
Rienzi & Sons
Ron-Son Mushroom Products, Inc.
Santini Foods, Inc.
Sinco, Inc.
World Finer Foods, Inc

and were entered, or withdrawn from warehouse for consumption, after May 18, 1996, and before July 24, 1996; and (2) liquidate those entries without regard to any antidumping duty; and (3) pay any such refunds of cash deposits in accordance with law, including interest, from the date of entry at the rate(s) as announced from time to time by the Customs Service pursuant to Title 19, United States Code, Section 1505(c). Liquidation of such entries is suspended pending final and conclusive disposition.

Dated: December 5, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–32694 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–825]

Sebacic Acid From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review of sebacic acid from the People's Republic of China.

SUMMARY: On August 8, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sebacic acid from the People's Republic of China (PRC) (62 FR 42755). This review covers shipments of this merchandise to the United States during the period of July 1, 1995, through June 30, 1996. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of the review. In accordance with the decision in *Sigma Corp.* v. *the United States*, 117 F.3d 1401 (Fed. Cir. 1997), we revised our calculations of source-to-factory surrogate freight for those material inputs that are based in CIF import values in the surrogate country. We have added to CIF surrogate values from India, a surrogate freight cost using the shorter of the reported distances from either the closest PRC port to the factory, or from the domestic supplier to the factory. *See Notice of Final Determination of Sales at Less Than Fair Value: Collated Roofing Nails from the People's Republic of China*, 62 FR 51415, 51410 (October 1, 1997); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China* 62 FR 61964, 61977 (November 20, 1997).

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Doreen Chen or Stephen Jacques, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0413 or (202) 482–1391, respectively.

Applicable Statute and Regulations: Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Rounds Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are in reference to the regulations, codified at 19 CFR 353 (April 1, 1996).

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** an antidumping duty order on sebacic acid from the PRC on July 14, 1995 (59 FR 35909). On August 8, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sebacic acid from the PRC (62 FR 42755 August 8, 1997) for the period July 1, 1995 through June 30, 1996. We received written comments from Tianjin Chemicals Import and Export Corporation (Tianjin), Guangdong Chemicals Import and Export Corporation (Guangdong), and Sinochem International Chemicals

Company, Ltd. (SICC) (collectively, respondents); and from the petitioner, Union Camp Corporation. On November 24, 1997, the Department informed parties that certain information in respondents' September 15, 1997 rebuttal brief and petitioner's September 8, 1997 case brief contained untimely new information that should be stricken from the record of this review. The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The products covered by this order are all grades of sebacic acid, a dicarboxylic acid with the formula $(CH_2)8(COOH)2$, which include but are not limited to CP Grade (500ppm maximum ash, 25 maximum APHA color), Purified Grade (1000ppm maximum ash, 50 maximum APHA color), and Nylon Grade (500ppm maximum ash, 70 maximum ICV color). The principal difference between the grades is the quantity of ash and color. Sebacic acid contains a minimum of 85 percent dibasic acids of which the predominant species is the C_{10} dibasic acid. Sebacic acid is sold generally as a free-flowing powder/flake.

Sebacic acid has numerous industrial uses, including the production of nylon 6/10 (a polymer used for paintbrush and toothbrush bristles and paper machine felts), plasticizers, esters, automotive coolants, polyamides, polyester castings and films, inks and adhesives, lubricants, and polyurethane castings and coatings.

Sebacic acid is currently classifiable under subheading 2917.13.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding remains dispositive.

This review covers the period July 1, 1995, through June 30, 1996, and four exporters of Chinese sebacic acid.

Analysis of Comments Received

Comment 1: surrogate country: Petitioner asserts that India should not be used as the surrogate country for the PRC because they claim there is no sebacic acid production in India. Petitioner contends that it would be inconsistent with the statute to use India as a surrogate because: (1) India is not a producer of sebacic acid; and (2) oxalic acid is not commercially or chemically comparable to sebacic acid. *See* 19 U.S.C. § 1677b(c)(1). Petitioner argues that while it is true that both oxalic and sebacic acid are dicarboxylic acids, oxalic acid has two carbon atoms ($C_2H_2O_4$) and sebacic acid has ten carbon atoms ($C_{10}H_{18}O_4$), giving the two acids completely different properties and uses. Petitioner contends that the production process inputs for the two acids are very different. Additionally, petitioner argues that the commercial value of sebacic acid is nearly 5 times greater than the U.S. value for oxalic acid.

Petitioner suggests that the Department should value the factors of production based on either U.S. or Japanese values, the only two market economies where sebacic acid is produced using the caustic fusion process. Petitioner contends that there is no known sebacic acid production in India. Petitioner maintains that they did not find any Indian chemicals companies which produced sebacic acid during the period of review and that the absence of the price for sebacic acid in the Indian *Chemical Weekly* publication suggests further evidence of the lack of sebacic acid production in India. Because sebacic acid is not produced in India, petitioner argues that pursuant to 19 CFR 353.52(c), the United States is the appropriate surrogate country for this administrative review.

Respondents maintain that there is now evidence on the record of this review that sebacic acid is produced in India. Respondents note that on January 6, 1997, they submitted a letter dated September 25, 1996 from an Indian chemical company, Siris Limited, stating that sebacic acid is now produced in India. Consequently, respondents urge the Department to reject petitioner's argument for using Japan or the United States as the surrogate country and instead, continue to use India as the surrogate country.

Respondents argue that 19 U.S.C. § 1677b(c)(4) provides that ''[t]he administering authority, in valuing factors of production under paragraph (1), shall utilize, *to the extent possible,* the prices or cost of factors of production in one or more market economy countries that are—(A) at a level of economic development comparable to that of the nonmarket economy country, and (B) significant producers of comparable merchandise.'' (Respondent Rebuttal Brief at p. 2) (emphasis in original). Respondents argue that the words ''to the extent possible'' give the Commerce Department the option to choose, as a surrogate country, a country that does not produce the same merchandise or even comparable merchandise, if no country meets both criteria set forth in the statute. Respondents argue that petitioner's asserted definition of ''comparable'' merchandise requires that products have identical characteristics, including identical chemical formula and uses. Respondents also note that under petitioner's definition of ''comparable'' merchandise, there is no country that would meet both aspects of the statute. Respondents maintain that such a narrow definition defeats the Congressional purpose in giving the Department the discretion to determine what constitutes a comparable product. Respondents also note that the statute suggests that it was Congress' intent to give to the Department substantial discretion in determining what are comparable products and choosing surrogate countries.

In addition, respondents contend that the values of oxalic and sebacic acid are different should have no bearing on the choice of a surrogate country since in this review, the Department is not using the value of oxalic acid to value sebacic acid. Respondents also maintain that there is substantial evidence on the record of this investigation that India is a substantial producer of castor oil, the primary input for sebacic acid. Furthermore, respondents point out that the Department verified that Tianjin Zhonghe, the Chinese sebacic acid producer, used imported castor oil from India to produce sebacic acid.

Respondents disagree with petitioner that the absence of a price for sebacic acid from Indian *Chemical Weekly* and *Chemical Business* suggests that the chemical is not produced in India. Respondents note that the Department has in the past been forced to rely on Indian import statistics because neither the *Chemical Weekly* nor the *Chemical Business* report a certain price for a chemical.

Department's Position: In valuing factors of production, the Department used surrogate values from India. In accordance with 19 U.S.C. § 1677b(c)(4), the Department chose India as its surrogate because it was most comparable to the PRC in terms of overall economic development based on per capita gross national product (GNP), the national distribution of labor, and growth rate in per capita GNP, and because it was a significant producer of comparable merchandise (oxalic acid).

The statute and the regulations instruct the Department to value factors of production in an appropriate surrogate country. The Department rarely departs from use of a surrogate value from a country comparable to the NME in terms of overall economic development. *See Final Determination of Sales at Less Than Fair Value: Beryllium Metal and High Beryllium Alloys from the Republic of Kazakstan,* 62 FR 2648 (January 17, 1997).

Surrogate values from countries at a similar level of development are considered to be the most appropriate and comparable for valuation of the factors of production used in the similarly situated nonmarket economy country. While the Department may use values from the United States or other countries not at a comparable level of development for individual factors, its practice is to do so only if it cannot find those values in a comparable economy that produce comparable merchandise. Use of the United States, Japan or another country not on the list of recommended surrogate countries proposed by the Department's Office of Policy is less desirable specifically because surrogate values from countries not at a level of economic development comparable to that of the nonmarket economy are not considered to be as representative of the nonmarket economy country's costs and prices. *See* Memorandum from Director, Office of Policy to Office Director, AD/CVD Group II/OIX, Sebacic Acid from the People's Republic of China: Nonmarket Economy Status and Surrogate Country Selection, June 24, 1997.

The fact that sebacic acid is produced in the United States or Japan does not make either country an appropriate surrogate. Neither the United States nor Japan are at a level of economic development comparable to the that of the PRC. Moreover, the Department has concluded that using values from India is appropriate because India is at a comparable level of development and, based on U.S. import statistics for the POR, is a significant producer of comparable merchandise—oxalic acid. *See* Analysis Memorandum for the Preliminary Results of the 1995/1996 Review. (Preliminary Analysis Memorandum).

We disagree with petitioner that oxalic acid is not comparable to sebacic acid. The statute does not define ''comparable merchandise'' and the relevant legislative history evidences Congress' intent to allow the agency to select from a wide category of merchandise in identifying comparable merchandise. *See* H.R. Conf. Rep. No. 100–576 (1988), *reprinted in* 1988 U.S.C.C.A.N. 1547. Thus, to impose a requirement that merchandise must be produced by the same process and share the same end uses to be considered comparable would be contrary to the intent of the statute. Therefore, in the final determination for the 1994–1995 review, we determined that oxalic acid and sebacic acid were comparable products. *See Sebacic Acid from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 62 FR 10530, 10533 (March 7, 1997). In that review, the Department found that although the chemicals may have different production processes, oxalic acid and sebacic acid are comparable products since both are dicarboxylic acids and have similar end uses as they are both used in the rubber industry. *Id.*

Finally, we determine that the documents submitted by interested parties on January 3, 1997 and January 6, 1997 do not conclusively demonstrate that sebacic acid was produced in India during the period of review (POR). Therefore, we have not relied on these documents as a basis for our decision to use India as the surrogate country for this review.

Comment 2: Petitioner argues that the Department should value capryl alcohol consistent with the CIT's decision in *Union Camp Corp.* v. *United States,* 941 F. Supp. 108 (Ct. Int'l Trade, 1996). Specifically, petitioner asserts that the CIT ordered the Department to value capryl alcohol (octanol-2) based on an appropriate cost of crude octanol-2 rather than the Indian selling price for refined octanol-1 listed in *Chemical Weekly. Id.* at 119.

Petitioner questions the letter from the editor of *Chemical Weekly* submitted by respondents and relied upon by the Department for the preliminary results, which states that ''the octanol price referred by you corresponds to the more common 2-octanol (2 ethylhexanol).'' *See Preliminary Results of Antidumping Duty Administrative Review; Sebacic Acid from the PRC* 62 FR 42,758 (August 8, 1997); (Preliminary Analysis Memorandum at 6); Letter from Williams Mullen Christian & Dobbins, Jan. 3, 1997, at Attachment 4. Petitioner contends that because respondents failed to provide the original letter to the editor of *Chemical Weekly,* there is no evidence to indicate whether the octanol price referred to in the original letter to the editor corresponds to the octanol price in the *Chemical Weekly.* In addition, petitioner argues that there is no evidence on the record to indicate that the *Chemical Weekly* editor is sufficiently familiar with the chemical composition of the octanol product published in the *Chemical Weekly* to declare that it is octanol-2 (2-ethylhexanol). Petitioner argues because octanol-1 is not comparable to octanol-2, the Department should not use the *Chemical Weekly* price for octanol-1 to value crude octanol-2.

Petitioner contends that Union Camp and respondents Tianjin Zhong He and Hengshui Dongfeng Chemical Factory all treat capryl alcohol as a by-product. Therefore, petitioner argues that Department should treat capryl alcohol as a by-product and not a co-product. Petitioner claims that because the Department used the high Indian value of octanol-1 to value octanol-2, the Department incorrectly determined octanol-2 to be a co-product rather than a by-product of the sebacic acid process.

Petitioner argues that because octanol-2 is only produced during the sebacic acid production process and because there is no sebacic acid production in India, octanol-2 is not sold in India. Petitioner points out that there is a large value difference between the U.S. octanol-1 price and the U.S. capryl alcohol price. Moreover, petitioner rejects respondents' surrogate price for capryl alcohol, $0.68/lb., from the *Chemical Marketing Reporter,* because it is the same as Union Camp's offering price for *refined* capryl alcohol. According to petitioner, crude capryl alcohol, the subsidiary product of the sebacic acid process, must be further processed to achieve a 98 percent pure refined product. The *Chemical Marketing Reporter* reported the market value of octanol-1 at $0.925/lb during the POR. Petitioner argues that the U.S. value of octanol-1 during the POR was 36 percent higher than the U.S. value of *refined* capryl alcohol and that the value difference between octanol-1 and crude capryl alcohol is even larger. Therefore, petitioner concludes that because octanol-1 is not comparable to octanol-2 either chemically or commercially, the Department should not use octanol-1 as a surrogate value for octanol-2.

Petitioner offers its own by-product credit value for crude capryl alcohol, $0.15/lb., as the best available surrogate price for the subsidiary product. However, petitioner states that if the Department chooses to use the $0.68/lb price, it should make adjustments for input costs in converting crude capryl alcohol to *refined* capryl alcohol. Petitioner supplies such a calculation where the resulting value is $0.1544/lb.

Respondents argue that the Department should continue to use a surrogate value for octanol from India. Respondents maintain that the evidence on the record supports that the octanol price in *Chemical Weekly* is equivalent to the Indian price for octanol-2, not the octanol-1 as argued by the petitioner. Respondents submitted a letter from the Indian *Chemical Weekly,* which states that the ''octanol'' price in the Indian *Chemical Weekly* ''corresponds to the more common octanol-2 (ethylhexanol-2).'' *See* Submission, January 6, 1997. Respondents argue that according to Hawley's *Condensed Chemical Dictionary,* ethylhexanol-2 is another

form of octanol. *Id*. Respondents also submitted additional information from the U.S. chemical company, Ivanhoe Industries, which stated that ''octanol'' is a generic term which can include octanol-1, octanol-2, octanol-3, ethyl hexanol-2 and other products. In addition, respondents argue that all octyl alcohols can be used interchangeably to produce plastercizers for vinyl resins and as esters for lube oils and therefore are comparable products.

Respondents disagree with petitioner's claims that the octanol price in the Indian *Chemical Weekly* significantly overstates the price of capryl alcohol. Respondents claim they provided prices from the U.S. *Chemical Marketing Reporter* in their January 6, 1997 PAPI submission, which they argue, demonstrates that ethyl hexanol-2 is less expensive than octanol-2. Moreover, respondents maintain that the Indian *Chemical Weekly* price of octanol of $1520 per metric ton is within a reasonable range of the $1450 price quote respondents obtained for capryl alcohol from SIRIS, a chemical company in India. Respondents argue that Union Camp's internal price for octanol-2 at 15 cents a pound is a less reasonable price to value Chinese capryl alcohol in comparison to the Indian prices for octanol quoted by SIRIS and reported by *Chemical Weekly*.

In addition, respondents maintain that Tianjin Zhonghe cannot break out the additional costs for refining capryl alcohol, which respondents claim, merely amount to additional electricity to distill the product. Therefore, respondents argue for valuing capryl alcohol, the Department should not use Union Camp's unverified internal costs for production of capryl alcohol, since Union Camp uses an entirely different production process from the Chinese production process.

If, in the alternative, the Department decides to use a U.S. surrogate value for octanol-2, respondents urge that we use a surrogate value from the U.S. *Chemical Marketing Reporter* for the price of capryl alcohol in the United States because it is publicly available information rather than Union Camp's internal price.

Department's Position: The petitioner's argument that to be consistent with the CIT's decision *Union Camp Corp*. v. *United States*, 941 F. Supp. 108, 112 (Ct. Int'l Trade, 1996), the Department should value capryl alcohol based on the cost of octanol-2 is unpersuasive. First, the Department is not bound by the decision in *Union Camp* because the CIT's decision was rendered moot by the issuance of the results of the first administrative review. *See Sebacic Acid From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 10530 (March 7, 1997).

Second, use of the value of octanol-1 as a surrogate value is consistent with the statute and Department practice. In valuing factors of production, the Department's practice is to rely, to the extent possible, on publicly available information. The Department prefers to use publicly available information because: (1) It alleviates difficulties in obtaining, and concerns about the quality of, cable data from embassies and consulates (previously often used as sources for surrogate values); (2) it allows interested parties an opportunity to actively submit and comment on surrogate value data; (3) the establishment of a clear surrogate values hierarchy, with a preference for surrogate values from a single country based on publicly available information, increases the certainty and predictability of the outcome of the Department's factor valuations; (4) the methodological framework helps to focus comments made by petitioner and respondent in the case and rebuttal briefs and reduces miscellaneous submissions throughout the course of proceedings regarding the appropriateness of various surrogate values; and (5) it alleviates the administrative burden on U.S. embassies and consulates caused by requests for large amounts of data. *See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China*, 57 FR 21058, 21062 (May 18, 1992). In determining which surrogate value to use for valuing each factor of production, therefore, the Department selects, where possible, publicly available information which is: (1) An average non-export value; (2) representative of a range of prices within the period of review, if submitted by an interested party, or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive.

In this review, the Department was unable to locate an Indian value for octanol-2. In addition, the Department specifically asked interested parties to submit any publicly available, published values for octanol-2. Neither the petitioner, Union Camp, nor the respondents were able to locate a specific Indian value for octanol-2. As a result, the Department used an Indian price for octanol-1 as a surrogate value for octanol-2 as the best available information. The Department concluded that, for purposes of factor valuation, octanol-1 was comparable to octanol-2. We find that octanol-1 and capryl alcohol (octanol-2) share very similar molecular formula though they are not identical products. Since product-specific price information is not available from our preferred surrogate countries, we have relied on the price of the most physically similar product for which we could obtain value information.

We disagree with petitioner's argument that we should not use the octanol price from the Indian *Chemical Weekly* because octanol-1 and octanol-2 are not commercially comparable. In support of their argument, petitioner relies on the publication *Chemical Marketing Reporter* which, petitioner claims, indicates that there is a significant difference in value between capryl alcohol and octanol-1. However, prices from *Chemical Marketing Reporter* are prices from the United States, which is not the surrogate country in this case. On the other hand, respondents have provided sufficient evidence from India, which is the surrogate country in this case, to support the conclusion that octanol-1 and octanol-2 are commercially comparable. Respondents provided evidence demonstrating that the octanol price reported in the Indian *Chemical Weekly* is comparable to the octanol-2 price obtained from SIRIS, a chemical company in India. Since India is the surrogate country in this case and the price for octanol reported in *Chemical Weekly* is commercially comparable to the Indian price for octanol-2 from another source, we used the octanol price for *Chemical Weekly* in our surrogate value analysis.

Moreover, Union Camp's statements that octanol-1 is derived from a process entirely unrelated to the sebacic acid process and that octanol-1 is a high-priced petrochemical are not dispositive on the issue of the comparability of octanol-1 and octanol-2 for purposes of factor valuation. In a nonmarket economy case, the Department may need to value anywhere from a few to hundreds of factors of production; in this case we needed to value approximately 25. Although we strive to locate exact surrogate matches in our preferred surrogate country, we often are unable to do so. In those instances, the Department's practice is to use the most comparable surrogate match that meets our publicly available information criteria in an appropriate surrogate country.

There is no basis in the statute or legislative history to suggest that the Department is required to research or

consider the production process or use for each factor so as to locate a surrogate match with an identical or even similar production process or use. In valuing factors of production, the Department is attempting to assign a market-economy value, *i.e.*, a price or a cost, to some non-market economy factor, *e.g.*, 50 kilograms of chemical ''x'', 12 nuts and bolts, 3 plastic bags, 7 hours of labor. The Department does not delve into intricacies of the production and use of every potential surrogate factors of production precisely because production and use are not necessarily relevant to valuation of these factors. The Department is foremost concerned about assigning an appropriate surrogate value to a specific factor of production. As a result, the Department will consider rejecting a potential surrogate where it has evidence that a possible surrogate value does not reasonably reflect the ''value'' of the factor. For example, if the Department had evidence that a surrogate price was significantly higher than other potential surrogate prices for a particular factor, the Department might find that it was not reasonable to use that particular price as a surrogate value.

Similarly, the Department is not required to consider interchangeability in determining whether to use a particular surrogate to value a factor of production and we disagree with the Court's suggestion to the contrary in *Union Camp*. If interchangeability were a prerequisite, the Department would have extreme difficulty in valuing factors of production. The Department would be required to locate precise matches between surrogates and factors—an impracticable if not virtually impossible task given the amount of data the Department would have to collect and analyze for each factor. The very nature of chemicals, in particular, is such that a small difference in grade or a change in molecular structure would preclude ever finding two different chemicals comparable for purposes of factor valuation. In this case, for example, the Department recognizes that octanol-1 and octanol-2 are two different products, and, hence not interchangeable. Nevertheless, octanol-1 and octanol-2 are sufficiently similar, physically and commercially, for octanol-1 to serve as a reasonable surrogate for octanol-2.

The statute and the regulations instruct the Department to value factors of production, to the extent practicable, in an appropriate surrogate country. Using an internal price from the United States for an input, as suggested by petitioner, would be inappropriate. First, the evidence on the record of this review establishes that respondents' octanol-1 value, which is from a publicly available publication, is a reasonable substitute for octanol-2 in our calculations, given the limited public and published data from India available to the Department. In contrast, the petitioner's cost is neither a value from one of the selected surrogate countries nor is it a public or published figure. As explained above, the Department's practice is to use publically available figures because, among other reasons, it increases the certainty and predictability of the outcome of the Department's factor valuations in NME cases, and it affords all interested parties an opportunity to submit and comment on surrogate value data. Thus, based on the facts of this case, use of an unpublished, internal cost from a country not on the list of preferred surrogates is contrary to the Department's established practice. *See Magnesium Corp. of America* v. *United States*, 938 F. Supp. 885 (Ct. Intl' Trade, 1996) (''It is Commerce's standard practice to disregard petitioner's costs because they are not 'an appropriate benchmark by which to test the accuracy of surrogate country values.' '') Furthermore, because preference is for values from the selected surrogate country, we did not use the U.S. price for octanol-2 from *Chemical Marketing Reporter* submitted by respondents. Therefore, we have used the 76 rupees/kg value from the Indian *Chemical Weekly* as a surrogate value for capryl alcohol as the best information available to the Department.

We also disagree with petitioner's argument that capryl alcohol should be treated as a by-product rather than a co-product. Consistent with the methodology employed in the final determination in the less-than-fair-value investigation, we have determined that capryl alcohol is a co-product. Therefore, we have allocated the factor inputs, based on the relative quantity of output of this product and sebacic acid. Additionally, we have used the production times necessary to complete each production stage of sebacic acid as a basis for allocating the amount of labor, energy usage, and factory overhead among the products. This treatment of co-products is consistent with generally accepted accounting principles. (*See Cost Accounting: A Managerial Emphasis* (1991) at pages 528–533). *See* Final Results Analysis Memorandum, at Attachment I and II.

Comment 3: Petitioner argues that the Department was incorrect in making tax adjustments to prices from the *Economic Times* used to value inputs castor oil, castor seed and castor seed cake. Petitioner argues that there is no evidence on the record to support the assumption that price information from the *Economic Times* is tax inclusive. Petitioner notes that there is evidence on the record that at least one price for castor seed oil is tax exclusive, that is the price for Madras which indicates ''tax extra.'' Analysis Memorandum, at Attachment XII. Petitioner notes that it is the Department's policy to rely first on tax-exclusive prices in the surrogate market. *Preliminary Determination of Sales at Less than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the PRC,* 62 FR 31,972, 31,977 (June 11, 1997).

Respondents had no comment on this issue.

Department's Position: We agree with petitioner. We have not adjusted prices derived from the *Economic Times* for taxes because there is not substantial evidence on the record to indicate that the prices from the *Economic Times* were tax inclusive.

Comment 4: Petitioner maintains that the Department should correct certain ministerial errors discussed in the Department's August 13, 1997 Memorandum to the File from Lyn A. Baranowski, namely: (1) Include a freight expense for SICC's transportation of coal; (2) include a freight expense for Tianjin's transportation of castor seed; (3) adjust sodium chloride, coal, plastic bags, middle bags, woven bags, and castor seed in Tianjin's freight calculation worksheet; and (4) include a freight expense for Tianjin's purchased castor oil and adjust the expense for coal.

Respondents had no comment on these errors.

Department's Position: We agree with petitioner. We revised calculations accordingly to correct the aforementioned ministerial errors raised by the Department in the August 13, 1997 Memorandum.

Comment 5: Respondents contend that the Department used the incorrect weights for plastic bags in the preliminary results. Respondents maintains that the Department should use the weights stated in verification report. In addition, respondents argue that the Department should not use a surrogate value for plastic bags which are abberrational.

Petitioner had no comment on this issue.

Department's Position: We agree with respondents. We have used the correct weights for the bags as reported at verification. In addition, we have continued to use Import Statistics from India to value bags as the price information from Import Statistics is a

publicly available publication and has been used to value plastic bags in past determinations. *See Notice of the Preliminary Determination of the Sales of Less than Fair Value: Bicycles from the PRC* 60 FR 56567, 56573 (November 9, 1995).

Final Results of Review

For Jiangsu, which failed to respond to the questionnaire, we have not granted a separate rate and the country-wide rate will apply to all of its sales. For Guangdong, which reported that it had no sales during the POR, its company-specific rate from the previous administrative review remains unchanged.

As a result of our review of the comments received, we have changed the results from those presented in our preliminary results of the review. Therefore, we determine that the following margins exists as a result of our review:

Manufacturer/ exporter	Time period	Margin (percent)
Tianjin Chemicals I/E Corp.	7/01/95–6/30/96	0.00
Sinochem International Chemicals Corp	7/01/95–6/30/96	1.78
Guangdong Chemicals I/E Corp	7/01/95–6/30/96	13.54
Country-Wide Rate	7/01/95–6/30/96	243.40

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and NV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) For the reviewed companies named above which have separate rates (SICC and Tianjin), the cash deposit rates will be the rates for those firms indicated above; (2) for companies previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rates will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise from the PRC, the cash deposit rates will be the PRC country-wide rate indicated above; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–32632 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. The application may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–095. *Applicant:* Stanford University, Stanford Medical Center, 300 Pasteur Drive, Room 5302, Palo Alto, CA 94304. *Instrument:* Ultrasound Bone Densitometer. *Manufacturer:* McCue Plc, United Kingdom. *Intended Use:* The instrument will be used to assess the bone density (strength) of the bone in healthy children and those with chronic diseases in studies to help determine the risk of osteoporosis. Application accepted by Commissioner of Customs: November 7, 1997.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–32626 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 970822200–7283–03]

RIN 0693–AB44

Announcement of Availability of Funding for Competitions—Advanced Technology Program (ATP)

AGENCY: National Institute of Standards and Technology, Technology Administration, Commerce.

ACTION: Notice.

SUMMARY: The Technology Administration's National Institute of Standards and Technology (NIST) announces the availability of funding for the following competitions to be held in fiscal year 1998 under the Advanced Technology Program (ATP): (1) A General Competition 98–01, open to all areas of technology meeting the ATP selection criteria and (2) Focused Program Competitions (approximately seven to nine) on specific technology or technology application areas. This notice provides general information for the competitions planned for fiscal year 1998.

DATES: The proposal due dates, Focused Program Competition topics, and other competition-specific instructions will be published in the *Commerce Business Daily (CBD)* at the time each competition is announced. Dates, times, and locations of Proposers' Conferences held for interested parties considering applying for funding will also be announced in the *CBD*.

ADDRESSES: Information on the ATP may be obtained from the following address: National Institute of Standards and Technology, Advanced Technology Program, Administration Building (Bldg. 101), Room A407, Quince Orchard & Clopper Roads, Gaithersburg, MD 20899–0001.

Additionally, information on the ATP is available on the Internet through the World Wide Web (WWW) at http://www.atp.nist.gov.

FOR FURTHER INFORMATION CONTACT: Requests for ATP information, application materials, and/or to have your name added to the ATP mailing list for future mailings may also be made by:

(a) Calling the ATP toll-free ''hotline'' number at 1–800–ATP–FUND or 1–800–287–3863. You will have the option of hearing recorded messages regarding the status of the ATP or speaking to one of our customer representatives who will take your name and address. If our representatives are all busy when you call, leave a message after the tone. To ensure that the information is entered correctly, please speak distinctly and slowly and spell the words that might cause confusion. Leave your phone number as well as your name and address;

(b) Sending a facsimile (fax) to 301–926–9524 or 301–590–3053; or

(c) Sending electronic mail to atp@nist.gov. Include your name, full mailing address, and phone number.

SUPPLEMENTARY INFORMATION:

Background

The statutory authority for the ATP is Section 5131 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 15 U.S.C. 278n), as modified by Pub. L. 102–245. The ATP implementing regulations are published at 15 CFR Part 295, as amended (62 FR, pages 64682–64687, December 9, 1997). The Catalog of Federal Domestic Assistance (CFDA) number and program title for the ATP are 11.612, Advanced Technology Program (ATP).

The Advanced Technology Program (ATP) is a rigorously competitive cost-sharing program designed for the Federal government to work in partnership with industry to foster the development and broad dissemination of challenging, high-risk technologies that offer the potential for significant, broad-based economic benefits for the nation. Such a unique government-industry research partnership fosters the acceleration not only of dramatic gains in existing industries, but also acceleration of the development of emerging or enabling technologies leading to revolutionary new products, industrial processes and services for the world's markets and work to spawn industries of the 21st century. The ATP provides multi-year funding to single companies and to industry-led joint ventures. The ATP accelerates technologies that, because they are risky, are unlikely to be developed in time to compete in rapidly changing world markets without such a partnership between industry and the Federal government. The ATP challenges industry to take on higher risk (but commensurately higher potential payoff to the nation) projects than they would otherwise. Proposers must provide credible arguments as to the project feasibility.

The funding instrument used in ATP awards is a ''cooperative agreement.'' Through the use of the cooperative agreement, the ATP is designed to foster a government-industry partnership to accomplish a public purpose of support or stimulation. NIST plays a substantial role in providing technical assistance and monitoring the technical work and business progress.

Funding Availability

A total estimate $82 million in first year funding will be available for new awards for the fiscal year 1998 ATP competitions to be announced in the *CBD.* The actual number of proposals funded under each competition will depend on the quality of the proposals received and the amount of funding requested in the highest ranked proposals. Outyear funding beyond the first year is contingent on the approval of future Congressional appropriations and satisfactory project performance.

Eligibility Requirements, Selection Criteria, and Proposal Review Process

The eligibility requirements, selection criteria, and the proposal review process are discussed in detail in the ATP implementing regulations published at 15 CFR Part 295, amended (62 FR, pages 64682–64687, December 9, 1997), and the ATP Proposal Preparation Kit.

Funding Amounts, Award Period and Cost Sharing (Matching) Requirements

(a) Single company recipients can receive ATP funds for R&D activities for up to 3 years, with ATP funding not to exceed $2 million for direct costs. ATP funds may only be used to pay for direct costs for single company recipients. Single company recipients are responsible for funding all of their overhead/indirect costs. Small and medium size companies applying as a single company proposers are not required to provide cost-sharing of direct costs. Large companies applying as single company proposers, however, must cost-share at least 60 percent of the total project costs (direct plus indirect costs) for each quarter in each year of the award. A large company is defined as any business, including any parent company plus related subsidiaries, having annual revenues in excess of $2.578 billion. (Note that this number will likely change for future competitions and, if so, will be noted in future annual announcements of availability of funds and ATP Proposal Preparation Kits.)

(b) Joint ventures can receive ATP funds for R&D activities for up to 5 years, with ATP funding a minority share of the total project costs. Joint ventures must cost-share (matching funds) more than 50 percent of the total project costs (direct plus indirect costs) for each quarter that the ATP funds the project. Matching funds are defined in 15 CFR Part 295.2(1).

(c) Funds derived from Federal sources may not be used to meet the cost sharing requirement. Additionally, subcontractors may not contribute toward the matching-fund requirement.

Application Forms and Proposal Preparation Kit

A new December 1997 version of the ATP Proposal Preparation Kit is available upon request from the ATP at the address and phone numbers noted in this notice. The Kit is also available on the Internet through the World Wide Web under the heading Publications on the ATP home page http://www.atp.nist. gov. Note that the ATP will be mailing the Kit to all those individuals whose names are currently on the ATP mailing list. Those individuals need not contact the ATP to request the new Kit. The Kit contains proposal cover sheets, other required forms, background material, and instructions for submission of proposals. All proposals must be prepared in accordance with the instructions in the Kit.

Submission of Revised Proposals

A proposer may submit a full proposal that is a revised version of a full proposal submitted to a previous ATP competition. NIST will examine such proposals to determine whether substantial revisions have been made. Where the revisions are determined not to be substantial, NIST reserves the right to score and rank, or where appropriate, to reject, such proposals based on reviews of the previously submitted proposal.

Other Requirements

(a) Federal Policies and Procedures. Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards as identified in the cooperative agreement award.

(b) Past Performance. Unsatisfactory performance under prior Federal awards may result in a proposal not being considered for funding.

(c) Pre-award Activities. If proposers incur any costs prior to an award being made, they do solely at their own risk of not being reimbursed by the Government. Only written authorization from the NIST Grants Officer will obligate NIST to cover pre-award costs.

(d) No Obligation for Future Funding. If a proposal is selected for funding, NIST has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of NIST.

(e) Delinquent Federal Debts. No award of Federal funds shall be made to a proposer or recipient who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, a negotiated repayment schedule is established and at least one payment is received, or other arrangements satisfactory to NIST are made.

(f) Name Check Review. All for-profit and non-profit proposers are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the proposer have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the proposer's management, honesty, or financial integrity.

(g) Primary Applicant Certification. All primary proposers (including all joint venture participants) must submit a completed form CD–511, ''Certifications Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanation is hereby provided:

(1) Nonprocurement Debarment and Suspension. Prospective participants, as defined at 15 CFR part 26, section 105 are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

(2) Drug-Free Workplace. Grantees (as defined at 15 CFR part 605) are subject to 15 CFR 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

(3) Anti-Lobbying. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitations on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(4) Anti-Lobbying Disclosures. Any proposer that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, Appendix B.

(h) Lower Tier Certification. Recipients shall require proposers/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying'' and Form SF–LLL, ''Disclosure of Lobbying Activities.'' Although the CD–512 is intended for the use of primary recipients and should not be transmitted to NIST, the SF–LLL submitted by any tier recipient or subrecipient should be forwarded in accordance with the instructions contained in the award document.

(i) False Statements. A false statement on any application for funding under ATP may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(j) Intergovernmental Review. The ATP does not involve the mandatory payment of any matching funds from state or local government and does not affect directly any state or local government. Accordingly, the Department of Commerce has determined that Executive Order 12372, ''Intergovernmental Review of Federal Programs'' is not applicable to this program.

(k) American-Made Equipment and Products. Proposers are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with the funding provided under this program in accordance with Congressional intent.

(l) Paperwork Reduction Act. This notice contains collection of information requirements subject to the Paperwork Reduction Act (PRA), which have been approved by the Office of Management and Budget (OMB Control Nos. 0693–0009 and 0348–0046). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control No.

(m) If a proposer's proposal is judged to be of high enough quality to be invited in for an oral review, ATP reserves the right to submit a list of questions to the proposer that must be addressed at the oral review.

(n) There are certain types of projects that ATP will not fund because they are inconsistent with the ATP mission. These include:

(1) Straightforward improvements of existing products of product development.

(2) Projects that are predominately basic research.

(3) Pre-commercial scale demonstration projects where the emphasis is on demonstration that some technology works on a large scale rather than on R&D.

(4) Projects involving military weapons R&D or R&D that is of interest only to some mission agency rather than to the commercial marketplace.

(5) Projects that ATP believes would likely be completed with or without ATP funds in the same time frame or nearly the same time frame.

(o) Certain costs that may be allowed in Federal financial assistance programs are not eligible for funding under ATP awards. Section E of the Proposal Preparation Kit lists these costs.

Dated: December 9, 1997.

Elaine Bunten-Mines,

Director, Program Office.

[FR Doc. 97–32623 Filed 12–10–97; 12:27 pm]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Small-craft Facility Questionnaire

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before February 13, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lynn Preston, N/CS26, Station 7350, 1315 East-West Highway, Silver Spring, MD 20910–3282 (301–713–2735, ext. 123).

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA's National Ocean Service produces nautical charts to ensure safe navigation. Small-craft charts are designed for recreational boaters and include information on local marina facilities and the services they provide (fuel, repairs, etc.). NOAA must collect information to update the charts.

II. Method of Collection

When a specific chart is to be updated all currently listed marinas are sent a form to submit additions or corrections. Forms are also made available at boat shows for new marinas, which can also request a form from NOAA directly.

III. Data

OMB Number: 0648–0021.

Form Number: NOAA Form 77–1.

Type of Review: Regular Submission.

Affected Public: Businesses and other for-profit organizations (small-craft facilities).

Estimated Number of Respondents: 1,600.

Estimated Time Per Response: 8 minutes.

Estimated Total Annual Burden Hours: 213.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 9, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

(FR Doc. 97–32687 Filed 12–12–97; 8:45 a.m.)

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Northeast Region Federal Fisheries Permit Family of Forms

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before February 13, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Paul H. Jones, NMFS, 1 Blackburn Drive, Gloucester, MA 01930, (978) 281–9273.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under Amendment 5 and Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP) and by Amendment 4 Sea Scallop FMP, VMS (Vessel Monitoring System) monitoring is considered to be one of the major tools for the monitoring and enforcement of the days-at-sea (DAS) management system. Certain categories of limited access scallop and multispecies vessels must use a VMS unit while fishing under the DAS program when VMS vendors are certified by the National Marine Fisheries Service (NMFS) for the purposes of monitoring DAS under the multispecies and scallop regulations. This submission discusses VMS use on scallop and multispecies vessels to meet OMB's requirement for a cost study prior to actually making the VMS requirement mandatory.

II. Method of Collection

Full-time and part-time scallop limited access and multispecies individual DAS limited access permit holders will be required to submit to NMFS proof of installation of VMS unit by a NMFS certified VMS vendor on the vessel.

III. Data

OMB Number: 0648–0202.

Form Number: None.

Type of Review: Regular Submission.

Affected Public: Individuals, businesses or other for-profit (fishermen).

Estimated Number of Respondents: 442.

Estimated Time Per Response: 0.03.

Estimated Total Annual Burden Hours: 14.73.

Estimated Total Annual Cost to Public: $221.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 9, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–32688 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 112597B]

Highly Migratory Species Advisory Panel and Atlantic Billfish Advisory Panel; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Advisory Panels (AP) for Highly Migratory Species and for Atlantic Billfish will hold their meetings on January 11, 12, and 13, 1998, in Baltimore, MD, to discuss future management options for highly migratory species and for Atlantic billfish.

DATES: The Highly Migratory Species AP meeting will be held on January 11, 1998, from 1:00 p.m. to 5:30 p.m., and on January 12, 1998, from 9:00 a.m. to 5:00 p.m. There will be a technical workshop on billfish issues on the evening of January 12, 1998, from 6:00 p.m. to 9:00 p.m. The Atlantic Billfish AP meeting will be held on January 13, 1998, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The AP meetings will be held at the Sheraton Inner Harbor Hotel, 300 South Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Liz Lauck or Jill Stevenson, 1315 East-West Highway, Silver Spring, MD 20910, telephone: (301) 713–2347, Fax (301) 713–1917.

SUPPLEMENTARY INFORMATION: The AP for Highly Migratory Species and the AP for Atlantic Billfish were established under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq*. These APs will assist the Secretary of Commerce in collecting information related to the amendment of the Billfish Fishery Management Plan and to the future fishery management plan for highly migratory species. Both AP meetings are open to the public and will be attended by members of the AP, including appointed members, representatives of the five fishery management councils that work with highly migratory species (HMS), the Atlantic and Gulf states that work with HMS, the Atlantic and Gulf states marine fisheries commissions, and the Chair of the U.S. Advisory Committee to the International Commission for the Conservation of Atlantic Tunas.

Potential agenda items for the Highly Migratory Species AP meeting include—

(1) Bluefin tuna quotas and

(2) Bluefin tuna effort controls.

Potential agenda items for the Atlantic Billfish meeting include—

(1) Rebuilding schedules;

(2) Overfishing definitions; and

(3) Review of billfish comments collected at scoping meetings.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jill Stevenson (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the meeting date.

Dated: December 8, 1997.

Gary C. Matlock,

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

[FR Doc. 97–32679 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Technical Information Service

NTIS Advisory Board Meeting

AGENCY: National Technical Information Service, Technology Administration, U.S. Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the ''Board'') will meet on Tuesday, January 6, 1998, from 9:00 a.m. to 1:00 p.m. The session will be closed to the public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was Chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and information services. The purpose of the meeting is to review the draft strategic plan and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The agenda will be devoted to a discussion of NTIS' long range plans. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plans.

DATES: The meeting will convene on January 6, 1998, at 9:00 a.m. and adjourn at 1:00 p.m.

ADDRESS: The meeting will be held in Room 2029 Sills Building, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

FOR FURTHER INFORMATION CONTACT: Linda Lucas, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 Telephone: (703) 605–6400; Fax (703) 487–4093.

Dated: December 9, 1997.

Donald R. Johnson,

Director.

[FR Doc. 97–32614 Filed 12–12–97; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of A Thick Composite Failure Prediction Software Code for Exclusive, Partially Exclusive or Non-exclusive Licenses

AGENCY: U.S. Army Research Laboratory.

ACTION: Notice of availability.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive or non-exclusive licenses relative to a thick composite failure prediction software code as described in U.S. Patent #5,419,200; issued 30 May 1995; entitled ''Method For Assessing the Effects of Loading Forces on a Composite Material Structure''. Visit http://www.fedlabs.org/ma/pl for technical and licensing information. Licenses shall comply with 35 U.S.C. 209 and 37 CFR 404.

FOR FURTHER INFORMATION CONTACT:

Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: AMSRL–CS–TT/Bldg. 434, Aberdeen Proving Ground, Maryland 21005–5425, Telephone: (410) 278–5028.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 97–32617 Filed 12–12–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS), Grand Forks, ND—East Grand Forks, MN, Flood Control

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Under the authority of the Flood Control Acts of June 30, 1948, May 17, 1950, and December 31, 1970, a General Reevaluation Report for Flood Control at East Grand Forks, Minnesota, is being prepared. In order to provide effective flood control, the city of Grand Forks, North Dakota, has been included in the investigation.

The cities of Grand Forks, North Dakota, and East Grand Forks, Minnesota, were extensively damaged by flooding of the Red River of the North and the Red Lake River in the spring of 1997. The cities form one urban area separated by the river. Because of the flat topography of the Red River of the North, any proposed flood protection must include both communities to be effective. Emergency flood protection and recovery efforts required significant expenditures. Long-term protection would require the construction of flood control measures sized to accommodate a flood equal to, or greater than, the flood of 1997.

FOR FURTHER INFORMATION CONTACT: Questions concerning the DEIS can be directed to: Colonel J. M. Wonsik, District Engineer, St. Paul District, Corps of Engineers, ATTN: Mr. Robert Whiting, 190 Fifth Street East, St. Paul, Minnesota 55101–1638.

SUPPLEMENTARY INFORMATION: The DEIS will assess impacts, identify areas of potential impact, identify mitigation features, discuss monitoring activities, and identify future activities associated with flood control at the cities of Grand Forks, North Dakota, and East Grand Forks, Minnesota. Structural measures being considered include levees or a combination of levees and a diversion.

Significant issues and resources to be identified in the DEIS will be determined through coordination with responsible Federal, State, and local agencies; the general public; interested private organizations and parties; and affected Native Americans. Anyone who has an interest in participating in development of the DEIS is invited to contact the St. Paul District, Corps of Engineers.

Significant issues identified to date for discussion in the DEIS are as follows:

1. Natural resources including: fishery, wildlife, vegetation, wetlands, and riparian areas;
2. Cultural resources;
3. Water quality, groundwater, erosion, and sedimentation; and
4. Social and economic resources.

Additional issues of significance may be identified through public and agency meetings. A notice of those meetings will be provided to interested parties and to the local news media.

The construction of flood control features in the two cities would be considered major in scope and could result in significant impacts. Our environmental review will be conducted according to the requirements of the National Environmental Policy Act of 1969, National Historic Preservation Act of 1966, Council on Environmental Quality Regulations, Endangered Species Act of 1973, Section 404 of the Clean Water Act, and applicable laws and regulations.

We anticipate that the DEIS will be available to the public in the summer of 1998.

Dated: November 12, 1997.

William J. Breyfogle,

Lieutenant Colonel, EN Acting District Engineer.

[FR Doc. 97–32616 Filed 12–12–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environment Impact Statement (EIS) for the Monarch-Chesterfield Feasibility Study, St. Louis County, MO

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the U.S. Army Corps of Engineers intends to prepare a Draft Environmental Impact Statement (EIS) for the Monarch-Chesterfield Feasibility Study, St. Louis County, Missouri. A description of the proposed project, location and environmental issues to be addressed in the draft EIS are provided below (Supplementary Information). This notice is published in accordance with the National Environmental Policy Act regulations found in 40 CFR 1501.7. The purpose of this notice is to solicit suggestions and information from other agencies and the public on the scope of the feasibility study and issues to be addressed in the draft EIS. Comments and participation in this process are encouraged.

The proposed action is to provide flood protection by raising the Monarch-Chesterfield levee system which is located along the right bank of the Missouri River between river miles 46.0 and 38.5. The length of the levee system is 11.5 miles and protects approximately 4,240 acres.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft EIS can be answered by: Mr. Dennis Woodruff, (314) 331–8485, or Dr. Ronald Yarbrough, (314) 331–8460, Planning Division, U.S. Army Corps of Engineers, St. Louis District, 1222 Spruce Street, St. Louis, Missouri 63103–2833.

SUPPLEMENTARY INFORMATION:

1. The study was authorized by the study resolution of the Committee on Public Works and Transportation of the United States House of Representatives: Chesterfield, Missouri—Docket 2421. ''Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That, the Secretary of the Army, acting through the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River, published as House Document 669, Seventy-sixth Congress, Third Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of flood control and related purposes along the Mississippi River and its Tributaries with particular reference to communities located along or affected by the Mississippi River and its Tributaries in the area of St. Louis, Missouri, including the Counties of St. Louis, Jefferson, and Ste. Genevieve.''

The objective of the Monarch-Chesterfield Feasibility Study, St. Louis County, Missouri, is to reduce flood damages and flood related costs. The study investigates the engineering, economic, and environmental feasibility of increasing the levee's present level of flood protection sufficient to protect against a 500-year recurrence interval flood.

2. Reasonable alternatives will be considered in the Monarch-Chesterfield Feasibility Study. These include no action, increasing the reliability of the existing levee system, or raising the existing levee to provide a level of protection between 200-year and 500-year recurrence interval. Other levee alignments were evaluated in the

reconnaissance study phase but were eliminated from consideration based upon economic justification. Non-structural plans were also investigated but were not considered practical because of the current level of protection and the vast amount of commercial development within the protected area.

3. Significant issues identified by reviewers during the Recon phase of the study include riparian and aquatic habitats, aquatic wildlife, fisheries, water quality, endangered species, cultural resources, socioeconomic conditions, commercial and industrial development in the floodplain and increased flood heights upstream of the project for higher water levels than the 100-year recurrence interval flood.

4. Public meetings on this study were held 12 September 1994 and 7 November 1995. A third public meeting is scheduled for February 1999.

5. The Draft EIS will be made available to the public in January 1999.

Emmett L. Wood,

Major, U.S. Army Deputy Commander.

[FR Doc. 97–32618 Filed 12–12–97; 8:45 am]

BILLING CODE 3710–55–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education

ACTION: Proposed collection; comment request.

SUMMARY: The 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: Interested persons are invited to submit comments on or before February 13, 1998.

ADDRESSES: Written comments 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.

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 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. 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 Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. 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. OMB 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: December 9, 1997.

Gloria Parker,

Deputy Chief Information Officer,

Office of the Chief Information Officer.

Office of Vocational and Adult Education

Type of Review: Reinstatement.

Title: Application for Vocational Education Direct Grants.

Frequency: Annually.

Affected Public: Business or other for-profit; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Burden:

Responses: 200

Burden Hours: 18,000

Abstract: This form will be used by applicants to apply for funding under the Carl D. Perkins Vocational and Applied Technology Education Act administered by the Office of Vocational and Adult Education. The information will be used to make grants and cooperative agreements.

Office of Postsecondary Education

Type of Review: Extension.

Title: Performance Report for the Training Program for Federal TRIO Programs.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't; SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 16

Burden Hours: 60

Abstract: Data assures that grantees have conducted the project for which funded, signals problems of implementation, and indicates extent and quality of performance. The Department uses reports in evaluating project for continuation, assessing technical assistance needs, determining future funding levels and in assigning scores to projects in competition for new grants.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Dwight D. Eisenhower Professional Development Program Triennial Report.

Frequency: Annually.

Affected Public: State, Local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 52

Burden Hours: 208

Abstract: The triennial performance report form will request information related to a State's efforts to develop or modify current professional development programs to support sustained and intensive, high-quality professional development tied to challenging State standards. States are required to submit triennial reports to the Department on their progress toward achieving performance indicators for professional development.

Office of Educational Research and Improvement

Type of Review: New.

Title: The Blue Ribbon Schools Program.

Frequency: One-time.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting Burden and Recordkeeping:

Responses: 532

Burden Hours: 26,600

Abstract: The Blue Ribbon Schools award is a national school improvement strategy with a threefold purpose: (1) to identify and give public recognition to outstanding public and private schools across the nation; (2) to make available a comprehensive framework of key criteria for school effectiveness that can serve as a basis for participatory self-assessment and planning in schools; and (3) to facilitate communication and sharing of best practices within and among schools based on a common understanding of criteria related to success. The information collected will be used to determine by peer review which schools receive the award and information on their exemplary practices and policies will be made available to other schools.

[FR Doc. 97–32604 Filed 12–12–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 14, 1998.

ADDRESSES: Written comments 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, DC 20503. 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.

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 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. 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 Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. 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. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: December 9, 1997.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Reinstatement.

Title: 1998 Field Test for Schools and Staffing Survey (SASS): LEA, Administrator, School, Teacher and Finance.

Frequency: One Time.

Affected Public: Individuals or households; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting Burden and Recordkeeping:

Responses: 2,270

Burden Hours: 2,354

Abstract: The National Center for Education Statistics (NCES) will use the field test to assess data collection procedures and new questions that are planned for the next full-scale SASS in 1999–2000. Policy makers, researchers, and practitioners at the national, state, and local levels use SASS data. Respondents include public and private school principals, teachers, and school and LEA staff persons.

[FR Doc. 97–32605 Filed 12–12–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the public of their opportunity to attend the meeting.

DATE: January 15 and 16, 1998.

TIME: January 15, 8:30 a.m. to 5 p.m.; January 16, 8:30 a.m. to 3:30 p.m.

LOCATION: Room 100, 80 F St., N.W., Washington, D.C. 20208–7564.

FOR FURTHER INFORMATION CONTACT: Thelma Leenhouts, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., N.W., Washington, D.C. 20208–7564. Telephone: (202) 219–2065; fax: (202) 219–1528; e-mail: Thelma__Leenhouts@ed.gov. The main telephone number for the Board is (202) 208–0692.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The January meeting will be the Board's quarterly meeting, consisting of three sessions led by committee chairs, followed by a business session. On Thursday, January 15, the Board will hear reports from the Peer Review and Standards Committee and from the Program Committee. On Friday, January 16, the Board will hear a report from the Research, Development, and Dissemination Committee. The business meeting will begin at 1:30 p.m. A final agenda will be available from the Board's office on January 7. Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 80 F St., N.W., Washington, D.C. 20208–7564.

Dated: December 9, 1997.

Eve M. Bither,

Executive Director.

[FR Doc. 97–32598 Filed 12–12–97; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Energy Research; Energy Research Financial Assistance Program Notice 98–06; Plasma Physics Junior Faculty Development Program

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Fusion Energy Sciences (OFES) of the Office of Energy Research (OER), U.S. Department of Energy hereby announces its interest in receiving grant applications for support under its Plasma Physics Junior Faculty Development Program. Applications should be from tenure-track faculty investigators who are currently involved in experimental or theoretical plasma physics research and should be submitted through a U.S. academic institution. The purpose of this program is to support the development of the individual research programs of exceptionally talented scientists and engineers early in their careers.

DATES: To permit timely consideration for awards in FY 1998, formal applications in response to this notice should be received on or before March 4, 1998.

ADDRESSES: Completed formal applications referencing Program Notice 98–06 should be forwarded to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, ATTN: Program Notice 98–06. The above address must also be used when submitting applications by U.S. Postal Service Express, and commercial mail delivery service or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald McKnight, U.S. Department of Energy, Office of Fusion Energy Sciences, Science Division, ER–55, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone: (301) 903–4597. E-mail: ron.mcknight@oer.doe.gov

SUPPLEMENTARY INFORMATION: The Plasma Physics Junior Faculty Development Program was started in FY 1997. A principal goal of this program is to identify exceptionally talented plasma faculty members early in their careers and assist and facilitate the development of their research programs. Eligibility for awards under this notice is, therefore, restricted to tenure-track regular academic faculty investigators who are conducting experimental or theoretical plasma physics research. Emphasis is to be placed on basic plasma science research. For applications to be considered for funding, certification of the status of the applicant as a tenure-track regular academic faculty member by the head of the applicant's academic department or other university/college certifying official will be required before the grant is awarded. Awards made under this program will help to maintain the vitality of university plasma physics research and assure continued excellence in the teaching of plasma physics and related disciplines. Applications from Junior Faculty involved in any areas of plasma physics research, not only magnetic fusion, are welcomed and encouraged.

It is anticipated that annual funding levels up to $150,000 per award may be made available for grants under this notice during FY 1998, contingent upon the availability of appropriated funds. Funding for equipment above this level will be considered on a case-by-case basis. DOE may make up to four awards during FY 1998, depending on the number of meritorious applications and the availability of appropriated funds. Multiple year funding of grant awards is expected, with funding provided on an annual basis subject to availability of funds. These grants will not normally be renewed after the project period is completed; grantees may, however, submit new grant applications to continue their research using the usual Departmental grant application process. Applications will be subjected to formal merit review and will be evaluated against the following criteria, which are listed in descending order of importance as set forth in 10 CFR Part 605:

1. Scientific and/or technical merit of the project;
2. Appropriateness of the proposed method or approach;
3. Competency of applicant's personnel and adequacy of proposed resources; and
4. Reasonableness and appropriateness of the proposed budget.

General information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures are contained in the Application Guide for the Office of Energy Research Financial Assistance Program and 10 CFR Part 605 which is available on the World Wide Web at: http://www.er.doe.gov/production/grants/grants.html

(The Catalog Of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605)

Issued in Washington, DC on December 1, 1997.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 97–32642 Filed 12–12–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–106–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

December 9, 1997.

Take notice that on December 1, 1997, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP98–106–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon a small volume measurement station (farm tap) located in Dodge County, Minnesota, under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northern states that it is in the process of replacing its Dodge Center Branchline. Northern states that it has negotiated with the two landowners along the route of the original pipeline regarding service lines to reconnect farm tap facilities. One of the farm tap users elected to reconnect their service line to Northern and will continue to receive service from their local distribution company (LDC). The other farm tap user (City of Dodge Center) elected to disconnect from Northern and has connected their service line directly to the LDC. As a result, Northern is requesting authority to abandon the City of Dodge Center farm tap facility.

Northern states that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the proposed changes without detriment or disadvantage to Northern's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97–32595 Filed 12–12–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–110–000]

Northern Natural Gas Company; Notice of Application for Abandonment by Sale

December 9, 1997.

Take notice that on December 2, 1997, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP98–110–000, an application pursuant to Section 7(b) of the Natural Gas Act (NGA), as amended, and Sections 157.7 and 157.18 of the Commission's Regulations requesting permission and approval to abandon by sale to Samedan Oil Corporation (Samedan), certain non-contiguous pipeline facilities, with appurtenances, which are known as the Grand Isle 83 and the Grand Isle 83 Compressor (GI 83 facilities) and located in the Grand Isle Area, Offshore Louisiana. Northern also requests approval to abandon certain services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that its role in the marketplace has changed from a merchant of natural gas to a transporter of natural gas and that the GI 83 facilities are non-contiguous to its traditional transmission pipeline system and are no longer needed by Northern. Northern further states that the GI 83 facilities, which are owned by Northern and operated by Trunkline Gas Company (Trunkline), were declared non-jurisdictional gathering facilities pursuant to an order issued February 13, 1995 in Trunkline's Docket No. CP92–498–005. Northern proposes to transfer the GI 83 facilities to Samedan who will assume all current and future service obligations, and operational and economic responsibilities for these facilities.

Northern states that it entered into a Transportation and Sales Agreement dated October 30, 1980, as amended, (X–99 Agreement), with Panhandle Eastern Pipeline Company (Panhandle) and Trunkline, which provides for the transportation of Northern's Grand Isle Block 83 gas and, as partial consideration of such transport service, Panhandle had the option to purchase up to 20 percent of such gas. The Commission granted a certificate to Northern authorizing the sale of natural gas to Panhandle in a July 31, 1981 order in Docket No. CP81–256. Northern states that it filed the X–99 Agreement as Rate Schedule X–99 in its FERC Gas Tariff, Original Volume No. 2. Northern seeks abandonment, in this instant proceeding, for the X–99 Agreement which was authorized in Docket No. CP81–256. Northern states that it has entered into an Assignment and Bill of Sale Agreement (Agreement) with Samedan dated October 23, 1997 covering the sale of the GI 83 facilities, which will be transferred to Samedan pursuant to the Agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1997, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., 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 NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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 NGA 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 filled, 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 Northern to appear to be represented at the hearing.

Lois D. Cashell,

Secretary

[FR Doc. 97–32596 Filed 12–12–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2100–067]

California Department of Water Resources; Notice of Availability of Final Environmental Assessment

December 9, 1997.

A final environmental assessment (FEA) is available for public review. The FEA was prepared for California Department of Water Resources' (licensee) application to expand the Feather River Fish Hatchery.

In summary, the FEA examines the environmental impacts of three alternatives for expanding the hatchery: (1) licensee's proposed action: 600 feet of new raceways with hatching and incubation facilities; (2) proposed alternative: 1,600 feet of raceways; and (3) no-action. These alternatives are described in detail on pages two and three of the FEA.

The FEA recommends the licensee construct 600 feet of new raceways at the Feather River Fish Hatchery in accordance with licensee's proposed action alternative. The FEA concludes that implementation of this alternative would not constitute a major federal action significantly affecting the quality of the human environment.

This FEA was written by staff in the Office of Hydropower Licensing (OHL). Copies of the FEA can be obtained by contacting the Commission's Public Reference Room at (202) 208–1371.

Lois D. Cashell,

Secretary.

[FR Doc. 97–32594 Filed 12–12–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–755–000]

Northern Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed E-Line Stitch Project and Request for Comments on Environmental Issues

December 9, 1997.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of about 25 miles of 36-inch-diameter pipeline loop and abandonment of eleven 1,600 horsepower (HP) compressor units proposed in the E-Line Stitch Project.[1] This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

Northern Natural Gas Company (Northern) proposes to replace the capacity of the 11 compressor units to be abandoned by installing the two segments of loop. There would be no increase in the capacity of Northern's system as a result of this proposal. Northern seeks authority to construct and operate:

- About 11 miles of 36-inch-diameter loop between the Mullinville and Macksville Compressor Stations in Edwards and Pawnee Counties, Kansas;
- About 14 miles of 36-inch-diameter loop between the Macksville and Bushton Compressor Stations in Barton and Rice Counties, Kansas; and
- Abandonment of eleven 1,600 HP compressor units at the Bushton Compressor Station in Rice County, Kansas.

No nonjurisdictional facilities would be constructed as a result of this proposal.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 347.6 acres of land, including a 100-foot-wide construction right-of-way, additional temporary work spaces, and a staging area. Following construction, only about 1.5 acres would become new permanent right-of-way where the loops deviate from the existing rights-of-way to cross two streams. All of the right-of-way would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Land use.
- Cultural resources.
- Air quality and noise.
- Endangered and threatened species.
- Public safety.
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northern. This preliminary list of issues may be changed based on your comments and our analysis.

- Crossing of 5 perennial waterbodies.
- Impact on cultivated croplands.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Send *two* copies of your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label *one* copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.2;
- Reference Docket No. CP97–755–000; and
- Mail your comments so that they will be received in Washington, DC on or before January 8, 1998.

If you are interested in obtaining procedural information please write to the Secretary of the Commission.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor.'' Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

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[1] Northern Natural Gas Company's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

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 § 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your comments considered.

Lois D. Cashell,

Secretary.

[FR Doc. 97–32625 Filed 12–12–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice; Sunshine Act Meeting

December 10, 1997.

The following notice of meeting is published pursuant to Section 3(A) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

Agency Holding Meeting: Federal Energy Regulatory Commission.

Date and Time: December 17, 1997, 10 a.m.

Place: Room 2C, 888 First Street NE., Washington, DC 20426.

Status: Open.

Matters To Be Considered: Agenda.

*** Note**—Items listed on the agenda may be deleted without further notice.

Contact Person for more information: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the Agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro

687th Meeting—December 17, 1997

Regular Meeting: 10 a.m.

CAH–1.
DOCKET# P–11547, 001, SUMMIT HYDROPOWER, INC.
OTHER#S P–11501, 001, PUTNAM HYDROPOWER, INC.

CAH–2.
DOCKET# P–2459, 044, WEST PENN POWER COMPANY
OTHER#S P–2459, O55, WEST PENN POWER COMPANY

CAH–3.
DOCKET# P–2114, 060, PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

CAH–4.
DOCKET# P–2145, 030, PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

CAH–5.
DOCKET# P–1651, 013, SWIFT CREEK POWER COMPANY, INC.

CAH–6.
DOCKET# P–2494, 002, PUGET SOUND ENERGY, INC.

Consent Agenda—Electric

CAE–1.
DOCKET# ER–98–380, 000, HORIZON ENERGY COMPANY

CAE–2.
DOCKET# ER–98–486, 000, PUGET SOUND ENERGY, INC.

CAE–3.
DOCKET# EC96–19, 006, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
OTHER# EC96–19, 008, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
EC96–19, 011, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
ER96–1663, 007, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
ER96–1663, 009, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
ER96–1663, 011, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
ER96–1663, 012, PACIFIC GAS & ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY

CAE–4.
DOCKET# ER98–511, 000, OKLAHOMA GAS AND ELECTRIC COMPANY

CAE–5.
DOCKET# ER98–411, 000, WOLVERINE POWER SUPPLY COOPERATIVE, INC.
OTHER#S ER98–413, 000, WOLVERINE POWER SUPPLY COOPERATIVE, INC.
ER98–493, 000, WOLVERINE POWER SUPPLY COOPERATIVE, INC.
ER98–494, 000, WOLVERINE POWER SUPPLY COOPERATIVE, INC.
ER98–539, 000, WOLVERINE POWER SUPPLY COOPERATIVE, INC.
OA98–4, 000, WOLVERINE POWER SUPPLY COOPERATIVE, INC.

CAE–6.
OMITTED

CAE–7.
DOCKET# ER98–445, 000, NORTHERN/AES ENERGY LLC

CAE–8.
DOCKET# ER98–459, 000, BANGOR ENERGY RESALE, INC.

CAE–9.
DOCKET# ER98–522, 000, BOSTON EDISON COMPANY

CAE–10.
OMITTED

CAE–11.
DOCKET# ER98–449, 000, COM/ENERGY MARKETING, INC.

CAE–12.
DOCKET# ER98–463, 000, BANGOR HYDRO-ELECTRIC COMPANY

CAE–13.
DOCKET# ER98–466, 000, NEW ENGLAND POWER COMPANY

CAE–14.
DOCKET# ER98–500, 000, GPU ADVANCED RESOURCES, INC.

CAE–15.
DOCKET# ER98–523, 000, CINERGY SERVICES, INC.

CAE–16.
DOCKET# ER98–211, 000, CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
OTHER#S ER98–210, 000, CALIFORNIA POWER EXCHANGE CORPORATION
ER98–462, 000, SOUTHERN CALIFORNIA EDISON COMPANY
ER98–556, 000, PACIFIC GAS & ELECTRIC COMPANY
ER98–557, 000, PACIFIC GAS & ELECTRIC COMPANY

CAE–17.
DOCKET# EC96–19, 007, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
OTHER# ER96–1663, 008, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY
ER98–441, 000, SOUTHERN CALIFORNIA EDISON COMPANY
ER98–495, 000, PACIFIC GAS AND ELECTRIC COMPANY
ER98–496, 000, SAN DIEGO GAS & ELECTRIC COMPANY

CAE–18.
DOCKET# ER98–12, 000, SIERRA PACIFIC POWER COMPANY

CAE–19.
DOCKET# ER98–270, 000, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

CAE–20.
DOCKET# ER98–393, 000, WASHINGTON WATER POWER COMPANY

CAE–21.
DOCKET# ER97–2800, 000, MONTAUP ELECTRIC COMPANY
OTHER# ER97–2338, 000, MONTAUP ELECTRIC COMPANY
ER97–3127, 000, MONTAUP ELECTRIC COMPANY

CAE–22.
DOCKET# ER97–2358, 000, PACIFIC GAS AND ELECTRIC COMPANY
OTHER# ER97–2355, 000, SOUTHERN CALIFORNIA EDISON COMPANY
ER97–2364, 000, SAN DIEGO GAS & ELECTRIC COMPANY
ER97–4235, 000, SAN DIEGO GAS & ELECTRIC COMPANY
ER98–497, 000, SAN DIEGO GAS & ELECTRIC COMPANY

CAE–23.

DOCKET# ER97–3435, 000, CENTRAL VERMONT PUBLIC SERVICE CORPORATION
CAE–24.
OMITTED
CAE–25.
DOCKET# ER97–14, 000, SOUTH CAROLINA ELECTRIC & GAS COMPANY
OTHER# ER97–140, 001, SOUTH CAROLINA ELECTRIC & GAS COMPANY
CAE–26.
DOCKET# ER96–334, 000, MONTANA POWER COMPANY
OTHER# ER96–334, 001, MONTANA POWER COMPANY
OA96–199, 000, MONTANA POWER COMPANY
CAE–27.
DOCKET# TX97–7, 000, MISSOURI BASIN MUNICIPAL POWER AGENCY V. WESTERN AREA POWER ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF ENERGY
CAE–28.
DOCKET# EC97–53, 000, PORTLAND GENERAL ELECTRIC COMPANY
CAE–29.
DOCKET# ER97–2379, 001, MINNESOTA POWER AND LIGHT COMPANY
CAE–30.
DOCKET# ER95–181, 005, FLORIDA POWER & LIGHT COMPANY
CAE–31.
OMITTED
CAE–32.
DOCKET# ER96–2817, 002, MONTAUP ELECTRIC COMPANY
CAE–33.
DOCKET# ER97–3200, 002, MONTAUP ELECTRIC COMPANY
CAE–34.
DOCKET# ER97–964, 001, CONSUMERS ENERGY COMPANY
CAE–35.
DOCKET# ER97–3576, 001, SOUTHWESTERN PUBLIC SERVICE COMPANY
CAE–36.
OMITTED
CAE–37.
DOCKET # NJ97–13, 000, ORLANDO UTILITIES COMMISSION
CAE–38.
OMITTED
CAE–39.
DOCKET# EL97–60, 000, DELMARVA POWER & LIGHT COMPANY
CAE–40.
DOCKET# NJ97–14, 000, EAST KENTUCKY POWER COOPERATIVE, INC.
CAE–41.
DOCKET# OA97–126, 000, ILLINOIS POWER COMPANY
OTHER#S OA97–216, 000, WISCONSIN ELECTRIC POWER COMPANY
OA97–278, 000, NEW YORK STATE ELECTRIC & GAS CORPORATION
OA–97, 00284, 000, NORTHEAST UTILITIES SERVICE COMPANY, CONNECTICUT LIGHT & POWER COMPANY AND HOLYOKE WATER POWER COMPANY, ET AL.
OA97–313, 000, MIDAMERICAN ENERGY COMPANY
OA97–411, 000, PACIFICORP
OA97–442, 000, NORTHEAST UTILITIES SERVICE COMPANY, CONNECTICUT LIGHT & POWER COMPANY AND HOLYOKE WATER POWER COMPANY, ET AL.
OA97–630, 000, NORTHEAST UTILITIES SERVICE COMPANY, CONNECTICUT LIGHT & POWER COMPANY AND HOLYOKE WATER POWER COMPANY, ET AL.
CAE–42.
DOCKET# OA97–117, 000, ALLEGHENY POWER SERVICE CORPORATION, MONONGAHELA POWER COMPANY, THE POTOMAC EDISON COMPANY AND WEST PENN POWER COMPANY
OTHERS#S OA97–125, 000, CENTRAL HUDSON GAS & ELECTRIC CORPORATION
0A97–158, 000, NIAGARA MOHAWK POWER CORPORATION
OA97–430, 000, EL PASO ELECTRIC COMPANY
OA97–434, 000, CONSUMERS ENERGY COMPANY
OA97–445, 000, SOUTHERN CALIFORNIA EDISON COMPANY
OA97–449, 000, PUGET SOUND ENERGY, INC.
CAE–43.
DOCKET# OA97–408, 000, AMERICAN ELECTRIC POWER SERVICE CORPORATION APPALACHIAN POWER COMPANY AND COLUMBUS SOUTHERN POWER COMPANY, ET AL.
OTHER#S OA97–279, 000, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
OA97–431, 000, BOSTON EDISON COMPANY
OA97–459, 000, COMMONWEALTH EDISON COMPANY AND COMMONWEALTH EDISON COMPANY OF INDIANA, INC.

Consent Agenda—Gas and Oil

CAG–1.
DOCKET# RP97–346, 011, EQUITRANS, L.P.
CAG–2.
DOCKET# RP98–41, 000, KOCH GATEWAY PIPELINE COMPANY
OTHER#S RP98–41, 001, KOCH GATEWAY PIPELINE COMPANY
CAG–3.
DOCKET# RP98–58, 000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–4.
DOCKET# GT98–6, 000, NORTHWEST PIPELINE CORPORATION
CAG–5.
DOCKET# RP95–242, 011, NATURAL GAS PIPELINE COMPANY OF AMERICA
OTHER#S RP95–326, 012, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–6.
DOCKET# RP97–20, 011, EL PASO NATURAL GAS COMPANY
CAG–7.
DOCKET# RP97–275, 009, NORTHERN NATURAL GAS COMPANY
OTHER#S RP97–275, 010, NORTHERN NATURAL GAS COMPANY
CAG–8.
DOCKET# RP98–48, 000, NORTHWEST ALASKAN PIPELINE COMPANY
CAG–9.
DOCKET# RP98–55, 000, TRANSWESTERN PIPELINE COMPANY
CAG–10.
OMITTED
CAG–11.
DOCKET# PR96–11, 000, LEE 8 STORAGE PARTNERSHIP
OTHER#S PR96–11, 001, LEE 8 STORAGE PARTNERSHIP
CAG–12.
DOCKET# PR97–5, 000, HUMBLE GAS PIPELINE COMPANY
OTHER#S PR97–5, 001, HUMBLE GAS PIPELINE COMPANY
CAG–13.
DOCKET# PR97–12, 000, LOMAK OPERATING COMPANY
OTHER#S PR97–12, 001, LOMAK OPERATING COMPANY
CAG–14.
DOCKET# RP96–275, 003, TENNESSEE GAS PIPELINE COMPANY
CAG–15.
DOCKET# RP97–344, 002, TEXAS GAS TRANSMISSION CORPORATION
OTHER#S RP97–344, 003, TEXAS GAS TRANSMISSION CORPORATION
CAG–16.
DOCKET# RP97–406, 000, CNG TRANSMISSION CORPORATION
CAG–17.
DOCKET# RP97–420, 000, SOUTHERN NATURAL GAS COMPANY
CAG–18.
DOCKET# RP96–329, 002, NORAM GAS TRANSMISSION COMPANY
CAG–19.
DOCKET# RP95–191, 000, WILLISTON BASIN INTERSTATE PIPELINE COMPANY
CAG–20.
DOCKET# RP97–469, 002, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–21.
DOCKET# TM97–3–25, 001, MISSISSIPPI RIVER TRANSMISSION CORPORATION
OTHER#S RP97–233, 000, MISSISSIPPI RIVER TRANSMISSION CORPORATION
TM97–3–25, 000, MISSISSIPPI RIVER TRANSMISSION CORPORATION
TM97–3–25, 002, MISSISSIPPI RIVER TRANSMISSION CORPORATION
CAG–22.
DOCKET# RP97–1, 013, NATIONAL FUEL GAS SUPPLY CORPORATION
CAG–23.
DOCKET# PR97–6, 000, LOUISIANA INTRASTATE GAS COMPANY, L.L.C.
OTHER#S PR97–6, 001, LOUISIANA INTRASTATE GAS COMPANY, L.L.C.
CAG–24.
DOCKET# RP97–373, 004, KOCH GATEWAY PIPELINE COMPANY
CAG–25.
DOCKET# RP97–331, 004, DECATUR UTILITIES AND CITY OF DECATUR, ALABAMA, ET AL. V. MIDCOAST INTERSTATE TRANSMISSION, INC.
OTHER#S RP97–514, 001, HUNTSVILLE UTILITIES, CITY OF HUNTSVILLE, ALABAMA V. MIDCOAST INTERSTATE TRANSMISSION, INC.
CAG–26.

DOCKET# RP97–346, 007, EQUITRANS, L.P.
OTHER#S RP93–187, 014, EQUITRANS, L.P.
RP97–346, 006, EQUITRANS, L.P.
RP97–346, 010, EQUITRANS, L.P.
TM97–3–24, 002, EQUITRANS, L.P.
TM97–3–24, 003, EQUITRANS, L.P.
CAG–27.
DOCKET# OR96–2, 001, TEXACO REFINING AND MARKETING, INC. V. SFPP, L.P.
OTHER#S OR96–10, 001, ARCO PRODUCTS COMPANY V. SFPP, L.P.
OR96–17, 001, ULTRAMAR, INC. V. SFPP, L.P.
CAG–28. OMITTED
CAG–29.
DOCKET# RP96–147, 002, EQUITRANS, L.P.
CAG–30.
DOCKET# RP97–437, 000, WILLIAMS NATURAL GAS COMPANY AND MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION COMPANY
OTHER#S RP95–303, 005, WILLIAMS NATURAL GAS COMPANY
RP97–532, 000, MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION COMPANY V. WILLIAMS NATURAL GAS COMPANY
CAG–31.
DOCKET# MG96–13, 005, K N INTERSTATE GAS TRANSMISSION COMPANY
CAG–32.
DOCKET# MG96–14, 002, K N WATTENBURG TRANSMISSION, L.L.C.
OTHER#S MT98–3, 000, K N WATTENBERG TRANSMISSION, L.L.C.
CAG–33.
DOCKET# CP96–164, 001, TENNESSEE GAS PIPELINE COMPANY
OTHER#S CP96–254, 001, DISTRIGAS OF MASSACHUSETTS CORPORATION
CAG–34.
DOCKET# CP96–551, 001, MIDAMERICAN ENERGY COMPANY
CAG–35.
OMITTED
CAG–36.
DOCKET# CP97–561, 000, TENNESSEE GAS PIPELINE COMPANY
CAG–37.
DOCKET# CP97–623, 000, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–38.
DOCKET# CP97–264, 000, NORTHERN BORDER PIPELINE COMPANY
CAG–39.
DOCKET# CP97–708, 000, NORTHERN NATURAL GAS COMPANY
CAG–40.
OMITTED
CAG–41.
DOCKET# CP97–174, 000, DUKE ENERGY FIELD SERVICES, INC.
OTHER#S CP97–173, 000, TRUNKLINE GAS COMPANY
CAG–42.
DOCKET# CP96–583, 001, MIDCON TEXAS PIPELINE OPERATOR, INC.
CAG–43.
DOCKET# CP97–667, 000, EL PASO NATURAL GAS COMPANY
CAG–44.
DOCKET# CP97–256, 001, K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY

Hydro Agenda

H–1.
RESERVED

Electric Agenda

E–1.
RESERVED

Oil and Gas Agenda

I. PIPELINE RATE MATTERS
PR–1A.
OMITTED
PR–1B.
OMITTED
PR–2.
DOCKET# OR89–2, 007, TRANS ALASKA PIPELINE SYSTEM
OTHER#S IS89–7, 010 AMERADA HESS PIPELINE CORPORATION
IS89–7, 011, AMERADA HESS PIPELINE CORPORATION
IS89–8, 010, ARCO PIPELINE COMPANY
IS89–8, 011, ARCO PIPELINE COMPANY
IS89–9, 010, BP PIPELINE (ALASKA), INC.
IS89–9, 011, BP PIPELINE (ALASKA), INC.
IS89–10, 010, EXXON, PIPELINE COMPANY
IS89–10, 011, EXXON PIPELINE COMPANY
IS89–11, 010, MOBIL ALASKA PIPELINE COMPANY
IS89–11, 011, MOBIL ALASKA PIPELINE COMPANY
IS89–12, 010, PHILLIPS ALASKA PIPELINE CORPORATION
IS89–12, 011, PHILLIPS ALASKA PIPELINE CORPORATION
IS89–13, 010, UNOCAL PIPELINE COMPANY
IS89–13, 011, UNOCAL PIPELINE COMPANY
OR89–2, 010, TRANS ALASKA PIPELINE SYSTEM ORDER ON SETTLEMENT.
II.
PIPELINE CERTIFICATE MATTERS
PC–1.
RESERVED

Lois D. Cashell,

Secretary.

[FR Doc. 97–32768 Filed 12–11–97; 11:20 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders; Office of Hearings and Appeals; Week of September 22 Through September 26, 1997

During the week of September 22 through September 26, 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: December 4, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 52; Week of September 22 through September 26, 1997

Appeal

William H. Payne, 9/26/97, VFA–0329

William H. Payne filed a Freedom of Information Act (FOIA) Appeal requesting that the Office of Hearings and Appeals of the Department of Energy (DOE) grant a fee waiver for his August 14, 1997 FOIA request. In considering the Appeal, the DOE determined that Mr. Payne's fee waiver Appeal was not ripe for review. Thus, the DOE dismissed Mr. Payne's Appeal.

Personnel Security Hearing

Personnel Security Hearing, 9/22/97, VSO–0154

A Hearing Officer of the Office of Hearings and Appeals issued an opinion concerning the continued eligibility of an individual for access authorization under 10 CFR Part 710, ''Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.'' After considering the record in view of the standards set forth in Part 710, the Hearing Officer found that the derogatory information presented by the DOE/AL under 10 CFR § 710.8(j) established that the individual suffers from the disorder of alcohol abuse. The Hearing Officer also found that this derogatory information had not been mitigated by sufficient evidence of rehabilitation and reformation. Accordingly, the Hearing Officer concluded that, in his opinion, the individual's access authorization should not be restored.

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.

Heart L Ranch et al	RK272–2006	9/24/97
Mabel Eikleberry et al	RK272–01828	9/26/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Nebraska Asphalt Paving Company	RR272–293

[FR Doc. 97–32643 Filed 12–12–97; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5935–1]

Shrimp Virus Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: This document announces a workshop sponsored by the U.S. Environmental Protection Agency (EPA), in cooperation with the Joint Subcommittee on Aquaculture (JSA; Office of Science and Technology Policy). The JSA includes representatives from Federal organizations including the National Marine Fisheries Service, U.S. Department of Agriculture, U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency. The purpose of the workshop is to develop a qualitative ecological risk assessment of the potential impacts of shrimp viruses on cultured shrimp and on wild shrimp populations in the Gulf of Mexico and southeastern U.S. Atlantic coastal waters. The workshop will also develop recommendations for conducting a future, more comprehensive risk assessment.

DATES: The workshop will begin on Wednesday, January 7, 1998, at 8:30 a.m. and end on Thursday, January 8, 1998, at 5 p.m. Members of the public may attend as observers.

ADDRESSES: The workshop will be held at the Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, VA. To make hotel reservations, please call the hotel directly at 703–920–3230 by December 29, 1997. Reference the EPA shrimp virus workshop to receive the group rate. Eastern Research Group, Inc. (ERG), an EPA contractor, is providing logistical support for the workshop. To attend the workshop as an observer, register by calling the ERG conference registration line at (781) 674–7374 by December 31, 1997, and reference the shrimp virus workshop. There is no charge for attending the workshop; however, seating is limited.

Background information provided to workshop panelists includes a document containing a report on the shrimp virus problem and the minutes of several public meetings at which the report was reviewed. Printed copies will available on or about January 31, 1998. To obtain a single copy of this document, interested parties should contact the Center for Environmental Research Information, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, Tel: (513) 569–7562, FAX: (513) 569–7566. Please provide your name and mailing address, and request the document by the EPA number (EPA/600/R–97/136) and title, Minutes of the Stakeholder Meetings on the Report of the JSA Shrimp Virus Work Group. In addition, portions of this report are available on the internet, at http://www.epa.gov/ncea/svra.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Dr. Thomas McIlwain, Chairperson of the JSA Shrimp Virus Work Group, National Marine Fisheries Service, 3209 Frederick Street, Pascagoula, MS 39567, (601) 762–4591. For workshop information, contact Dr. Bill van der Schalie, U.S. Environmental Protection Agency (8623), 401 M Street, SW, Washington, DC 20460, Telephone (202) 260–4191; FAX: 202–260–6370; e-mail: vanderschal-ie.william@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Evidence suggests that exotic shrimp viruses may be inadvertently introduced into U.S. coastal regions. If established, these introduced viruses have the potential to infect both wild shrimp stocks and shrimp in aquaculture. To address this problem the JSA has been developing an ecological risk assessment. In support of information exchange and education, and to determine any necessary course of action to avert the introduction of pathogenic viruses, the JSA tasked a Federal interagency work group (Shrimp Virus Work Group; SVWG) with preparing a report that summarizes readily-available risk-relevant information on shrimp viruses (see 62 FR 31790–31791 (June 11, 1997)). This SVWG report was approved by the JSA and was reviewed at several stakeholder meetings in July 1997. The minutes of these meetings, the SVWG report, and additional stakeholder comments received in conjunction with the release of the report and the stakeholder meetings are the starting points for a peer-review workshop being conducted under contract to the EPA's National Center for Environmental Assessment, in cooperation with the JSA. The goals of this workshop are to develop a qualitative ecological risk assessment of the potential impacts of shrimp viruses on cultured shrimp and on wild shrimp populations in the Gulf of Mexico and southeastern U.S. Atlantic coastal waters and to develop recommendations for conducting a future, more comprehensive risk assessment. Workshop results will provide one source of information for a proposed JSA-sponsored risk management workshop on the shrimp virus problem and may be useful in supporting environmental decisionmaking.

Dated: December 9, 1997.

William H. Farland,

Director, National Center for Environmental Assessment.

[FR Doc. 97–32646 Filed 12–12–97; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the January 8, 1998 regular meeting of the Farm Credit Administration Board (Board) will not be held. The FCA Board will hold a special meeting at 9:00 a.m. on Tuesday, January 27, 1998. An agenda for this meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

Dated: December 11, 1997.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 97–32790 Filed 12–11–97; 12:49 pm]

BILLING CODE 6705–01–M

FEDERAL ELECTION COMMISSION

[Notice 1997–19]

Privacy Act; Republication and Notice of New Routine Uses for Disclosure

AGENCY: Federal Election Commission.

ACTION: Republication and Amendment of System of Records to include new routine uses for disclosure and other administrative changes.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), the Federal Election Commission is issuing notice of our intent to amend the Systems of Records entitled Personnel Records (FEC 5) and Payroll Records (FEC 8) to include additional routine uses. In addition, other systems have been revised as a result of a reevaluation of the manner in which records are maintained by the Commission. We invite public comment on this publication.

DATES: The Commission will announce an effective date once the comment period expires.

ADDRESSES: Interested individuals may comment on this publication by writing to: Ms. Tina VanBrakle, Privacy Act Officer, 999 E Street, N.W., Washington, D.C. 20463, by close of business on January 5, 1998. All comments received will be available for public inspection at that address.

SUPPLEMENTARY INFORMATION: The primary purpose for this republication is to add new routine uses to two Systems of Records maintained by the FEC. Other minor administrative changes have also been made.

I. DISCUSSION OF PROPOSED ADDITIONS TO ROUTINE USE.

Pursuant to Pub. L. 104–193, the Personnel Responsibility and Work Opportunity Reconciliation Act of 1996, the Federal Election Commission will disclose data from its Personnel Records (FEC 5) and Payroll (FEC 8) Systems of Records to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in its Federal Parent Locator System (FPLS) and Federal Tax Offset System, DHHS/OCSE No. 09–90–0074. Information on this system was last published at 61 FR 38754, July 25, 1996.

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for purposes of establishing paternity and securing support.

Effective October 1, 1997, the FPLS was enlarged to include the National Directory of New Hires, a database containing information on employees commencing employment, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits. Effective October 1, 1998, the FPLS will be expanded to include a Federal Case Registry. The Federal Case Registry will contain abstracts on all participants involved in child support enforcement cases. When the Federal Case Registry is instituted, its files will be matched on an ongoing basis against the files in the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as being a participant in a State child support case, that State will be notified of the participant's current employer. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

The data to be disclosed by the Federal Election Commission to the FPLS include: employee name, social security number, address, employer name, employer address and federal employer identification number.

In addition, names and social security numbers submitted by the Federal Election Commission to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct.

The data disclosed by the Federal Election Commission to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

II. COMPATIBILITY OF PROPOSED ROUTINE USES.

Use of the data collected is consistent with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 which mandates the establishment of new resources at the federal level to assist state child support enforcement agencies in establishing paternity; establishing, setting the amount of, or modifying child support obligations; and enforcing child support obligations.

We are proposing these routine uses in accordance with the Privacy Act (5 U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget has indicated that a ''compatible'' use is a use which is necessary and proper. See OMB Guidelines, 51 FR 18982, 18985 (1986). Since the proposed uses of the data are required by Pub. L. 104–193, they are clearly necessary and proper uses, and therefore ''compatible'' uses which meet Privacy Act requirements.

III. EFFECT OF THE PROPOSED CHANGES ON INDIVIDUALS.

We will disclose information under these proposed routine uses only as required by Pub. L. 104–193 and as permitted by the Privacy Act.

Accordingly, the Proposed Notice of New and/or Revised Systems of Records, dated October 27, 1994, has been revised and reprinted in its entirety as follows:

Dated: December 9, 1997.

John Warren McGarry,

Chairman.

Table of Contents

FEC 1 Requests for Advisory Opinions.
FEC 2 Audits and Investigations.
FEC 3 Compliance Actions.
FEC 4 Mailings Lists.
FEC 5 Personnel Records.
FEC 6 Candidate Reports and Designations.

FEC 7 Certification for Primary Matching Funds and General Elections Campaign Funds.
FEC 8 Payroll Records.
FEC 9 Litigation Actions.
FEC 10 Letter File. Public Communications.
FEC 11 Contributor Name Index System.
FEC 12 Inspector General Investigative Files.

FEC 1

SYSTEMS NAME:

Requests for advisory opinions.

SYSTEMS LOCATION:

Federal Election Commission. Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted a letter to the FEC that qualifies as an advisory opinion request under FEC regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters requesting advisory opinions and responses thereto from the FEC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 437d(a)(7) and 437f.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documents maintained for historical purposes and for use as precedent in subsequent requests for advisory opinions. Commissioners and staff use this system to respond to requests for opinions. These documents are available to the public for information and so that interested parties may submit comments to the Commission.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Paper records and/or microfilm, on-line disk storage, and electronic data processing system.

RETRIEVABILITY:

Indexed and retrievable by name of requester, date of opinion, request number, and, as applicable, by microfilm roll and frame number.

SAFEGUARDS:

Originals are kept in locked filing cabinets in limited access areas under personal surveillance during working hours and in locked rooms at other times. Copies are freely available.

RETENTION AND DISPOSAL:

Retained for at least four years from date of receipt and subject to disposal thereafter. Current disposal process generally results in retention of records until seven years after receipt.

SYSTEM MANAGER AND ADDRESS:

The General Counsel, Federal Election Commission, Washington, D.C. 20463, (202/219–3690).

NOTIFICAITON PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual requester, persons submitting comments and the Federal Election Commission.

FEC 2

SYSTEM NAME:

Audits and investigations.

SYSTEM LOCATION:

Federal Election Commission. Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates required to file statements and reports under the Federal Election Campaign Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Audit and investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 437d(a)(10), 437g(a)(2), (5) and 438(a)(8), (9); 26 U.S.C. 9007, 9038.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The General Counsel, Assistant Staff Directors, Commissioners, and their staffs may use audit and investigation data for informal hearings, administrative compliance, civil litigation, voluntary compliance or to refer matters to appropriate law enforcement authorities.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in

the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked safes in limited access locations. Access is limited to FEC staff on a restricted basis and to appropriate law enforcement agencies as directed by the Commission.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEMS MANAGER AND ADDRESS:

Assistant Staff Director for Audit, Federal Election Commission, Washington, D.C. 20463 (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

With respect to open audits, the foregoing system is exempt pursuant to the provisions of 5 U.S.C. 552a(k)(2). See 11 CFR 1.14.

FEC 3

SYSTEM NAME:

Compliance actions.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints (complainants) and persons complained about (respondents), candidates filing late reports, or no reports, and cases internally generated through review and audit of reports and statements filed by candidates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, referrals, and responses thereto; internal investigations of reports on file at the Commission, depositions, interrogatories and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 437g(a) (1), (2), (4) and (5); 438(a)(7) and 438(b); 26 U.S.C. 9006 and 9038.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

While any case is active, these documents are maintained as the agency's working or investigative file. Based upon information contained in the file, recommendations are made to the Commission as to the disposition of a case, and the Commission acts upon those recommendation. Compliance actions are assigned by the Associate General Counsel to an attorney and/or to appropriate staff for investigation. Administrative action and civil litigation are handled by the General Counsel's office. Evidence of knowing and willful violations of the law may be referred to the Attorney General.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employees of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records. Closed compliance cases are duplicated, stored on microfilm and are available to the public, minus information deemed to be exempted under the Freedom of Information Act.

RETRIEVABILITY:

This system is indexed and retrievable by name of complainant or respondent by compliance action number or by mocrofilm roll and frame number, as appropriate.

SAFEGUARDS:

This system is kept in locked filing cabinets in limited access areas under personal surveillance during working hours, and in locked filing cabinets in locked rooms at other times.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER AND ADDRESS:

The General Counsel, Federal Election Commission, Washington, D.C. 20463, (202/219–3690).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Complainants, respondents, third parties who have been requested or subpoenaed, to produce relevant information, and the Federal Election Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to open investigations, the system is exempt pursuant to 5 U.S.C. 552a(k)(2). See 11 CFR Part 1.14.

FEC 4

SYSTEM NAME:

Mailing Lists.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals and institutions who have requested a subscription to the *Record*.

(b) Individuals who have requested FEC publications.

(c) State and local election officials interested in keeping informed of developments.

(d) Reporters who request releases; media added by the Press Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Lists of names, addresses, principal areas of interest.

(b) List of names, addresses, and subjects of interest to the requester.

(c) List of names, addresses, duties and jurisdictions.

(d) Computer listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2. U.S.C. 438(a) for all categories.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(a) Distribution of monthly newsletter, the Record, to subscribers.

(b) To forward new publications and other informational materials to persons who have expressed an interest in the subject matter.

(c) To distribute publications and other materials of interest to those who administer the election law of the states.

(d) To mail press releases.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized for all categories.

RETRIEVABILITY:

(a) Name or identification numbers.

(b) Name.

(c) Name, title, jurisdiction or region of the country.

(d) Name of individual or name of media.

SAFEGUARDS:

Access code with password for all categories.

RETENTION AND DISPOSAL:

(a) Purged every two years or upon request of subscriber.

(b) Purged every two years.

(c) Indefinite.

(d) Indefinite.

SYSTEM MANAGER AND ADDRESS:

The Assistant Staff Director for Information, Federal Election Commission, Washington, D.C. 20463, (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(a) Individuals and organizations who request a subscription to the *Record*.

(b) Individuals to whom the Information Division has mailed publications.

(c) Officials requiring up-to-date information on elections administration.

(d) Oral and written requests to be placed on list; media directories.

FEC 5

SYSTEM NAME:

Personnel records.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment, current employees (including unpaid interns), and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) SF–171's/resumes.

(b) SF–7 Record Cards (current and former employees).

(c) Official Personnel Folder (OPF).

(d) Employee Performance Folders (EPF).

(e) Individual Employee Master Files.

(f) Discipline/Adverse Action Files.

(g) Outside Employment Files.
(h) Employee Medical File.
(i) Grievance Files.
(j) Appeal Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 437c and 5 CFR 293.

ROUTINE USES OF RECORDS IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) SF–171's/OF–16's/Resumes—used by the Personnel staff and all levels of management to evaluate qualifications and make personnel selections.

(b) SF–7 Record Cards—used by Personnel staff to verify salary, grade and service of current and former employees for use by prospective employers, credit bureaus, etc.

(c) OPF—used by Personnel staff to process and record personnel actions, and by Personnel staff and line managers to evaluate skills, ability and qualifications for selection, promotion, and other personnel actions.

(d) EPF—used by Personnel staff to record performance-related information such as performance appraisals, and by line managers as basis for personnel actions.

(e) Individual Employee Master File—computer-stored record of all personnel actions and other pertinent employee data; used by Personnel staff to process and record personnel actions and by the authorized Data Systems staff and Payroll and Accounting staff to update and revise files, programs and produce required statistical reports.

(f) Discipline and Adverse Actions—used by Personnel staff and line managers in considering decisions on such actions, and for appeals, grievances and hearings.

(g) Outside Employment Files—used by Personnel and legal staff to consider requests for outside employment and to verify approval/disapproval.

(h) Employee Medical Files—used by Personnel staff and line managers to record employee medical information pertinent to their performance/attendance/conduct, and in reviewing the impact of medical conditions on their employment.

(i) Grievance Files—used by Personnel staff to record the disposition of employee grievances.

(j) Appeals Files—used by Personnel staff to record the disposition of employee appeals.

In addition to the above, in the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from the system of records may be disclosed as ''routine use'' to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records 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, 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.

A record from this system of records may be disclosed to an authorized complaints examiner, equal employment opportunity investigator, administrative law judge, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee. A record from this system of records may be disclosed to the U.S. Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may also be disclosed to the: (1) Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action; (2) Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement; and (3) Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is

compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

(a) Hard copy record kept in Personnel Office.
(b) Hard copy record kept in Personnel Office.
(c) Hard copy record kept in Personnel Office.
(d) Hard copy record kept in Personnel Office.
(e) Computer disk packs within central processing unit.
(f) Hard copy record kept in Personnel Office.
(g) Hard copy record kept in Personnel Office.
(h) Hard copy record kept in Personnel Office.
(i) Hard copy record kept in Personnel Office.
(j) Hard copy record kept in Personnel Office.

RETRIEVABILITY:

(a) Retrieval by hand of alphabetical files.
(b) Retrieval by hand of alphabetical files.
(c) Retrieval by hand of alphabetical files.
(d) Retrieval by hand of alphabetical files.
(e) On line access using SSN.
(f) Retrieval by hand of alphabetical files.
(g) Retrieval by hand of alphabetical files.
(h) Retrieval by hand of alphabetical files.
(i) Retrieval by hand of alphabetical files.
(j) Retrieval by hand of alphabetical files.

SAFEGUARDS:

(a) Locked file cabinet in locked office.
(b) Locked Office.
(c) Locked file cabinet in locked office.
(d) Locked file cabinet in locked office.
(e) Overall password for group number, individual password for each program; knowledge of password limited to appropriate personnel.
(f) Locked file cabinet in locked office.
(g) Locked file cabinet in locked office.
(h) Locked file cabinet in locked office.
(i) Locked file cabinet in locked office.
(j) Locked file cabinet in locked office.

RETENTION AND DISPOSAL:

(a) 1 year; shredded.
(b) Indefinite.
(c) Indefinite; transferred with employee to succeeding agency or retired to Federal Records Center upon retirement or termination/resignation from Federal service or death.
(d) Indefinite; shredded within 30 days of employee departure unless part of ongoing adjudicatory action.
(e) Indefinite.
(f) Indefinite.
(g) 2 years; shredded.
(h) Indefinite; transferred with employee to succeeding agency or retired to Federal Records Center upon retirement or termination/resignation from Federal service or death.
(i) Indefinite.
(j) Indefinite.

SYSTEM MANAGER AND ADDRESS:

The Director of Personnel, Federal Election Commission, Washington, D.C. 20463, (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Personnel applications, resumes, employment forms, records of personnel action.

FEC 6

SYSTEM NAME:

Candidate reports and designations.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates for Federal office required to file reports of contributions and expenditures and designations of campaign depositories and authorized committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and Statements of candidates; reports by delegates and other persons making contributions or independent expenditures and designations on behalf of a Federal candidate but not through a political committee, candidate, or authorized committee or agent of a candidate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 432(e), 434, and 437b(a)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system may be used by any person for information purposes. However, any information copied from such reports shall not be sold or utilized by any person for the purposes of soliciting contributions or for any commercial purpose.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:
(a) The agency, or any component thereof; or
(b) Any employee of the agency in his or her official capacity; or
(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:
(a) The agency, or any component thereof; or
(b) Any employee of the agency in his or her official capacity; or
(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and/or microfilm and on-line disk storage electronic data processing system.

RETRIEVABILITY:

Retrievable by candidate's name, or by State in which candidate seeks election; candidate identification number or last name for computer storage.

SAFEGUARDS:

Locked filing cabinets.

RETENTION AND DISPOSAL:

Reports are preserved for a 10-year period except that reports relating solely to candidates for the House of Representatives are preserved for 5 years from the date of receipt. Microfilm is preserved indefinitely.

SYSTEM MANAGER AND ADDRESS:

The Assistant Staff Director for Disclosure, Federal Election Commission, Washington, D.C. 20463, (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Reports filed with the FEC.

FEC 7

SYSTEM NAME:

Certification for primary matching funds and general election campaign funds.

SYSTEMS LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates for nomination or election to the Office of President of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certification forms and supporting data requesting matching funds or election funds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 9003, 9006; 26 U.S.C. 9033, 9036, 9037.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Certification of eligibility for funds by presidential candidates. These files are available for public inspection.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name of candidate.

SAFEGUARDS:

Locked filing cabinets.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEMS MANAGER AND ADDRESS:

Assistant Staff Director for Audit, Federal Election Commission, Washington, D.C. 20463 (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORDS ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Certification reports filed with the Commission.

FEC 8

STSTEM NAME:

Payroll records.

SYSTEM LOCATION:

Federal Election Commission, Washington, DC 20463.

CATEGORIES OF RECORDS IN THE SYSTEM:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefit records; requests for deductions; tax forms; W–2 forms; overtime requests; leave data; and retirement records. Records are used by Commission employees to maintain adequate payroll information for Commission employees, and otherwise by Commission employees who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C., generally. Also, 2 U.S.C. 437c(f).

ROUTINE USES FOR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil,

criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcement or implementation of the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a ''routine use'' to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring 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, 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.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance processes as set forth in that circular.

Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of Treasury form W–2, wage and tax statement, also is disclosed to the State and city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Assistant Director for Administration; Federal Election Commission, Washington, D.C. 20463. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Staff Director for Administration.

In the absence of a withholding agreement, the Social Security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security number, in accordance with Section 7 of the Privacy Act.

Records are also disclosed to the: (1) Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action; (2) Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement; and (3) Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disk packs within central processing unit.

RETRIEVABILITY:

On line access program utilizing employee social security number.

SAFEGUARDS:

Overall password for group number; individual password for each program; knowledge of password limited to appropriate personnel.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER AND ADDRESS:

The Assistant Staff Director for Administration, Federal Election Commission, Washington, D.C. 20463, (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The subject individual; the Federal Election Commission.

FEC 9

SYSTEM NAME:

Litigation Actions.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have brought judicial action against the Commission and individuals against whom the Commission has brought judicial action pursuant to 2 U.S.C. 437g or 437h, 26 U.S.C. 9011 or 9041, 5 U.S.C. 552 or any other statute.

CATEGORIES OF RECORDS IN THE SYSTEM:

All papers incident to a law suit, including discovery materials, motions, briefs and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 437g(a)(6), 437g(a)(8), 437g(a)(11), and 437h.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Maintained for historical purposes and for consultation as precedent in subsequent judicial or administrative actions. Civil litigation is handled by the General Counsel's office. Access is limited to FEC staff on a restricted basis.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof, or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and microfilm.

RETRIEVABILITY:

System indexed by name of party litigant and, as applicable, by microfilm roll and frame number.

SAFEGUARDS:

This system is kept in locked filing cabinets or in limited access areas under personal surveillance during working hours, and in locked rooms at other times.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER AND ADDRESS:

The General Counsel, Federal Election Commission, Washington, D.C. 20463, (202/219–3690).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual party litigants and counsel, court personnel and the Federal Election Commission.

FEC 10

SYSTEM NAME:

Letter file, Public Communications.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have written to the FEC requesting answers to specific questions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries by individuals concerning the Federal Election Campaign Act of 1971, as amended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 438(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Response to inquiries.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her individual capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

Name of individual.

RETENTION AND DISPOSAL:

Retained in-house for one year; shipped afterward to general storage.

SYSTEM MANAGER AND ADDRESS:

The Assistant Staff Director for Information, Federal Election Commission, Washington, D.C. 20463, (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals who request information in writing.

FED 11

SYSTEM NAME:

Contributor Name Index System.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been listed on campaign finance reports as having given an aggregate amount in excess of $200 or more in a calendar year to a Federal candidate or their supporting political committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

On-line disk storage electronic data processing index of names.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 U.S.C. 441a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commission staff and the public may use this system to ascertain whether and to what extent named individuals have made contributions to Federal candidates and political committees.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation provided, however, that in each case the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE OF AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On-line disk storage electronic data.

RETRIEVABILITY:

Indexed by last name of contributor.

SAFEGUARDS:

Access to data is firewall protected. Retrieval data is copy of official data base retained on secure Commission system.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER AND ADDRESS:

The Assistant Staff Director for Data Systems Development Division, Federal Election Commission, Washington, D.C. 20463, (202/219–3440).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual contributors.

FEC 12

SYSTEM NAME:

Inspector General Investigative Files.

SYSTEM LOCATION:

Federal Election Commission, Washington, D.C. 20463.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subjects of complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, referrals from other agencies, investigative notes, interviews, reports, interrogatories and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act Amendments of 1988, Pub. L. 100–504, amending the Inspector General Act of 1978, Pub. L. 95–402, 5 U.S.C. app.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Material is maintained in the Office of Inspector General's (OIG) investigative files. Access to files is restricted to OIG Staff and then on a need to know basis. Criminal violations are referred to the Justice Department.

ROUTINE USE FOR DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR USE IN LITIGATION:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Inspector General to be relevant and necessary to the litigation provided, however, that in each case the Inspector General determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

ROUTINE USE FOR AGENCY DISCLOSURE IN LITIGATION:

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear when:

(a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Inspector General determines that, on a case-by-case basis, use of such records is relevant and necessary to the litigation, provided, however, that the Inspector General determines that disclosure of the records is compatible with the purpose for which the records were collected.

SYSTEMS EXEMPTED:

System exempt under 5 U.S.C. 552a(j)(2) and 5 U.S.C. 552a(k)(2). See 11 CFR Part 1.14.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and computer records.

RETRIEVABILITY:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

SAFEGUARDS:

The paper records and computer disks are kept in locked cabinets in limited access areas under personal surveillance during working hours and in locked cabinets in locked room at all other times.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER AND ADDRESS:

The Inspector General, Federal Election Commission, Washington, D.C. 20463, (202/219–4267).

NOTIFICATION PROCEDURES:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Complaints, subjects, third parties who have been requested to produce relevant information, referring agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to investigations, the system is exempt pursuant to 5 U.S.C. 552a(k)(2).

[FR Doc. 97–32592 Filed 12–12–97; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL ELECTION COMMISSION

[Notice 1997–18]

Filing Dates for the Pennsylvania Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Pennsylvania has scheduled a special election on May 19, 1998, to fill the U.S. House seat in the First Congressional District vacated by Ambassador Thomas Foglietta.

Committees required to file reports in connection with the Special General Election on May 19 should file a Year-End Report on January 31, 1998; an April Quarterly Report on April 15, 1998; a Pre-General Election Report on May 7, 1998; and a Post-General Election Report on June 18, 1998.

FOR FURTHER INFORMATION CONTACT:

Ms. Bobby Werfel, Information Division, 999 E Street, N.W., Washington, DC 20463, *Telephone:* (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates who participate in the Pennsylvania Special General Election and all other political committees not filing monthly which support candidates in the Special Election shall file a Year-End Report on January 31, 1998, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through December 31, 1997; an April Quarterly Report on April 15, 1998, with coverage dates from January 1 through March 31, 1998; a Pre-General Report on May 7, 1998, with coverage dates from April 1 through April 29, 1998; and a Post-General Report on June 18, 1998, with coverage dates from April 30 through June 8, 1998.

CALENDAR OF REPORTING DATES FOR PENNSYLVANIA SPECIAL ELECTION FOR COMMITTEES INVOLVED IN THE SPECIAL GENERAL (5/19/98)

Report	Close of books[1]	Reg./ cert. mailing date[2]	Filing date
Year-end	12/31/97	01/31/98	01/31/98
April quarterly	03/31/98	04/15/98	04/15/98
Pre-general	04/29/98	05/04/98	05/07/98
Post-general	06/08/98	06/18/98	06/18/98

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
[2] Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

Dated: December 9, 1997.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 97–32591 Filed 12–12–97; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. Wednesday, December 17, 1997.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Affordable Housing Program Applications Approval.
- Final Rule Amending Definition of ''State'' in Membership Regulation to Include American Samoa and the Northern Mariana Islands.
- Office of Finance Debt Authorization.
- Resolution Clarifying Intention Regarding Member Subsidy Limit Provision of AHP Regulation.
- Technical Amendment to the Financial Management Policy to Permit FHLBanks to Place Insured Deposits With All Members.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

William W. Ginsberg,

Managing Director.

[FR Doc. 97–32723 Filed 12–10–97; 4:35 pm]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 203–011599.

Title: Compagnie Generale Maritime/ TNX Agreement.

Parties:

Compagnie Generale Maritime of Paris (''CGM'')
Transroll Navieras Express, Inc. (''TNX'')
TNX Transportes, Ltda. (''Transportes'')

Synopsis: Under the proposed Agreement, CGM would initially slot charter vessel space from TNX and/or Transportes. Upon introduction of vessels by CGM, the Agreement would then authorize the parties to charter space to one another, coordinate their vessel services, and with voluntary adherence, agree upon rates and charges in the trade between United States Atlantic Coast ports, ports in Puerto Rico, and the U.S. Virgin Islands, and inland points via such ports, and ports and points in Brazil, Uruguay, Paraguay, and Argentina.

Agreement No.: 217–011600.

Title: Caribbean Generale Maritime/ TNX Agreement.

Parties:

Caribbean General Maritime Ltd. (''CAGEMA'')
Transroll Navieras Express, Inc. (''TNX'')
TNX Transportes, Ltda. (''Transportes'')

Synopsis: The proposed Agreement would permit TNX and Transportes to charter space from CAGEMA in the trade between Miami, Florida, and Houston, Texas, and inland U.S. points via those ports, and Freeport, the Bahamas.

Agreement No.: 203–011601.

Title: SUNMAR Container Line/ FESCO Intermodal Cooperative Working Agreement.

Parties:

SUNMAR Container Lines, Inc.
FESCO Intermodal, Inc.

Synopsis: The proposed Agreement permits the parties to charter space on each other's vessels, coordinate vessel schedules, agree upon the number, size and type of vessel to be provided and, on a voluntary basis, discuss and agree upon rates and rate related matters in the trade between ports on the Pacific Coast of the United States, and all interior and coastal points via such ports, and all ports and points on the Pacific Coast of Russia, including ports on the Sea of Japan and the Sea of Okhotsu.

By Order of the Federal Maritime Commission.

Dated: December 9, 1997.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 97–32593 Filed 12–12–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Thursday, December 18, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. (a) Proposed amendments to Regulations G (Securities Credit by Persons Other than Banks, Brokers, or Dealers), T (Credit by Brokers and Dealers),U (Credit by Banks for the Purpose of Purchasing or Carrying Margin Stock), and X (Borrowers of Securities Credit) to reduce regulatory distinctions between broker-dealers, banks, and other lenders and to implement changes in the Board's margin authority contained in the National Securities Markets Improvement Act of 1996 (proposed earlier for public comment; Docket Nos. R–0905, R–0923, and R–0944); and (b) publication for comment of an advance notice of proposed rulemaking to amend Regulations T, U, and X.

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $6 per cassette by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: December 11, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–32729 Filed 12–11–97; 10:36 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 11 a.m., Thursday, December 18, 1997, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: December 11, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–32730 Filed 12–11–97; 10:36 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[Dkt. C–3726]

Baxter International Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, Baxter International (''Baxter''), an Illinois-based corporation, to divest its Autoplex product to a Commission-approved buyer, and to license Immuno International AG's (''Immuno'') product in development to a Commission-approved licensee within four months of the date Baxter signs the consent. This would resolve antitrust concerns raised by the $463 million acquisition of Immuno by Baxter, which both manufacture a wide variety of biologic products derived from human blood plasma.

DATES: Complaint and Order issued March 24, 1997.[1]

FOR FURTHER INFORMATION CONTACT: Pamela Taylor, FTC/S–2308, Washington, D.C. 20580. (202) 326–2237.

SUPPLEMENTARY INFORMATION: On Friday, January 3, 1997, there was published in the **Federal Register**, 62 FR 408, a proposed consent agreement with analysis In the Matter of Baxter International Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 97–32636 Filed 12–12–97; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[Dkt. C–3725]

Ciba-Geigy Limited, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, the licensing of specified gene therapy technology and patent rights to Rhone-Poulene Rorer, Inc., to put Rhone-Poulene in a position to compete against the combined firm. The consent order also requires divestiture of the Sandoz U.S. and Canadian corn herbicide assets to BASF and its flea control business to Central Garden & Pet Company or another Commission-approved buyer.

DATES: Complaint and Order issued March 24, 1997.[1]

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

/1/ Copies of the Complaint, the Decision and Order, and the Commissioners' statements are

FOR FURTHER INFORMATION CONTACT: Howard Morse or William Baer, FTC/H–394, Washington, D.C. 20580. (202) 326–2949 or 326–2932.

SUPPLEMENTARY INFORMATION: On Friday, January 3, 1997, there was published in the **Federal Register,** 62 FR 409, a proposed consent agreement with analysis In the Matter of Ciba-Geigy Limited, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, indisposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 .S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 97–32635 Filed 12–12–97; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[Dkt. C–3727]

Jeanette L. Douglas Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, Jeanette L. Douglas, an officer of Computer Business Services, Inc. (''CBSI''), from misrepresenting the earnings or success rate of CBSI investors; the existence of a market for CBSI's products or services; the amount of time it takes investors to recoup their investments; and from making any representation regarding the performance, benefits, efficacy or success rate of any product or service unless she possesses reliable evidence to substantiate the claims. The consent order also prohibits the use of misleading testimonials or endorsements and requires certain disclosures to investors.

DATES: Complaint and Order issued March 24, 1997.[1]

FOR FURTHER INFORMATION CONTACT: C. Steven Baker or Catherine Fuller, Federal Trade Commission, Chicago Regional Office, 55 East Monroe St., Suite 1860, Chicago, IL 60603. (312) 353–8156 or (312) 353–5576.

SUPPLEMENTARY INFORMATION: On Friday, January 17, 1997, there was published in the **Federal Register**, 62 FR 2671, a proposed consent agreement with analysis In the Matter of Jeanette L. Douglas Co., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 97–32637 Filed 12–12–97; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[Dkt. C–3728]

Phillips Petroleum Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, the Oklahoma-based corporation to divest approximately 160 miles of pipeline belonging to ANR Pipeline Company and Phillips in the Anadarko Basin area, and to maintain the assets in their current condition and to provide customers under the contract with ANR with gathering services at existing terms and conditions pending divestiture. The consent order also requires Phillips, for ten years, to notify the Commission before acquiring during any 18-month period more than five miles of gas gathering pipelines in the specified areas of the Oklahoma counties.

DATES: Complaint and Order issued March 28, 1997.[1]

FOR FURTHER INFORMATION CONTACT: George Cary, FTC/H–374, Washington, DC 20580. (202) 326–3741.

SUPPLEMENTARY INFORMATION: On Friday, January 10, 1997, there was published in the **Federal Register**, 62 FR 1459, a proposed consent agreement with analysis In the Matter of Phillips Petroleum Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments have been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 97–32638 Filed 12–12–97; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry; Senior Executive Service; Performance Review Board Members

AGENCY: Centers for Disease Control and Prevention (CDC), and Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Title 5, U.S. Code, Section 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95–454, requires that appointment of Performance Review Board members be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Connie Clayton, Human Resources Management Office, Office of Program Support, Centers for Disease Control and Prevention, 4770 Buford Highway,

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

Mailstop K–07, Atlanta, Georgia 30341–3724, telephone 770–488–1874.

SUPPLEMENTARY INFORMATION: The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services in the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry:

Claire V. Broome, M.D., Chairperson
Helene D. Gayle, M.D., M.P.H.
James M. Hughes, M.D.
Arthur C. Jackson
Richard J. Jackson, M.D., M.P.H.
Wanda K. Jones, Dr.P.H.
James S. Marks, M.D., M.P.H.
Peter J. McCumiskey
Linda Rosenstock, M.D., M.P.H.

Dated: December 8, 1997.

Claire Broome,

Deputy Director, Centers for Disease Control and Prevention (CDC) and Deputy Administrator, Agency for Toxic Substances and Disease Registry (ATSDR).

[FR Doc. 97–32589 Filed 12–12–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Investigational Biological Product Trials; Procedure to Monitor Clinical Hold Process; Meeting of Oversight Committee and Request for Submissions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the 1998 meetings of its clinical hold oversight committee, which reviews the clinical hold orders that the Center for Biologics Evaluation and Research (CBER) has placed on certain investigational biological product trials. For each meeting, FDA is inviting any interested biological product company to use this confidential mechanism to submit to the committee for its review the name and number of any investigational biological product trial placed on clinical hold during the past 12 months that the company wants the committee to review.

DATES: The next meetings will be held on February 10, 1998; May 12, 1998; August 11, 1998; and November 10, 1998. Biological product companies may submit review requests for the February meeting by January 12, 1998; for the May meeting by March 31, 1998; for the August meeting by June 30, 1998; and for the November meeting by September 29, 1998.

ADDRESSES: Submit clinical hold review requests to Amanda Bryce Norton, FDA Chief Mediator and Ombudsman, Office of the Commissioner (HF–7), 5600 Fishers Lane, rm. 14–105, Rockville, MD 20857, 301–827–3390.

FOR FURTHER INFORMATION CONTACT: Joy A. Cavagnaro, Center for Biologics Evaluation and Research (HFM–4), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0379.

SUPPLEMENTARY INFORMATION: FDA regulations in part 312 (21 CFR part 312) provide procedures that govern the use of investigational new drugs and biologics in human subjects. If FDA determines that a proposed or ongoing study may pose significant risks for human subjects or is otherwise seriously deficient, as discussed in the investigational new drug regulations, it may order a clinical hold on the study. The clinical hold is one of FDA's primary mechanisms for protecting subjects who are involved in investigational new drug or biologic trials. Section 312.42 describes the grounds for ordering a clinical hold.

A clinical hold is an order that FDA issues to a sponsor to delay a proposed investigation or to suspend an ongoing investigation. The clinical hold may be ordered on one or more of the investigations covered by an investigational new drug application (IND). When a proposed study is placed on clinical hold, subjects may not be given the investigational drug or biologic as part of that study. When an ongoing study is placed on clinical hold, no new subjects may be recruited to the study and placed on the investigational drug or biologic, and patients already in the study should stop receiving therapy involving the investigational drug or biologic unless FDA specifically permits it.

When FDA concludes that there is a deficiency in a proposed or ongoing clinical trial that may be grounds for ordering a clinical hold, ordinarily FDA will attempt to resolve the matter through informal discussions with the sponsor. If that attempt is unsuccessful, a clinical hold may be ordered by or on behalf of the director of the division that is responsible for the review of the IND.

FDA regulations in § 312.48 provide dispute resolution mechanisms through which sponsors may request reconsideration of clinical hold orders. The regulations encourage the sponsor to attempt to resolve disputes directly with the review staff responsible for the review of the IND. If necessary, the sponsor may request a meeting with the review staff and management to discuss the clinical hold.

CBER began a process to evaluate the consistency and fairness of practices in ordering clinical holds by instituting an oversight committee to review clinical holds (see 61 FR 1031 at 1033, January 11, 1996). CBER held its first clinical hold oversight committee meeting on May 17, 1995, and plans to conduct further quality assurance oversight of the IND process. The review procedure of the committee is designed to afford an opportunity for a sponsor who does not wish to seek formal reconsideration of a pending clinical hold to have that clinical hold considered ''anonymously.'' The committee consists of senior managers of CBER, a senior official from the Center for Drug Evaluation and Research, and the FDA Chief Mediator and Ombudsman.

Clinical holds to be reviewed will be chosen randomly. In addition, the committee will review clinical holds proposed for review by biological product sponsors. In general, a biological product sponsor should consider requesting review when it disagrees with FDA's scientific or procedural basis for the decision.

Requests for committee review of a clinical hold should be submitted to the FDA Chief Mediator and Ombudsman, who is responsible for selecting clinical holds for review. The committee and CBER staff, with the exception of the FDA Chief Mediator and Ombudsman, are never advised, either in the review process or thereafter, which of the clinical holds were randomly chosen and which were submitted by sponsors. The committee will evaluate the selected clinical holds for scientific content and consistency with FDA regulations and CBER policy.

The meetings of the oversight committee are closed to the public because committee discussions deal with confidential commercial information. Summaries of the committee deliberations, excluding confidential commercial information, may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. If the status of a clinical hold changes following the committee's review, the appropriate division will notify the sponsor.

For each meeting, FDA invites biological product companies to submit to the FDA Chief Mediator and

Ombudsman the name and IND number of any investigational biological product trial that was placed on clinical hold during the past 12 months that they want the committee to review. Submissions should be made by January 12, 1998, for the February meeting; by March 31, 1998, for the May meeting; by June 30, 1998, for the August meeting; and by September 29, 1998, for the November meeting to Amanda Bryce Norton, FDA Chief Mediator and Ombudsman (address above).

Dated: December 9, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–32678 Filed 12–12–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Product, Establishment, and Biologics License Applications, Refusal to File; Meeting of Oversight Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the 1998 meetings of its standing oversight committee in the Center for Biologics Evaluation and Research (CBER) that conducts a periodic review of CBER's use of its refusal to file (RTF) practices on product license applications (PLA's), establishment license applications (ELA's), and biologics license applications (BLA's). CBER's RTF oversight committee examines all RTF decisions that occurred during the previous quarter to assess consistency across CBER offices and divisions in RTF decisions.

DATES: The next meetings will be held on January 13, 1998; April 14, 1998; July 14, 1998; and October 13, 1998.

FOR FURTHER INFORMATION CONTACT: Joy A. Cavagnaro, Center for Biologics Evaluation and Research (HFM–4), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0379.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 15, 1995 (60 FR 25920), FDA announced the establishment and first meeting of CBER's standing oversight committee. As explained in the notice, the importance to the public health of getting new biological products on the market as efficiently as possible has made improving the biological product evaluation process an FDA priority. CBER's managed review process focuses on specific milestones or intermediate goals to ensure that a quality review is conducted within a specified time period. CBER's RTF oversight committee continues CBER's effort to promote the timely, efficient, and consistent review of PLA's, ELA's, and BLA's.

FDA regulations on filing PLA's, ELA's, and BLA's are found in 21 CFR 601.2 and 601.3. A sponsor who receives an RTF notification may request an informal conference with CBER, and thereafter may ask that the application be filed over protest, similar to the procedure for drugs described under 21 CFR 314.101(a)(3).

CBER's standing RTF oversight committee consists of senior CBER officials, a senior official from the FDA's Center for Drug Evaluation and Research, and the FDA Chief Mediator and Ombudsman. Meetings will ordinarily be held once a quarter to review all of the RTF decisions. The purpose of such a review is to assess the consistency within CBER in rendering RTF decisions. If there are no RTF decisions to review, however, the meeting may be cancelled. FDA intends to post any meeting cancellation on the CBER home page at ''http://www.fda.gov/cber/confmeet.htm''. Publication of any meeting cancellation will be made only as time permits.

Because the committee's deliberations will deal with confidential commercial information, all meetings will be closed to the public. The committee's deliberations will be reported in the minutes of the meeting. Although those minutes will not be publicly available because they will contain confidential commercial information, summaries of the committee's deliberations, with all such confidential commercial information omitted, may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. If, following the committee's review, an RTF decision changes, the appropriate division within CBER will notify the sponsor.

Dated: December 9, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–32677 Filed 12–12–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on January 12, 1998, 11 a.m. to 6 p.m., and January 13, 1998, 7:30 a.m. to 5:30 p.m.

Location: Parklawn Bldg., conference rooms G and H, 5600 Fishers Lane, Rockville, MD.

Contact Person: Jodi H. Nashman, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2036, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12521. Please call the Information Line for up-to-date information on this meeting.

Agenda: On January 12, 1998, the committee will discuss and make recommendations for reclassification petitions for non- and semi-constrained shoulders and uni- and total patellofemorotibial knees. On January 13, 1998, the committee will discuss and make recommendations for the reclassification petitions for patellofemoral knees and constrained elbows, and for the classification of calcium sulfate pre-formed pellets (plaster of paris pellets).

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by January 5, 1998. Oral presentations from the public regarding the reclassification petitions for non- and semi-constrained shoulders and uni- and total patellofemorotibial knees will be scheduled between approximately 11 a.m. and 12 m. on January 12, 1998. Oral presentations

from the public regarding the reclassification petitions for patellofemoral knees and constrained elbows, as well as for the classification of calcium sulfate pre-formed pellets (plaster of paris pellets) will be scheduled between approximately 7:30 a.m. and 8:30 a.m. on January 13, 1998. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before January 5, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: December 9, 1997.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 97–32676 Filed 12–12–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: Prevention of Osteoporosis.
Date: December 18–19, 1997.
Time:

December 18—6:00 p.m.–10:00 p.m.
December 19—8:00 a.m.–adjournment

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

Contact Person: Anne Krey, Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E01, Rockville, MD 20852, Telephone: 301–496–1485.

Purpose/Agenda: To evaluate and review research grant applications.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussion of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, 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. [93.864, Population Research and No. 93.865, Research for Mothers and Children], National Institutes of Health, HHS)

Dated: December 8, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–32612 Filed 12–12–97; 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 United States Code Appendix 2), notice is hereby given of the following National Institute of General Medical Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: Trauma and Burn (P50).
Date: December 16–17, 1997.
Time:

December 16—8:00 p.m.–10:00 p.m.
December 17—8:00 a.m.–adjournment

Place: Copley Plaza Hotel, 138 St. James Avenue, Boston, Massachusetts 02116.

Contact Person: Dr. Bruce Wetzel, Scientific Review Administrator, NIGMS, Natcher Building—Room 1AS–19K, Bethesda, Maryland 20852–6200, Telephone: 301–594–3907.

Purpose/Agenda: To evaluate and review a grant application.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussions of this application could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the application, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is 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. [93.821, 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)], National Institutes of Health)

Dated: December 8, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–32613 Filed 12–12–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Service Regulations Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Fish and Wildlife Service (hereinafter Service) will conduct an open meeting on January 29, 1998, to identify and discuss preliminary issues concerning the 1998–99 migratory bird hunting regulations.

DATES: January 29, 1998.

ADDRESSES: The Service Regulations Committee will meet at the U.S. Fish and Wildlife Service, Arlington Square Building, Room 200 A/B, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION: Representatives from the Service, the Service's Migratory Bird Regulations Committee, and Flyway Council Consultants will meet on January 29, 1998, at 9:00 a.m. to identify preliminary issues concerning the 1998–99 migratory bird hunting regulations for discussion and review by the Flyway Councils at their March meetings.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee attended by any person outside the Department, these meetings are open to public observation. Members of the public may submit written comments on the matters discussed to the Director.

Dated: December 4, 1997.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 97–32588 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–55–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–018–1430–01; CACA 38618]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 3,368.85 acres of public lands in El Dorado County to protect the South Fork of the American River. This notice closes the lands for up to 2 years from surface entry and mining. The lands will remain open to mineral leasing and the Materials Act of 1947. Up to 352.38 acres of non-federally owned lands would be subject to this withdrawal if they are acquired by the United States in the future by exchange, donation, or purchase.

DATES: Comments and requests for a public meeting must be received by March 16, 1998.

ADDRESSES: Comments and meeting requests should be sent to the California State Director, BLM California State Office (CA–931), 2135 Butano Drive, Sacramento, California 95825–0451.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office, 916–978–4675 or John Beck, BLM Folsom Field Office, 916–985–4474.

SUPPLEMENTARY INFORMATION: On December 3, 1997, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian, California

T. 11 N., R. 9 E.,
- Sec. 3, that portion of the SE¼SW¼ and the SW¼SE¼ lying Southerly of the South Boundary of State Highway 49
- Sec. 10, all, excepting that portion lying Northerly of the North boundary of California State Highway 49
- Sec. 11, the West half of the Northwest quarter and the North half of the Northwest quarter of the Southwest quarter lying Southerly of the South boundary of State Highway 49 as conveyed to the State of California by deed recorded January 8, 1962 in Book 577 of Official Records, page 89, and Westerly and Northerly of the centerline of the South Fork of the American River; the East half of the Northwest quarter lying Westerly and Northerly of the centerline of the South Fork of the American River, lying Southerly of the South boundary of State Highway 49 as conveyed to the State of California by Deed recorded January 8, 1962 in Book 577 of Official Records, page 89, also lying Westerly of the following described line: Beginning at the Northwest corner of Parcel 1 as shown on that certain Parcel map filed in Book 45 of Parcel Maps at Page 34 being located on the said South boundary of State Highway 49; thence along the West boundary of said Parcel 1 South, 550.09 feet to a 1¼″ capped iron pipe stamped L.S. 2403; thence leaving said West boundary along the East boundary of that certain Parcel of land encumbered by agreement to complete Boundary Line Adjustment and Easement Agreement recorded in Book 4380 of Official Records at page 59 South 12° 54′ 45″ East, 280.34 feet; thence South 26° 20′ 07″ East, 187.26 feet to the said centerline of the South Fork of the American River and the terminus of said described line.
- Sec. 12, lots 1 to 9 inclusive, NW¼SE¼NW¼, and NW¼NE¼SE¼.
- Sec. 20, NE¼SW¼, N½SE¼, SE¼SE¼.
- Sec. 21, that portion of the West half lying Westerly of the centerline of the South Fork of the American River;
- Sec. 28, that portion of the N½ NW¼ lying Westerly and Northerly of the centerline of the South Fork of the American River, SW¼NW¼ excluding Mineral Survey 5163, W½SW¼, and SE¼SW¼.
- Sec. 29, tracts 1 and 2, as shown on the map, filed October 2, 1991 in book 18, of survey maps at page 129, El Dorado County Records, California, and that portion of the S½SW¼ lying Westerly and Northerly of the centerline of the South Fork of the American River.
- Sec. 30, lots 1 to 4 inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼.
- Sec. 32, N½NE¼, SW¼NE¼, W½, and S½SE¼.

T. 11 N., R. 10 E.,
- Sec. 18, lots 5, 6, and 7, and NW¼NE¼NW¼.
- Sec. 22, NW¼SE¼, SW¼, and that portion of the E½NW¼ excluding lots 1, 4, and 5.
- Sec. 26, SW¼.
- Sec. 27, NE¼, N½NW¼, SE¼NW¼, E½SW¼, and SE¼.

The areas described aggregate 3,368.85 acres, more or less, in El Dorado County.

In addition, if any of the non-federally owned lands within the area described below are acquired by the United States in the future by exchange, donation, or purchase, those lands will be subject to this withdrawal:

Mount Diablo Meridian, California

T. 11 N., R. 9 E.
- Sec. 29, NW¼, NW¼SW¼, NE¼SW¼, and portions of the East half more particularly described as follows: Parcels 2, 3, and 4, as shown on the Parcel Map, filed August 17, 1979 in Book 24 of PARCEL MAPS at page 15, El Dorado County Records, California, and as amended by Certificate of Correction recorded August 31, 1989 in Book 3196 of Official Records, page 76, and tract 3 as shown on the map, filed October 2, 1991 in book 18 of survey maps at page 129, El Dorado County Records, California.
- Sec. 31, SE¼NE¼.

The areas described aggregate 352.38 acres, more or less, in El Dorado County.

The purpose of the proposed withdrawal is to assure long term protection and preservation of the riparian areas, wildlife habitat, scenic quality, and high recreation values of the public lands, newly acquired lands, and lands proposed to be acquired in the corridor of the South Fork of the American River.

Until March 16, 1998 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the California State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the California State Director by March 16, 1998. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are those which are compatible with the use of the lands, as determined by BLM.

Dated: December 4, 1997.

Duane Marti,

Acting Chief, Branch of Lands.

[FR Doc. 97–32608 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–038–1430–00–257A; NMNM 95118 and NMNM 0554544]

Notice of Proposed Withdrawal and Partial Termination of Recreation and Public Purpose (R&PP) Classification, NMNM 0554544; New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: The BLM proposes to withdraw 680 acres of land to protect the scenic and recreational values and facilities at the Datil Well Campground in Catron County, New Mexico. This notice closes the public land for up to

2 years from location and entry under the United States mining laws. The public land will remain open to mineral leasing. This notice terminates R&PP Classification NMNM 0554544 in part.

DATES: Comments and requests for meeting should be received on or before March 16, 1998.

ADDRESSES: Comments and meeting requests should be sent to the Socorro Resource Area Manager, 198 Neel Avenue NW, Socorro, New Mexico 87801.

FOR FURTHER INFORMATION CONTACT: Lois Bell, BLM, Socorro Resource Area Office, 198 Neel Ave, NW, Socorro, New Mexico 87801, or telephone (505) 835–0412.

SUPPLEMENTARY INFORMATION: Pursuant to the R&PP Act of June 14, 1925, as amended, (43 U.S.C. 869 *et seq.*), and the regulations contained in 43 CFR 2461.5 (c) (2), R&PP Classification NMNM 0554544 is hereby terminated in part for the land described below. This classification segregated the subject land among others, as not suitable for disposal except for recreation purposes. Termination of the classification from the subject land will insure the land and existing facilities remain in public ownership. Further, on November 26, 1997, a petition was approved allowing the BLM to file an application to withdraw the following described land from settlement, sale, location, or entry under the mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 2 S., R. 10 W.,
Sec. 10, all.
Sec. 11, NW¼SW¼.

The area aggregates 680 acres in Catron County.

The purpose of the proposed withdrawal is to protect the land for management of recreational and scenic values. Until an application is filed, no further action will be taken on this proposal. The R&PP classification no longer serves a need on the land described above and is hereby terminated.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the BLM Socorro Resource Area Manager.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the BLM Socorro Resource Area Manager within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting. The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the public land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are licenses, permits, cooperative agreements, leases, rights-of-way and other discretionary actions of a temporary nature.

Dated: December 9, 1997.

Linda S. C. Rundell,

District Manager, Las Cruces.

[FR Doc. 97–32607 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–VC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Director's Order Concerning Park Planning Activities

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) is converting and updating its current system of internal instructions. When these documents contain new policy or procedural requirements that may affect parties outside the NPS, this information is being made available for public review and comment. Director's Order #2 establishes new policies and procedural guidance concerning planning activities for units of the National Park System.

DATES: Written comments will be accepted until January 14, 1998.

ADDRESSES: Send requests for copies to Warren Brown, National Park Service, Division of Park Planning and Special Studies, 1849 C Street NW, Room 3230, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gail Slemmer at (303) 969–2686.

SUPPLEMENTARY INFORMATION: The NPS is revising the policies and procedures that guide its park planning activities. To accomplish this, the planning policies included in National Park Service Management Policies (1988) are being revised and the Park Planning Process Guideline (NPS–2, 1982) is being rescinded. The new process for park planning will be issued as Director's Order #2, in conformance with the NPS's new system of internal guidance documents. Director's Order #2 will contain new policy statements to replace those now contained in NPS Management Policies, and new planning procedures and standards that will be adhered to, with the following exception: The sections of the earlier policies and guidelines addressing new area studies (studies of potential additions to the National Park System, wild and scenic rivers system, and national trails system) will remain in effect until the are updated later in 1998.

The draft Director's Order establishes a general framework for park planning to promote coordination, streamline, and better document decision making processes. The order describes four closely related planning processes: General Management planning, park strategic planning, implementation planning and annual performance planning and reporting. The order is designed to help minimize duplication and potential inconsistency in park planning by explaining how various types of plans and planning processes relate to each other.

A notice that the NPS park planning guidelines were being updated was published in the June 8, 1996, **Federal Register,** with an invitation for interested parties to provide information that should be considered by the NPS. A draft Director's Order was released June 15, 1997, for review by the public and interested agencies, with comments due by August 15, 1997. During the 60-day public review period, the draft Director's Order was posted on the Internet and printed copies were mailed to national organizations known to have a major interest in NPS park planning.

Comments were received from 45 groups or individuals, including park managers and other reviewers within the NPS. National organizations that commented included the National Parks and Conservation Association, the National Conference of State Historic Preservation Officers, and the National Park Hospitality Association. Comments were also received from the Office of the Governor in the State of Alaska.

Those commenting generally agreed with the overall approach to park planning outlined in the draft Director's Order. Several of their suggestions have been incorporated into the revised draft, including strengthening the explanation of need for public involvement in the

planning process, and the need for valid and reliable data as a basis for decision-making. Also, a description of planning as a tool for determining the appropriate relationship between resource preservation and public enjoyment has been added, with some general principles to highlight the role that planning plays in accomplishing the NPS mission. The document has been re-organized to clarify the relationship between required elements of various planning processes and standards for those elements. These revisions have involved clarifying and strengthening the discussions, with no major changes in policy direction.

The Director's Order will be considered for adoption by the NPS within the next 60 days. Anyone wishing to provide further comments may obtain a copy at the address and telephone number mentioned above, or by accessing a copy on the Internet at http://www.nps.gov/planning.

Dated: December 8, 1997.

Warren Brown,

Program Manager Park Planning and Special Studies.

[FR Doc. 97–32606 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 6, 1997. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by December 30, 1997.

Carol D. Shull,

Keeper of the National Register.

ARIZONA

Coconino County

Williams Residential Historic District, Roughly bounded by Grant, and Fairview Aves., and Taber, and Sixth Sts., Williams, 97001603

Maricopa County

Pierce, N. Clyde, House, 4505 E. Osborn Rd., Phoenix, 97001602

CALIFORNIA

Monterey County

Sunset Center, San Carlos St., between 8th and 10th Sts., Carmel-by-the-Sea, 97001604

IDAHO

Ada County

Capitol Auto Courts, 1121 S. Capitol Blvd., Boise, 97001609

Payette County

Jacobsen, N.A., House, 1115 First Ave. N, Payette, 97001610

IOWA

Clinton County

Castle Terrace Historic District, (Clinton, Iowa MPS), Roughly along jct. of Terrace Dr. and Caroline Ave., Clinton, 97001607

Keokuk County

Singmaster, C.F. and Mary, House, 32263 190th St., Keota vicinity, 97001608

Wapello County

Court Hill Historic District, (Ottumwa MPS), 111 E. Court and 407–1004 N. Court Sts., Ottumwa, 97001605

Fifth Street Bluff Historic District, (Ottumwa MPS), Roughly bounded by Jefferson, E. Sixth, Washington, and Fourth Sts., Ottumwa, 97001606

MISSOURI

Warren County

Starke—Meinershagen—Boeke Rural Historic District, MO 94, 5 mi. W of Marthasville, Marthasville vicinity, 97001611

NEW YORK

Broome County

Maine Central School, Church St., Maine, 97001619

Columbia County

Claverak Free Library, (Claverack MPS), 629 NY 23B, Claverack, 97001624

First Columbia County Courthouse, (Claverack MPS), 549 NY 23B, Claverack, 97001623

Storm, Stephen, House, (Claverack MPS), 51 NY 217, Claverack, 97001616

Van Rensselaer Lower Manor House, (Claverack MPS), 103 NY 23B, Claverack, 97001615

Greene County

Van Gelder, David, Octagon House, 47 Division St., Catskill, 97001620

Orange County

First Presbyterian Church of Chester, 106–108 Main St., Chester, 97001622

Hopewell Presbyterian Church, NY 302, at jct. of NY 17, Crawford, 97001621

Otsego County

Twentieth Century Steam Riding Gallery No. 409, Race St., Schenevus, 97001618

Washington County

St. James Episcopal Church, 112 Broadway, Fort Edward, 97001617

NORTH CAROLINA

Stanly County

Pee Dee Avenue Historic District, Along Pee Dee Ave., roughly from Arey Ave. to Miller St., Albemarle, 97001612

TEXAS

Aransas County

Hoopes–Smith House (Boundary Increase), North Broadway, Rockport, 97001628

Harris County

Bethel Baptist Church, 801 Andrews, Houston, 97001626

Travis County

1918 State Office Building and 1933 State Highway Building, 1019 Brazos and 125 E. 11th Sts., Austin, 97001625

UTAH

Sanpete County

Anderson, Lewis and Clara, House, 542 S. Main, Manti, 97001629

Washington County

Flanigan Ditch, (Zion National Park MPS), Zion National Park, Springdale vicinity, 97001630

WISCONSIN

Jefferson County

Main Street Commercial Historic District, Roughly bounded by Dodge St., Center Ave., Mechanic St., and Rock R., Jefferson, 97001627

The 15 day Comment period has been waved for the following property:

Dutchess County

Top Cottage, 4 Potters Bend Rd., Hyde Park, 97001614

[FR Doc. 97–32656 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information on the Abandoned Mine Land Problem Area Description Form, OSM 76.

DATES: Comments on the proposed information collection must be received by February 13, 1998, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210–SIB, Washington, DC 20240. Comments may also be submitted electronically to jtreleas@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice identifies information collection that OSM will be submitting to OMB for extension. These collections are contained on the OSM 76 form.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) the need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: Abandoned Mine Land Problem Area Description Form, OSM 76.

OMB Control Number: 1029–0087.

Summary: This form will be used to update the Office of Surface Mining Reclamation and Enforcement's inventory of abandoned mine lands. From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

Bureau Form Number: OSM 76.

Frequency of Collection: On occasion.

Description of Respondents: State governments and Indian tribes.

Total Annual Responses: 1,800.

Total Annual Burden Hours: 4,000.

Dated: December 9, 1997.

Kathryn S. O'Toole,

Acting Chief, Division of Regulatory Support.

[FR Doc. 97–32602 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the title described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: Comments must be submitted on or before January 14, 1998, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208–2783, or electronically at jtreleas@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval of the collection of information for the permanent program performance standards—surface mining activities at 30 CFR Part 816. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR Part 816, which is 1029–0047.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on August 28, 1997 (62 FR 45684). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Permanent Program Performance Standards—Surface Mining Activities, 30 CFR Part 816.

OMB Control Number: 1029–0047.

Summary: Section 525 of the Surface Mining Control and Reclamation Act of 1977 provides that permittees conducting surface coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority in monitoring and inspecting surface coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.

Bureau Form Number: None.

Frequency of Collection: On occasion, quarterly and annually.

Description of Respondents: Surface coal mining operators.

Total Annual Responses: 146,224.

Total Annual Burden Hours: 412,076.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street NW., Washington, DC 20503. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 210–SIB, Washington, DC 20240, or electronically to jtrelease@osmre.gov.

Dated: December 9, 1997.

Kathryn S. O'Toole,

Acting Chief, Division of Regulatory Support.

[FR Doc. 97–32600 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the title described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: Comments must be submitted on or before January 14, 1998, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208–2783, or electronically to jtreleas@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval of the collection of information for noncoal reclamation, found at 30 CFR Part 840. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR Part 840, which is 1029–0051.

As required under 5 CFR 1320.8(d), **Federal Register** notice soliciting comments on these collections of information was published on September 26, 1997 (62 FR 50624). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Permanent Program Inspection and Enforcement Procedures, 30 CFR Part 840.

OMB Control Number: 1029–0051.

Abstract: This provision requires the regulatory authority to conduct periodic inspections of coal mining activities, and prepare and maintain inspection reports for public review. This information is necessary to meet the requirements of the Surface Mining Control and Reclamation Act of 1977 and its public participation provisions. Public review assures the public that the State is meeting the requirements for the Act and approved State regulatory program.

Bureau Form Number: None.

Frequency of Collection: Once, on occasion, and annually.

Description of Respondents: State Regulatory Authorities.

Total Annual Responses: 138,384.

Total Annual Burden Hours: 507,952.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503, and to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 210–SIB, Washington, DC 20240.

Dated: December 9, 1997.

Kathryn S. O'Toole,

Acting Chief, Division of Regulatory Support.

[FR Doc. 97–32601 Filed 12–12–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Justice Management Division; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Reinstatement, without change, of a previously approved collection of which approval has expired. Certification of Identity.

Office of Management and Budget approval is being sought for the information collection listed below. This collection was previously published in the **Federal Register** on October 8, 1997, allowing for a 60-day public comment period. No comments were received by the Facilities and Administrative Service Staff, Justice Management Division.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 14, 1998. This process is conducted in accordance with 5 CFR 3120.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proposed performance of the functions of the Agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement, without change, of a previously approved collection for which approval has expired.

(2) *Title of the Form/Collection:* Certification of Identity.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form DOJ–361. Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals. The information collection will be used by

the Department to identify individuals requesting certain records under the Privacy Act. Without this form an individual cannot obtain the information requested.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 34,390 respondents at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 34,390 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 10, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–32622 Filed 12–12–97; 8:45 am]

BILLING CODE 4410–26–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated August 20, 1997, and published in the **Federal Register** on September 3, 1997, (62 FR 46512), Arenol Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
N-Ethylamphetamine (1475)	I.
Difenoxin (9168)	I.
Amphetamine (1100)	II.
Methamphetamine (1105)	II.

The firm plans to manufacture the listed controlled substances to produce pharmaceutical products for its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Arenol Corporation to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: November 25, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–32586 Filed 12–12–97; 8:45 am]

BILLING CODE 4410–09–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Company; Pilgrim Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80, by issuance of an Order, of the transfer of control of Facility Operating License No. DPR–35, for the Pilgrim Nuclear Power Station, located in Plymouth County, Massachusetts, to the extent such transfer would be effected by the proposed corporate restructuring of Boston Edison Company (BECo, the licensee), holder of the license.

Environmental Assessment

Identification of the Proposed Action

The proposed action would consent to the transfer of control of the license, to the extent effected by the restructuring of BECo by establishment of a newly created holding company, BEC Energy. BECo would become a wholly owned subsidiary of the holding company and would continue to be the licensee for Pilgrim Nuclear Power Station. No direct transfer of the license would occur. The proposed action is in accordance with BECo's application dated June 9, 1997.

The Need for the Proposed Action

The proposed action is needed to the extent the proposed restructuring of BECo will effect a transfer of control of the license to permit the restructuring to occur. BECo has submitted that the proposed restructuring will enable it to better prepare to implement changes resulting from electric utility industry restructuring, and will enhance the insulation of BECo's utility business from business risks associated with non-utility enterprises.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed corporate restructuring and concludes that there will be no physical or operational changes to the Pilgrim Nuclear Power Station. The corporate restructuring will not affect the qualifications or organizational affiliation of the personnel who operate or maintain the facility, as BECo will continue to be responsible for the operation, maintenance and possession of the Pilgrim Nuclear Power Station.

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased by the proposed action, and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the proposed action would not affect routine radiological 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 would not affect nonradiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested 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 identical.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Pilgrim Nuclear Power Station, dated May 1972.

Agencies and Persons Contacted

In accordance with its stated policy, on December 9, 1997, the staff consulted with the Massachusetts State Official, James Muckerheide, of the Massachusetts Emergency Management Agency 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 application dated June 9, 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 Plymouth Public Library, 11 North Street, Plymouth, Massachusetts.

Dated at Rockville, Maryland, this 9th day of December 1997.

For the Nuclear Regulatory Commission.

Ronald B. Eaton,

Acting Director, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–32620 Filed 12–12–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–7580]

Consideration of License Amendment Request for the Fansteel, Inc., Facility in Muskogee, Oklahoma

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Finding of No Significant Impact for the Fansteel, Inc., Facility in Muskogee, Oklahoma.

The U.S. Nuclear Regulatory Commission is considering the amendment of Source Material License SMB–911 to authorize processing of waste treatment pond residues at the Fansteel, Inc., facility located in Muskogee, Oklahoma.

Summary of the Environmental Assessment

Identification of the Proposed Action

Fansteel, Inc. is currently authorized to process residues designated as ''work-in-progress'' (WIP) materials to extract tantalum, niobium, and scandium for commercial use. The WIP residues contain natural uranium, thorium, and daughter decay products in quantities sufficient to be classified as source material by the NRC. Fansteel has proposed to modify this currently authorized operation to concurrently process wastewater treatment residues, which contain mostly calcium fluoride (CaF_2) and are located in ponds 6, 7, 8, and 9 at the site. This modification will result in production of three additional products: sodium fluoroaluminate, sodium sulfate, and calcium sulfate. The proposed action is to amend Fansteel License SMB–911 to authorize this modified process.

The Need for the Proposed Action

Fansteel has proposed the modified process, which includes processing of the wastewater treatment residues, in order to chemically improve the input stream for the operation, produce additional products for sale, and reduce the volume of solid waste requiring off-site disposal.

Environmental Impacts of the Proposed Action

Normal Operations

The NRC staff evaluated impacts from operations at the Fansteel site for both normal and accident conditions. During normal operations, small quantities of radiological and non-radiological effluents will be released to the environment. Radionuclides which may be released to the atmosphere include uranium-238, uranium-235, thorium-232, and their decay daughters, such as radon-222. Sources of the releases are the off-gas treatment system, fugitive dust, and radon emanation from the WIP ponds (ponds 2, 3, and 5) and the wastewater treatment ponds (ponds 6, 7, 8, and 9). The majority of the releases are expected to be in the form of insoluble oxide chemicals.

The staff performed a dose assessment to estimate the impact from radiological releases to the air. Atmospheric release exposure pathways included inhalation, ingestion of contaminated crops and resuspended dirt, and external exposure to the airborne plume and contaminated groundwater. For the combined sources (pond residue processing, fugitive dust, and pond residue radon), the largest tissue dose was estimated to be 1.9×10^{-5} Sv/yr (1.9 mrem/yr) to the lungs primarily from inhalation of radon-222. For the maximally exposed individual, the committed effective dose equivalent (CEDE) for combined releases from processing pond residues and fugitive dust was estimated as 3.2×10^{-7} Sv/yr (0.03 mrem/yr), while the CEDE for radon release was estimated as 5.4×10^{-7} Sv/yr (0.054 mrem/yr). External doses are a factor of 10,000 times less than internal doses.

For radionuclides released to the atmosphere other than radon, NRC regulations specified in 10 CFR 20.1101(d) require that the annual effective dose equivalent not exceed 1.0×10^{-4} Sv (10 mrem). The total effective dose equivalent (TEDE) from releases to the atmosphere was estimated at 8.6×10^{-7} Sv/yr (0.086 mrem/yr). This is a small fraction of the NRC limit.

Liquid effluents containing radiological contaminants will be released after treatment to the Arkansas River and will ultimately flow into the Mississippi River. Although downstream residents do not use the Arkansas River as a drinking water source, the NRC analysis conservatively assumes that an individual along the river and the surrounding population out to a distance of 80 kilometers (50 miles) uses this potentially contaminated water. Liquid release exposure pathways included ingestion of drinking water, fish, and irrigated crops and external exposure during recreational activities.

The largest tissue dose due to contaminated surface water was conservatively estimated to be 2.7×10^{-5} Sv/yr (2.7 mrem/yr) to the bone surface, and external doses are a factor of 1000 times smaller than internal doses. The CEDE for the maximally exposed individual was estimated as 3.0×10^{-6} Sv/yr (0.3 mrem/yr). For both the maximally exposed individual and other members of the population, doses are a small fraction of that from background sources.

NRC regulations specified in 10 CFR 20.1301 require that the TEDE from all pathways for members of the public not exceed 1.0×10^{-3} Sv (100 mrem) per year. For the maximally exposed individual, the annual TEDE from all releases from the proposed operation was estimated as 3.0×10^{-6} Sv (0.3 mrem). The largest annual tissue dose was estimated to be 2.7×10^{-5} Sv (2.7 mrem) to the bone surface. Estimated doses are small fractions of applicable limits and of the background dose, which is on the order of 1×10^{-3} to 4×10^{-3} Sv/yr (100 to 400 mrem/yr).

The NRC staff also assessed impacts from releases of non-radiological contaminants to air, surface water, and groundwater. The most significant non-radiological gaseous effluent from processing is expected to be hydrogen fluoride (HF). However, normal operation of the only stack at the facility is not expected to have a significant effect on off-site nonradiological air quality. Assuming the stack operates 24 hours a day, seven days a week, with an average fluoride emission rate of 0.008 gram per second (1.5 pounds per day), the average fluoride concentration at the nearest site boundary was estimated to be 0.7 $\mu g/m^3$. There is no Oklahoma air standard for HF, but this concentration

is less than the 24-hour atmospheric HF limit of 5 μg/m^3 applicable in some states.

Surface water quality is protected by enforcing release limits and monitoring programs as required under the National Pollutant Discharge and Elimination System (NPDES) permit. Annual average concentrations of parameters regulated by the NPDES permit have been below discharge limits established for the liquid effluent outfall to the Arkansas River and are expected to remain below the discharge limits. Discharges are not expected to have significant impact on the surface water quality in the Arkansas River because of the dilution volume in the river.

Previous operation of the plant has resulted in localized chemical and radiological contamination of groundwater of the shallow aquifer in several locations. By license amendment dated March 25, 1997, Fansteel committed to operation of a groundwater collection and treatment system which will reduce the concentration of chemical constituents to levels that can be discharged via the outfall.

No impacts are expected on land use, biotic resources, or cultural resources. A small positive socioeconomic impact is expected through the employment of 30 people at the site.

Accident Conditions

The handling, processing, and storage of material containing radioactive constituents at the Fansteel facility could result in an uncontrolled release of radioactive material to the environment if there was an accident. However, the relatively small quantities and low concentrations of the radioactive constituents are factors which constrain the impacts of potential accidents. The NRC staff selected the following representative accidents scenarios for evaluation: (1) A spill of contaminated soil, (2) a large-scale leak of untreated contaminated groundwater, and (3) a failure of the pond residue processing off-gas equipment.

The NRC staff evaluated radiological impacts for each accident scenario by determining the CEDE to the maximally exposed individual. The estimated CEDE was 1.0×10^{-6} Sv (0.1 mrem) for the spill of contaminated soil, 2.1×10^{-10} Sv (2.1×10^{-5} mrem) for the spill of groundwater, and 3.8×10^{-6} Sv (0.38 mrem) for the failure of the off-gas treatment equipment. Therefore, the potential consequences for each accident scenario pose an insignificant risk to the public.

Agencies and Persons Consulted

Several people from the Oklahoma Department of Environmental Quality (OKDEQ) were consulted concerning this proposed amendment, including Earlon Shirley, Waste Management Division, Radiation Management Section; Mark Thomason, Water Quality Division; and David Dimick, Air Quality Division.

Conclusion

The NRC has determined that the issuance of the amendment to allow Fansteel to process the calcium fluoride wastewater treatment residues concurrently with the WIP residues will not result in significant impact to human health or the environment.

Finding of No Significant Impact

The Commission has prepared an Environmental Assessment (EA) related to the amendment of Source Material License SNM–911. On the basis of the assessment, the Commission has concluded that environmental impacts that would be created by the proposed action would not be significant and do not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

For further details with respect to this action, the EA, the licensee's renewed license dated September 30, 1997, the amendment application dated July 30, 1997, and related documents are available for public inspection and copying at the Commission's Public Document Room at the Gelman Building, 2120 L Street NW, Washington, DC. Questions should be referred to NRC's Project Manager for the Fansteel, Inc., facility, Susan D. Chotoo, at (301) 415–8102 or sdc@nrc.gov.

Dated at Rockville, Maryland, this 9th day of December 1997.

For the Nuclear Regulatory Commission.

Walter S. Schwink,

Acting Chief, Licensing Branch, Division of Fuel Cycle Safety and Safeguards, NMSS.

[FR Doc. 97–32621 Filed 12–12–97; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in December 1997. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in January 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (described in the statute and the regulation) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to provide that the applicable percentage is 85 percent for plan years beginning on or after July 1, 1997, through (at least) plan years beginning before January 1, 2000.

However, under section 774(c) of the RPA, the application of the amendment is deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans will therefore remain 80 percent for plan years beginning before

January 1, 1998. (The rules governing the applicable percentages for ''partial'' RPU plans are described in § 4006.5(g) of the premium rates regulation.)

For plans for which the applicable percentage is 85 percent, the assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in December 1997 is 5.19 percent (*i.e.*, 85 percent of the 6.11 percent yield figure for November 1997).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between January 1997 and December 1997. The rates for July through December 1997 in the table reflect an applicable percentage of 85 percent and thus apply only to non-RPU plans. However, the rates for months before July 1997, which reflect an applicable percentage of 80 percent, apply to RPU (and ''partial'' RPU) plans as well as to non-RPU plans.

For premium payment years beginning in	The assumed interest rate is
January 1997	5.24
February 1997	5.46
March 1997	5.35
April 1997	5.54
May 1997	5.67
June 1997	5.55
July 1997	5.75
August 1997	5.53
September 1997	5.59
October 1997	5.53
November 1997	5.38
December 1997	5.19

For premium payment years beginning in December 1997, the assumed interest rate to be used in determining variable-rate premiums for RPU plans (determined using an applicable percentage of 80 percent) is 4.89 percent. For ''partial'' RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in January 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 10th day of December 1997.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97–32733 Filed 12–12–97; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IA–1685/803–112]

Interactive Data Corporation; Notice of Application

December 9, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Advisers Act of 1940 (''Advisers Act'').

APPLICANT: Interactive Data Corporation (''Interactive Data'').

RELEVANT ADVISERS ACT SECTIONS: Exemption requested under section 203A(c) from section 203A(a).

SUMMARY OF APPLICATION: Applicant requests an order to permit it to register with the SEC as an investment adviser.

Filing Dates: The application was filed on May 20, 1997, and amended on September 22, 1997 and October 7, 1997.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 5, 1998, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Applicant, Interactive Data Corporation, 22 Crosby Drive, Bedford, Massachusetts 01730.

FOR FURTHER INFORMATION CONTACT: Lori Price, Senior Counsel, at (202) 942–0531, or Jennifer S. Choi, Special Counsel, at (202) 942–0716 (Division of Investment Management, Task Force on Investment Adviser Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a Delaware corporation and a wholly-owned subsidiary of Pearson Longman Inc., a Delaware corporation, the sole shareholder of which is Pearson Inc., a Delaware corporation. The shareholders of Pearson Inc. are Pearson Overseas Holdings Limited, a United Kingdom company, and Pearson Capital Company LLC, a Delaware limited liability company. The ultimate parent of Pearson Overseas Holding Limited and Pearson Capital Company LLC is Pearson plc, a publicly-traded United Kingdom company.

2. Applicant maintains its principal office and place of business in Massachusetts where applicant's corporate headquarters and its president and financial and legal officers are located. Applicant, however, only conducts its domestic securities pricing business in New York. Applicant is currently registered as an investment adviser in New York. Applicant was registered with the SEC as an investment adviser until July 8, 1997.

3. Applicant provides global securities pricing and related financial data in computer-readable form. Applicant's data covers over 3.1 million individual issues of debt and equity securities and includes (i) daily closing prices (including end-of-day quotes and evaluations), market data, money market and foreign exchange rates, index values and related data, available after the markets close around the world; (ii) most recent descriptive data and terms and conditions data; (iii) most recent announcements (including capitalization changes, dividends, reorganization information, and called bonds); and (iv) historical price, announcement, descriptive, fundamental, earnings estimates, and economic and related data.

4. With regard to certain fixed income issues for which no continuous trading market exists, applicant creates prices using sophisticated proprietary models and methodologies, descriptive terms and conditions databases, broker quotes and quality control programs to generate evaluations that are independent (''Fixed Income Pricing Service''). These prices are provided in computer-

readable form to applicant's clients throughout the country.

5. The clients for applicant's Fixed Income Pricing Service include over 3,300 separate organizations, located throughout the country and abroad, including major banks, mutual funds, fund custodians, unit investment trusts, brokerage firms and investment management firms. In North America, applicant's clients include forty-seven of the largest fifty banks, forty-three of the largest fifty brokerage firms, forty of the largest fifty mutual fund sponsors, thirty-four of the largest fifty insurance companies and forty-nine of the largest fifty money management firms. Applicant has a small number of natural person clients who receive its prices. Applicant believes these clients account for less than 10% of applicant's total number of clients receiving the Fixed Income Pricing Service, and only .0559% of applicant's revenue for the Fixed Income Pricing Service is attributable to fees paid by clients who are natural persons.

6. Applicant submits that it provides security-level data to institutional clients who service customers on a national level. Applicant states that its clients use the data for purposes as varied as brokerage and trust accounting, trust operations, net asset value calculations, portfolio management and accounting, regulatory requirements, and investment analysis and research.

7. Applicant has approximately 470 employees, all of whom are involved in collecting, reviewing, evaluating, and overseeing delivery of the financial data that applicant delivers to its clients.

Applicant's Legal Analysis

1. On October 11, 1996, the National Securities Markets Improvement Act of 1996 was enacted. Title III of the Act, the Investment Advisers Supervision Coordination Act (''Coordination Act''), added new section 203A to the Advisers Act. Under section 203A(a)(1),[1] an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the SEC unless the investment adviser (i) has assets under management of not less than $25 million or (ii) is an adviser to an investment company registered under the Investment Company Act of 1940 (''Investment Company Act''). Section 203A(a)(2) defines the phrase ''assets under management'' as the ''securities portfolios with respect to which an investment adviser provides continuous and regular supervisory or management services.''[2]

2. Applicant submits that Congress determined that the states should be responsible for regulating investment advisers ''whose activities are likely to be concentrated in their home state,'' and ''[l]arger advisers, with national businesses'' should be regulated by the SEC and ''be subject to national rules.''[3] Applicant notes that Congress chose an assets under management requirement as a rough proxy that would divide responsibilities between the SEC and the states on the theory that investment advisers managing $25 million or more in assets are likely to be national investment advisers that should be subject to the national rules of the SEC, while investment advisers managing less than $25 million in assets are likely to be smaller investment advisers that should be subject to the local rules of the various states.[4]

3. Section 203A(c) of the Advisers Act authorizes the SEC to permit an investment adviser to register with the SEC if prohibiting registration would be ''unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes of [section 203A].''[5]

4. Applicant states that Congress recognized that the assets under management requirement does not precisely differentiate national investment advisers from local investment advisers, and that some national investment advisers may not qualify for registration with the SEC under the test formulated by Congress. Applicant states that Congress noted that ''the definition of 'assets under management' . . . may, in some cases, exclude firms with a national or multistate practice from being able to register with the SEC.''[6]

5. Applicant states that Congress directed the SEC to use its exemptive authority to remedy any unfairness, burdens or inconsistencies caused by the assets under management requirement and to address situations where investment advisers with a ''national or multistate practice'' are otherwise prohibited from registering with the SEC.[7]

6. Applicant states that it does not have $25 million or more in assets under management. Applicant submits that it does not actively manage any client securities portfolios, either on a discretionary or non-discretionary basis, or provide ''continuous and regular supervisory or management services'' with respect to client accounts. Applicants also states that it does not act as an investment adviser to an investment company registered as such under the Investment Company Act. Applicant further states that it does not qualify for exemption from the prohibition on SEC registration as provided in rule 203A–2 under the Advisers Act.

7. Applicant submits that, for the reasons discussed below, it engages in a large, national investment advisory business of the type contemplated by Congress when it directed the SEC to use its exemptive authority under section 203A(c). Applicant asserts that, because of the wide variety of overwhelmingly institutional clients to which applicant provides its Fixed Income Pricing Service, applicant believes its services are the type of activities Congress contemplated in enacting section 203A. Applicant argues that it would be inconsistent with the purposes of section 203A to prohibit applicant from registering with the SEC because more than 90% of applicant's clients are institutions whose securities transactions affect the national securities markets.

8. Applicant states that, like the investment advisers to registered investment companies, the nationally recognized statistical rating organizations (''NRSROs''), and the pension consultants exempted from the prohibition on SEC registration, applicant performs services that significantly affect the national securities markets and billions of dollars in assets under management. Applicant states that its providing of the Fixed Income Pricing Service has a direct effect on billions of dollars of assets under management at the nation's investment companies, investment advises, broker-dealers, insurance companies, banks, trust companies, and other institutional investors. For example, open end investment companies use applicant's fixed income securities prices to compute net asset value on a daily basis, broker-dealers use applicant's prices to value securities pledged in margin accounts, and private money managers use prices supplied by applicant for portfolio valuation statements.

9. Applicant states that Congress exempted investment advisers to investment companies (regardless of assets under management) from the prohibition on SEC registration because Congress recognized these entities had

[1] 15 U.S.C. 80b–3a(a)(1).

[2] 15 U.S.C. 80b–3a(a)(2).

[3] S. Rep. No. 293, 104th Cong. 2d Sess. 4 (1996) [hereinafter Senate Report].

[4] *Id.*

[5] 15 U.S.C. 80b–3a(c).

[6] Senate Report, *supra* note 3, at 5.

[7] *Id.*

significant effects on the national securities markets.

10. Applicant submits that the SEC also has exempted NRSROs because the SEC determined that their activities have a significant effect on the national securities markets and the operations of the federal securities laws.[8] Applicant also notes that certain pension consultants are exempt from the prohibition on SEC registration because the SEC determined that their activities have a direct effect on the management of billions of dollars of pension plan assets and thereby substantially affect national securities markets.[9] Applicant states that the SEC determined to exempt these advisers because of its belief that it would be inconsistent with the purposes of the Coordination Act for these advisers to be regulated by the states rather than by the SEC.

11. Applicant believes that New York should have little or no interest in regulating applicant because the majority of its clients for the Fixed Income Pricing Service are institutional clients. Applicant asserts that its client base for the Fixed Income Pricing Service is overwhelmingly institutional; less than 10% of applicant's total number of clients for the Fixed Income Pricing Service are natural persons. Applicant states that it would be inconsistent with the purposes of section 203A for a state to regulate investment advisers whose activities involve little or no traditional state interest. Applicant submit that there is no strong state interest in regulating investment advises with a predominately national, institutional client base.

12. Applicant states that, although the Coordination Act generally preempted state law with respect to SEC-registered advisers, Congress preserved state law with respect to certain of their supervised persons referred to as ''investment adviser representatives.'' Applicant notes that under the SEC definition, only investment adviser representatives who work principally with natural person clients rather than institutional clients are subject to state regulation. Applicant states that this definition recognizes that, consistent with the Coordination Act, the primary interest of the states is not in institutional clients but in maintaining oversight of representatives with a retail clientele.

13. Applicant states that if it were to be regulated by New York, rather than by the SEC, it would mean that a single state would be charged with protecting the interests of applicants's clients and of the clients' customers located in all fifty states. Applicant further maintains that regulation by New York could result in regulation with an eye primarily to the interests of the state rather than the interests of applicant's clients and such clients' customers throughout the country. Applicant asserts that the nature of its activities in valuing securities lends itself to supervision and examination by one regulatory body whose focus is national rather than local.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–32652 Filed 12–12–97; 8:45 am]

BILLING CODE 8010–01–M

[8] Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 1601 (Dec. 20, 1996), 61 FR 68480 at Section II.D.1 (release proposing rules to implement amendments to the Advisers Act).

[9] The exempted pension consultants are those that provide investment advice to employee benefit plans with respect to assets having an aggregate value of at least $50 million during the pension consultant's last fiscal year. *See id.* at Section II.D.2.

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22930/812–10836]

MLX Corporation; Notice of Application

December 9, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under sections 6(c) and 6(e) of the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicant requests an order under sections 6(c) and 6(e) of the Act that would exempt it from all of the provisions of the Act except sections 9, 17(a) (modified as discussed in the application), 17(d) (modified as discussed in the application), 17(e), 17(f) (modified as discussed in the application), and 36 through 53 and the rules and regulations under the Act until the earlier of the date of the pending merger of applicant with Morton Metalcraft Holding Co., or June 30, 1998.

FILING DATE: The application was filed on October 27, 1997 and amended on December 3, 1997. Applicant has agreed to file an additional amendment, the substance of which is incorporated 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m., on December 29, 1997, and should be accompanied by proof of service on applicant, 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, NW., Washington, DC 20549. MLX Corporation, 1000 Center Place, Norcross, Georgia 30093.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, or Nadya B. Roytblat, Assistant Director, 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 at the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549 (tel. 202–942–8090).

Applicant's Representation

1. MLX Corporation (''MLX'') was formed in 1984 as part of the reorganization of McLouth Steel Company (''McLouth''), a maker of steel products that filed for bankruptcy in 1982. Under the terms of the organization, McLouth was renamed ''MLX Corporation'' and McLouth shares were exchanged for new MLX shares. As part of the reorganization, McLouth's operating business was sold to a separate entity. MLX's sole remaining asset is the net operating losses generated by McLouth's unprofitable operations. These net operating losses are still available to offset future taxable income from operations and are one of MLX's most important assets. MLX has approximately 8,500 shareholders.

2. In 1985, MLX acquired S.K. Wellman Limited, Inc. (''Wellman''), a company engaged in the design and manufacture of high energy friction materials used primarily in aircraft brakes and heavy equipment brakes, transmissions, and clutches (the ''Wellman Business''). From 1985 through 1987, MLX consummated various other acquisitions that complemented the Wellman Business (the ''Wellman Acquisitions''). In addition to the Wellman Acquisitions, in 1986, 1987, and 1988, MLX acquired

the companies and assets comprising Pameco Corporation (''Pameco''), a distributor of heating and air conditioning units. In 1992, MLX sold Pameco, which enabled MLX to focus its efforts exclusively on the Wellman Business.

3. In August 1994, a foreign competitor approached MLX management with an unsolicited expression of interest in a business combination with Wellman. This led to negotiations for the sale of all the capital stock of its wholly-owned subsidiary, Wellman (the ''Wellman Transaction''). The Wellman Transaction, which closed June 30, 1995, left MLX with approximately $38 million in cash and cash equivalents, no debt, and federal net operating loss carryforwards (''NOLs'') of approximately $300 million available to offset future taxable income from operations.

4. Since the Wellman Transaction, MLX has been engaged in the process of identifying and evaluating potential acquisition candidates for the purpose of acquiring a suitable operating business as soon as reasonably possible. MLX's president and chief executive officer, the only officer and one of only two employees, spends substantially all of his time seeking acquisition candidates for MLX. In addition, MLX's other employee spends substantially all of her time supporting the activities of MLX's president and attending to the ministerial functions of operating the company. MLX has developed financial and operational criteria as a basis for evaluating prospective target businesses and for narrowing the focus of its search. MLX's executive officers and board of directors have been in constant communications with professional groups, including investment bankers, lenders, attorneys and accountants (collectively ''Financial Intermediaries'') for the purposes of discussing MLX's acquisition criteria and exploring acquisition opportunities. MLX has discussed its acquisition criteria directly with over fifty Financial Intermediaries. Three Cities Research, Inc. (''Three Cities''), a New York investment banking firm that owns approximately 39% of MLX's outstanding common stock, has assisted MLX in identifying, evaluating and negotiating potential acquisitions. In addition, MLX has engaged, on a non-exclusive basis, the investment banking firm of Smith Barney to canvas the market of businesses for sale and analyze these against MLX's acquisition criteria.

5. On May 19, 1997, MLX was granted an order (the ''Existing Order'') exempting it from most of the provisions of the Act during the period from the date of the Existing Order to December 31, 1997.[1] However, in spite of its efforts, MLX has been unable to complete the acquisition of an operating business. MLX has recently signed a definitive merger agreement (the ''Pending Merger'') with Morton Metalcraft Holding Co. (''Morton''), a leading contract manufacturer and supplier of high quality fabricated sheet metal components and sub-assemblies for construction, agricultural, and industrial equipment manufacturers. Preliminary proxy materials seeking shareholder approval for the Pending Merger were filed with the SEC on October 21, 1997.

6. MLX currently has NOLs of approximately $275 million available to offset future taxable income from operations. In order for MLX to retain its NOLs after the Pending Merger, section 382 of the Internal Revenue Code of 1986, as amended (''Section 382'') requires existing MLX shareholders to own 50% or more of the equity in MLX after the Pending Merger. However, William D. Morton (''Mr. Morton''), President and Chief Executive Officer of Morton, stated that he would only consider a transaction which he would obtain voting control of the entity resulting from the Pending Merger. In order to give Mr. Morton effective voting control of MLX after the Pending Merger (i) MLX is proposing that its shareholders approve a recapitalization that will be structured to avoid an ownership change within the meaning of Section 382 (the ''Recapitalization'') and (ii) the transactions associated with the Pending Merger, which includes a shareholders agreement and a voting agreement, must be consummated (the ''Related Transactions'').

7. Under the Recapitalization, all existing common stock of MLX will be re-classified as MLX Class A Common Stock (''Class A Common Stock'') and a new class of 200,000 Shares of MLX Class B Common Stock (''Class B Common Stock'') will be created. Certain affiliates of Three Cities (''TCR Affiliates'') will own 100,000 shares of Class B Common Stock. Class A Common Stock and Class B Common Stock will have equal rights with respect to dividends and liquidation participation.[2] Shareholders of Class A Common Stock and Class B Common Stock will vote as a single class on all matters with each share of Class A Common Stock entitled to one vote and each share of Class B Common Stock entitled to one vote per share and increasing votes per share as the shareholder disposes of certain shares[3] of Class A Common Stock.

8. Following the Pending Merger, Mr. Morton will own 1,218,990 shares of Class A Common Stock and 100,000 shares of Class B Common Stock. TCR Affiliates will own 888,178 shares of Class A Common Stock and 100,000 shares of Class B Common Stock. As Mr. Morton and TCR Affiliates sell their shares of Class A Common Stock, the special voting rights of the Class B Common Stock will ensure that Mr. Morton's voting rights and the TCR Affiliates' voting rights will not be reduced below 24%. Thus, after the Recapitalization and Pending Merger, Mr. Morton and the TCR Affiliates together will have 56.5% of the voting rights of MLX common shares.

9. In connection with the Pending Merger, Mr. Morton and TCR Affiliates entered into a shareholders agreement (the ''Shareholders Agreement'') whereby the benefits of the potential voting rights of Class B Common Stock enure entirely to Mr. Morton. Under the terms of the Shareholders Agreement, TCR Affiliates will grant Mr. Morton a proxy to vote all of the Class A Common Stock and the Class B Common Stock owned by TCR Affiliates. The proxy will cover all matters to be voted upon by MLX's shareholders after the Pending Merger except for the liquidation of MLX, and sale of MLX's assets, and certain mergers.[4]

10. In connection with the Pending Merger, TCR Affiliates and Morton have also entered into a voting agreement (the ''Voting Agreement'') under which TCR Affiliates have agreed that at any meeting of the MLX shareholders, TCR Affiliates will vote all the shares of MLX common stock owned by them in favor of (i) the Recapitalization, (ii) the Pending Merger, and (iii) a new employee stock option plan and each of the other actions contemplated by or

[1] Investment Company Act Release Nos. 22626 (Apr. 21, 1997) (notice) and 22667 (May 19, 1997) (order).

[2] Each share of Class B Common Stock will be convertible, at the option of its holder, into one share of Class A Common Stock. Each share of Class B Common Stock will automatically convert into one share of Class A Common Stock (i) upon its sale or transfer to a party unaffiliated with Mr. Morton or the TCR Affiliates and (ii) on the tenth anniversary of the effective date of the Pending Merger.

[3] Mr. Morton's voting power will also be increased by 338,990 shares of Class A Common Stock that are not taken into account in calculating the voting power of his Class B Common Stock.

[4] In another Related Transaction, MLX has entered into a securities purchase agreement with certain holders of Morton common stock, options, and warrants whereby MLX will purchase shares of Morton common stock, options, and warrants. The Morton securities purchased by MLX will be cancelled by the Pending Merger.

required in furtherance of such transactions.

11. Until the Pending Merger, a substantial majority of the potential acquisitions were rejected by MLX because of valuation issues. In other instances, MLX was outbid for the target. As of September 30, 1997, MLX had evaluated 225 transactions and made thirty-one offers or valuation proposals. If for any reason, the Pending Merger is not consummated, MLX plans to continue to be engaged in the process of identifying and evaluating potential acquisition candidates for the purpose of acquiring a suitable operating business as soon as reasonably possible.

12. MLX states that there is no assurance that the Pending Merger will be completed, if at all, by December 31, 1997. Accordingly, it is necessary for MLX to seek a new order extending the time period of the Existing Order. MLX requests an order under sections 6(c) and 6(e) of the Act exempting it from all the provisions of the Act except sections 9, 17(a) (modified as discussed in the application), 17(d) (modified as discussed in the application), 17(e), 17(f) (modified as discussed in the application), and 36 through 53 and the rules and regulations under the Act until the earlier of the date of the Pending Merger or June 30, 1998. MLX also requests a limited and specific exemption for the same time period (i) under section 6(c) for an exemption from section 17(f) to permit MLX to continue its present custodial arrangement, (ii) under rule 17d–1 to grant an exemption from section 17(d) to permit MLX to maintain, operate and comply with its stock option plans and agreements, and (iii) under section 17(b) and rule 17d–1 for an exemption from section 17(a) and section 17(d), respectively, to permit MLX and TCR Affiliates to consummate the Pending Merger and Related Transactions.

13. MLX's NOLs represent substantial value that may only be maximized by acquiring a profitable operating company at a fair price. The NOLs expire as follows: $144.3 million in 1997; $1.2 million in 1998; $73.8 million in 1999; $2.7 million in 2000; $2.2 million in 2002; $5.0 million in 2005; $2.0 million in 2006 and $47.3 million in 2007. The existence of the NOLs, together with their expiration schedule, provide MLX with a strong incentive to close the acquisition of a profitable operating business as soon as possible. Though currently in transition, MLX expects to have acquired an operating business by no later than June 30, 1998 or sooner if the Pending Merger is completed. In the event that MLX is unable to acquire an operating business by June 30, 1998, MLX's board of directors will consider the alternatives available, including registration as an investment company or dissolution. These alternatives would be considered in advance of June 30, 1998 in order to allow sufficient time for the implementation of any board decision.

14. Since the Wellman Transaction, MLX's revenues have been derived from the investment of substantially all of its assets in overnight repurchase agreements collateralized by United States Treasury and agency securities. MLX's overnight repurchase agreement investment program (the ''Program'') is administered by five large national banks approved by MLX's board of directors. The Program is designed to: (a) Maximize safety of capital, (b) assure availability of funds for the purpose of consummating an acquisition, and (c) relieve MLX management of the time-consuming management of those funds.

15. Access to MLX's funds is severely restricted. MLX has one operating account for the purpose of executing routine operating disbursements and business expenses, including salaries, rent and taxes. The maximum amount of funds deposited in the account is limited to no more than the anticipated expense level for the upcoming two months, based on MLX's budget as approved by the board of directors. Any disbursements from the operating account must be approved by the chief executive officer and the account is reconciled on a monthly basis. In addition, MLX's board of directors receives a monthly summary report of expenses.

16. Five national banks invest the remainder of MLX's funds as part of the Program, each of which is responsible for approximately equal portions of $7 million. MLX's board of directors has designated First Union National Bank as the primary bank. The non-primary banks are Wachovia Bank of Georgia, National Bank, SunTrust Bank, and National Bank of Detroit. All five banks are United States regulated banks and meet the qualifications prescribed in section 26(a)(1) of the Act. The non-primary banks have been instructed in writing to wire money only to MLX's account at First Union National Bank and not to any other person or entity. In addition, MLX's agreements with all of the banks (''Bank Agreements'') contain provisions requiring the banks to segregate and identify all securities owned by MLX as subject to the respective Bank Agreement.

17. Transfers from any non-primary bank investment account in any amount must be approved by an MLX executive officer and the Funds Management Committee of the board of directors, and primary account transfers (including check disbursements) in amounts above $5,000 must be approved by an MLX executive officer and a member of the Committee. In addition, the bank must verify the authenticity of the wire transfer request by voice verification with a second, non-initiating MLX officer in a phone call initiated by the bank. MLX also has secured an executive protection policy from the Chubb Group of Insurance Companies insuring MLX for, among other things, losses of money, securities and other property caused by theft or forgery by any employee or agent of MLX or by any other person in an amount not to exceed $5 million.

18. MLX has two stock option plans. Under the MLX Corporation Stock Option Plan, adopted in 1985 (the ''1985 Plan''), MLX granted stock options to certain officers, directors and key employees at prices not less than the market value on the date the options were granted. No new options may be granted under the 1985 Plan, although some options are still outstanding. Under the MLX Corporation Stock Option and Incentive Award Plan, adopted in 1995 (the ''1995 Plan''), stock-based awards may be issued to key employees (including directors who are also employees) and certain others. The awards may include incentive stock options, non-qualified stock options, restricted stock, and outright stock awards. A total of 125,000 shares of MLX common stock are reserved under the 1995 Plan. In addition, on February 11, 1991, MLX issued options to Brian R. Esher, its then Chief Executive Officer and currently a director of MLX, to acquire 190,400 shares of MLX common stock at a price of $5.00 per share, exercisable (subject to vesting schedules which have been satisfied) at any time prior to February 10, 1998. Mr. Esher's options were converted to stock appreciation rights and exercised as of February 28, 1997. On October 3, 1993, December 29, 1994 and July 26, 1995, MLX issued options to Thomas Waggoner, its then Chief Financial Officer and current Chief Executive Officer, to acquire 50,000 shares of MLX common stock at prices ranging from $2.20 to $9.25 per share, exercisable at any time prior to July 25, 2000. It is also possible for Mr. Waggoner's options to be converted to stock appreciation rights.

Applicant's Legal Analysis

1. Section 3(a)(3) of the Act defines an investment company as an issuer who is engaged or proposes to engage in the business of investing, reinvesting,

owning, holding, or trading in securities and owns investment securities having a value in excess of 40% of the issuer's total assets (excluding Government securities and cash). MLX believes it may be an investment company under section 3(a)(1)(C). However, MLX contends that, if the Pending Merger is consummated, MLX would not be deemed to be an investment company under section 3(a)(1)(C) of the Act.

2. Rule 3a–2 under the Act generally provides that, for purposes of section 3(a)(3), an issuer will not be deemed to be engaged in the business of investing, reinvesting, owning, holding, or trading in securities for a period not exceeding one year if the issuer has a *bona fide* intent to be engaged in a noninvestment company business. For the period from July 1, 1995 through June 30, 1996, MLX operated under the exemption provided by rule 3a–2.

3. Section 6(c) provides that the SEC may conditionally or unconditionally exempt any person, security or transaction, or any class thereof, from any provision of the Act, or of any rule or regulation, if and to the extent that an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Section 6(e) permits the SEC to require companies exempted from the registration requirements of the Act to comply with certain specified provisions thereof as though the company were a registered investment company.

4. MLX asserts that registration under the Act would involve unnecessary burden and expense for MLX and its shareholders where there is no likelihood of abuse. MLX believes that registration would require costly changes in its financial reporting requirements, because the requirements are significantly different for investment companies. MLX contends that making these changes during this interim period, until it consummates the acquisition of an operating business, is likely to result in considerable and unwarranted confusion of its shareholders and the investing public. MLX states that many shareholders, as a result of this confusion, might sell their positions in MLX, an event which might have an adverse effect on the market price of MLX's securities and consequently on MLX's remaining shareholders. MLX asserts that those shareholders also would be deprived of the benefits of a potential acquisition.

5. MLX contends that certain provisions of the Act also might impair its ability to carry out its stated intention to acquire an operating business. For example, MLX believes that (a) the shareholder approval requirement of section 13(a)(4) of the Act would be a significant obstacle to effecting any acquisition requiring rapid action, (b) the cross-ownership prohibition of section 20(c) of the Act would limit MLX's ability to attempt a takeover which was not favored by the target sought to be acquired, and (c) the debt limitations of section 18 of the Act might preclude bridge financing of an acquisition. Also, MLX asserts that, if MLX is unable to obtain shareholder approval for the Pending Merger and complete it prior to December 31, 1997, failure to obtain the requested order may prevent MLX from completing the Pending Merger after December 31, 1997.

6. MLX states that it is a reporting company under the Securities Exchange Act of 1934 and is subject to extensive reporting and other requirements for the protection of its shareholders. Further, MLX asserts that its shareholders and the investing public have been informed on numerous occasions of its intention to acquire an operating business and the framework for its acquisition efforts. MLX also asserts that it has pursued and remains committed to the acquisition of a suitable operating business consistent with the best interests of its shareholders.

7. MLX notes that, in determining whether to grant an exemption for a transient investment company, the SEC considers these factors: (1) Whether the failure of the company to become primarily engaged in a non-investment company business within one year was due to factors beyond its control; (2) whether the company's officers and employees during that period tried, in good faith, to effect the company's investment of its assets in a non-investment company business; and (3) whether the company invested in securities solely to preserve the value of its assets.

8. MLX states that, while it is using its best efforts, in good faith, to acquire an operating business with the proceeds of the Wellman Transaction, it has been unable, notwithstanding the Pending Merger, to negotiate and complete a favorable transaction. MLX asserts that this is attributable solely to factors beyond its control, including the unavailability of suitable acquisition candidates and the unwillingness of certain candidates to accept what MLX believed to be reasonable offers. Moreover, MLX states that the purchase of a suitable operating business of the size being pursued often requires a long period of time. MLX contends that its ability to acquire an operating business will depend upon the availability of suitable acquisition candidates, the willingness of those candidates to accept MLX's offers and the time needed to negotiate the terms of the acquisition and other factors outside of its control.

9. MLX submits that management's efforts to invest its assets in a non-investment company business are evident from the efforts of Three Cities and the other Financial Intermediaries to provide assistance in identifying acquisition candidates, which includes the Pending Merger, and the fact that MLX's management spends substantially all of its time on MLX's acquisition search and MLX's investments in overnight repurchases agreements are made solely to maximize the safety of its assets. MLX contends that its investments in overnight repurchase agreements, motivated primarily by a desire to consummate an acquisition and to preserve the value of capital pending consummation of the acquisition, should not be subject to registration and regulation under the Act.

10. Section 17(a) provides, in relevant part, that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as principal, knowingly to sell any security or other property to such company or to purchase from such company any security or other property. Section 17(b) of the Act authorizes the SEC to issue an order of exemption from one or more of the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each registered investment company concerned, and the proposed transaction is consistent with the general purposes of the Act. MLX believes that, because TCR Affiliates are affiliates of Three Cities that own 39% of existing MLX shares, TCR Affiliates may be deemed to be affiliated persons of MLX under section 2(a)(3) of the Act. Thus, MLX requests an exemption from the provisions of section 17(a) to the extent necessary to permit the Pending Merger.

11. MLX states that TCR Affiliates, unlike other existing MLX shareholders, will be receiving Class B Common Stock that permits TCR Affiliates to retain a significant voting interest in MLX. However, MLX contends that, despite the greater voting rights inherent in the Class B Common Stock, TCR Affiliates have agreed under the Shareholders

Agreement to be subject to substantial detriment compared with all other MLX shareholders. MLX asserts that the Pending Merger and Related Transactions were designed to satisfy Mr. Morton's conditions regarding control of MLX and to permit MLX to retain its major assets, the NOLs. MLX also states that the Pending Merger and Related Transactions were approved by MLX's board of directors, including MLX's disinterested directors, and will not be effective unless approved by a vote of MLX's shareholders. Further, MLX contends that TCR Affiliates are receiving no additional equity or any fee as a result of the Pending Merger. Finally, MLX asserts that the Pending Merger will permit MLX to acquire a suitable operating business that will result in MLX no longer being subject to the Act. Thus, MLX contends that the terms of the Pending Merger are reasonable and fair and do not involve overreaching.

12. Section 17(d) and rule 17d–1 make it unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which the company is a joint or joint and several participant with the affiliated person unless the transaction has been approved by order of the SEC. MLX requests an exemption pursuant to section 17(d) and rule 17d–1 to the extent necessary to permit MLX (i) to operate and comply with its stock option plans and agreements and (ii) to consummate the Pending Merger and Related Transactions.

13. MLX believes that compliance with section 17(d) of the Act and the rules under the Act would prohibit operation of and compliance with the 1985 Plan, the 1995 Plan, and Mr. Waggoner's Option Agreement. MLX states that these options were granted as compensation to various executive officers and key employees at different times prior to the Wellman Transaction. MLX asserts that inability to realize the value of those options would be unfair to the officers without the result being necessary or appropriate in the public interest.

14. MLX believes that the participation of TCR Affiliates in the Pending Merger and Related Transactions will be on a basis less advantageous than that of other MLX shareholders. MLX contends that TCR Affiliates will be giving up certain benefits retained by other MLX shareholders in order to induce Morton to agree to the Pending Merger and Related Transactions. MLX states that under the Shareholder Agreement, TCR Affiliates will be transferring their voting rights to Mr. Morton in order to give Mr. Morton voting control of MLX. In addition, MLX asserts that the Shareholders Agreement contains severe restrictions on TCR Affiliates' ability to transfer their shares. Further, MLX asserts that under the Voting Agreement, TCR Affiliates have agreed to vote their shares in MLX in favor of the Recaptalization and Pending Merger. MLX states that for the reasons stated above under section 17(a), MLX meets the standards of rule 17d–1. Thus, MLX contends that no regulatory purpose would be served by prohibiting MLX from consummating the Pending Merger and Related Transactions.

15. Section 17(f) provides that the securities and similar investments of a registered management investment company must be placed in the custody of a bank, a member of a national securities exchange, or the company itself in accordance with SEC rules. MLX states that all assets invested under the Program are in the custody of qualified banks and the ability of the banks to transfer money in and out is subject to numerous restrictions and checks and balances. Furthermore, MLX states that those assets are insured up to $5 million, an amount substantially in excess of what would be required under a fidelity bond obtained under section 17(g) of the Act. MLX also states that its custodial arrangements are consistent with the substantive requirements of rule 17f–2 under the Act, except for paragraph (f) thereof regarding the requirement for MLX's independent accountants to conduct three actual examinations. MLX also submits that its financial statements are audited annually by its independent accountants.

Applicant's Conditions

Applicant agrees that any order will be subject to the following conditions:

1. During the period of time MLX is exempted from registration under the Act, MLX will not purchase or otherwise acquire any additional securities other than securities that are rated investment grade or higher by a nationally recognized statistical rating organization or, if unrated, deemed to be of comparable quality under guidelines approved by MLX's board of directors, except that MLX may make equity investments in issuers that are not investment companies, as defined in section 3(a) of the Act (unless an issuer is covered by a specific exclusion from the definition of investment company under section 3(c) other than sections 3(c)(1) and 3(c)(7)), in the following circumstances: (a) in connection with the consideration of the possible acquisition of an operating business as evidenced by a resolution approved by MLX's board of directors, and (b) in connection with the acquisition of majority-owned subsidiaries.

2. MLX will allocate and utilize its accumulated cash and short-term securities for the purpose of funding cash requirements for its existing businesses or far acquiring one or more new businesses.

3. While any order is in effect, MLX's 10–K, 10–Q, and annual reports to shareholders will state that an exemptive order has been granted under sections 6(c) and 6(e) of the Act and that MLX and other persons, in their transactions and relations with MLX, are subject to sections 9, 17(a) (except as discussed in the application), 17(d) (except as discussed in the application), 17(e), 17(f) (except as discussed in the application), and 36 through 53 of the Act as if MLX were a registered investment company.

4. MLX will obtain an amended order from the SEC prior to any material modification of MLX's custodial arrangement in a manner not described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–32651 Filed 12–12–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IA–1684/803–124]

Thomson Technical Data Corporation; Notice of Application

December 9, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Advisers Act of 1940. (''Advisers Act'').

APPLICANT: Thomson Technical Data Corporation (''Technical Data'').

RELEVANT ADVISERS ACT SECTIONS: Exemption requested under section 203A(c) from section 203A(a).

SUMMARY OF APPLICATION: Applicant requests an order to permit it to register with the SEC as an investment adviser.

Filing Dates: The application was filed on September 25, 1997 and amended on October 8, 1997.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's

Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 5, 1998, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, Thomson Technical Data Corporation, 22 Pittsburgh Street, Boston, Massachusetts 02210.

FOR FURTHER INFORMATION CONTACT: Robert J. Leonard, Attorney, at (202) 942–0646, or Jennifer S. Choi, Special Counsel, at (202) 942–0716 (Division of Investment Management, Task Force on Investment Adviser Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a Delaware corporation and an indirect, wholly-owned subsidiary of Thomson Corporation. Applicant publishes various market analyses through the Dow Jones Markets communication network and affords clients the opportunity to contact its analysts by telephone to discuss the published information.

2. Applicant's publications include: comprehensive technical, fundamental and statistical analysis of the world's major government bond and international money and deposit markets; real-time commentary, trading recommendations and yield curve analysis to global participants in the U.S. Treasury market; comprehensive coverage of the mortgage-backed and asset-backed securities markets; and technical and fundamental analysis and trading recommendations for Canadian government bonds, money markets and the Canadian Dollar.

3. Applicant also provides real-time analysis and commentary on financial, political and social events that affect the capital markets of Latin America, Eastern and Central Europe Asia and Japan.[1]

4. Applicant's services are provided to clients on a subscription basis, with rates dependent on the nature and quantity of specific services subscribed to by the client. Applicant has approximately 15,000 subscribers, located in over sixty countries. Almost all of applicant's subscribers are connected with major financial institutions or regulatory bodies, such as Federal Reserve Banks. The largest portion of applicant's client base in the institutional trading desks and sales staff of national and international broker-dealers. The second largest segment of applicant's client base consists of commercial banks. Applicant's other clients include money managers, other brokerage houses and regulators. Less than one-tenth of one percent of applicant's clients are individual investors.

5. Applicant maintains its principal office and place of business in Massachusetts. Applicant is registered as an investment adviser in Massachusetts and New York. Applicant was registered as an investment adviser with the SEC until July 8, 1997.

Applicant's Legal Analysis

1. On October 11, 1996, the National Securities Markets Improvement Act of 1996 was enacted. Title III of the Act, the Investment Advisers Supervision Coordination Act (''Coordination Act''), added new section 203A to the Advisers Act. Under section 203A(a)(1),[2] an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the SEC unless the investment adviser (i) has assets under management of not less than $25 million or (ii) is an adviser to an investment company registered under the Investment Company Act of 1940 (''Investment Company Act'') Section 203A(a)(2) defines the phrase ''assets under management'' as the ''securities portfolios with respect to which an investment adviser provides continuous and regular supervisory or management services.''[3]

2. Applicant states that the Coordination Act was designed to optimize the distribution of regulatory resources and ease the burden of duplicative or inconsistent regulation by dividing advisers into two broad categories: those whose activities are deemed to be national in scope, who are to be regulated primarily by the SEC, and those whose activities are of a more local nature, who are to be regulated primarily by the states.

3. Section 203A(c) of the Advisers Act authorizes the SEC to permit an investment adviser to register with the SEC if prohibiting registration would be ''unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes of [section 203A).''[4]

4. Applicant states that it does not qualify for SEC registration. Applicant states that it has no assets under management, does not act as an investment adviser to a registered investment company, and does not qualify for any exemption under rule 203A–2. Applicant also maintains its principal office and place of business in Massachusetts, which regulates its investment adviser activities.

5. Applicant states that it would be inconsistent with the purposes of the Coordination Act to prohibit applicant from registering with the SEC because it provides services to institutional clients whose activities affect billions of dollars in assets and have a significant effect on national securities markets. Applicant believes that it exerts an influence on the national markets similar to that exerted by both nationally recognized statistical rating organizations (''NRSROs'') and pension consultants.

6. Applicant states that almost all of its clients are institutional traders, sales people, bankers and money managers who collectively move billions of dollars of assets through the fixed-income, foreign exchange and capital markets. Applicant states that institutional trading desks of national and international broker-dealers and money managers that subscribe to applicant's real-time analyses, commentary and trading recommendation publications use this information to assist them in evaluating instruments and market conditions when making purchase and sale decisions and determining trading strategies. Applicant believes that purchases, sales, and implementations of trading strategies result in billions of dollars of fixed-income and foreign exchange transactions moving through the national markets. Applicant also asserts that its clients, such as the Federal Reserve Banks and other federal and state regulatory bodies, exert their own special influence on the national markets.

7. Applicant states that the SEC exempted from the prohibition on federal registration NRSROs recognizing that, although NRSROs only provide impersonal advisory services and do not manage any assets, these advisers'

[1] Applicant states that, because certain of its publications relate to the futures markets, applicant is registered with the Commodity Futures Trading Commission as a commodity trading adviser.

[2] 15 U.S.C. 80b–3a(a)(1).

[3] 15 U.S.C. 80b–3a(a)(2).

[4] 15 U.S.C. 80b–3a(c).

activities have a significant effect on the national securities markets, thereby making them appropriate candidates for federal registration under the conceptual framework established by the Coordination Act.[5]

8. Applicant states that the SEC also exempted from the prohibition on Federal registration pension consultants who provide investment advice to plans with assets having an aggregate value of at least $50 million. Applicant states that, like NRSROs, pension consultants do not exercise direct investment discretion over client portfolios, but their advice affects the management of billions of dollars of assets.[6] Applicant states that the SEC concluded that it would be inconsistent with the purposes of the Coordination Act for pension consultants to be regulated by the states rather than the federal government because of their effect on national markets.

9. Applicant also asserts that the states should have little or no interest in regulating applicant, which has a majority of institutional clients. Less than one-tenth of one percent of applicant's clients are individual investors. Applicant submits that the primary interest of the states is not in the protection of institutional clients.

10. Applicant states that, although the Coordination Act generally preempts state law with respect to SEC-registered advisers and their supervised persons, it does permit states to license, register or otherwise qualify any ''investment adviser representative'' who has a place of business within the state. Applicant asserts that the Commission, in defining investment adviser representative, determined that states should not regulate either those supervised persons who service a predominantly institutional clientele or those who render only impersonal services. Applicant believes that, by expanding the class of advisers who qualify for federal registration and restricting the class of supervised persons subject to state control, the SEC effectuated Congress' intent to limit state regulation to activities that have a primarily localized effect and that institutional advisory activities be regulated by the federal government.

[5] Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 1601 (Dec. 20, 1996), 62 FR 68480 at Section II.D.1 (release proposing rules to implement amendments to the Advisers Act).

[6] *Id.* at Section II.D.2.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–32653 Filed 12–12–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39411; File No. SR–Amex–97–40]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Proposed Revisions to the Exchange's Policy Regarding the Use of Wireless Data Communications Devices

December 8, 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 October 29, 1997, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its policy regarding the use of wireless data communications devices on the trading floor. The text of the proposed rule change is available at the Office of the Secretary, the Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has undertaken to build an infrastructure (''Infrastructure'') to support wireless data communications on the Trading Floor by members and Exchange staff. On September 26, 1996, the Commission approved various rule changes and a policy regarding the use of wireless data communications devices on the Trading Floor (the ''Wireless Communications Policy'').

The Exchange developed the Wireless Communications Policy based upon a design for the Infrastructure that called for all wireless data transmissions to pass through a gateway (''Gateway''). This would have permitted the Exchange to make a record of all wireless communications and to unilaterally ''throttle'' all, or selected, member communications in the event that such transmissions used a disproportionate amount of the available radio frequency or threatened to exceed available radio frequency capacity.

In late 1996, the Exchange reviewed the design of the Infrastructure. During this review, the Exchange determined that there was no immediate need for throttling and that it was unclear when it might become necessary. The Exchange concluded that since there was no need for throttling, there was no need for a Gateway and that, if and when necessary, throttling could be accomplished by the member firms without a Gateway. As a result of this review, the Exchange determined that since the Gateway was unnecessary, costly for both the Exchange and its members, and difficult to develop and implement, the Exchange would build the Infrastructure without a Gateway. The Exchange, accordingly, is now proposing to modify the Wireless Communications Policy to reflect the redesign of the Infrastructure to eliminate the Gateway.

As noted above, the Gateway would have permitted the Exchange to record all wireless communications. This would have created a data base at the Exchange that would have largely duplicated records already maintained by member firms pursuant to SEC and Exchange rules. The elimination of the Gateway will eliminate this duplicative data base. The revised Wireless Communications Policy, accordingly, will state that members that have developed wireless technology will be responsible for maintaining such records as may be required by Exchange

rules and policies and federal securities laws as in effect from time to time. The elimination of the record keeping capabilities of the Gateway will not cause any diminution of the Exchange's surveillance capabilities as the Exchange will retain the same access to member books and records that it currently possesses.

With respect to ''throttling,'' the Revised Wireless Communications Policy states that the Exchange's staff may request members to reduce radio traffic if and when required because a particular user is using more than its fair share of radio frequency capacity or overall usage in reaching its maximum. Members will be obligated to comply immediately with any such request and their ability to send wireless communications may be immediately terminated if they fail to comply with such a directive. The Exchange also proposes some further changes to the Wireless Communications Policy to enhance it in light of the Exchange's experience with wireless technology since the Policy was first adopted. These proposed changes include a requirement that members using wireless technology maintain a record of orders and quotes initiated on the Floor and transmitted to other markets, a statement that members do not acquire a property interest in their assigned band width, a requirement that affiliates be treated as a single entity for purposes of band width assignment and a reduction in the number of hand held terminals that the system is able to support in view of anticipated demand for this capacity.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [1] in general and furthers the objectives of Section 6(b)(5) [2] in particular in that it is designed to prevent fraudulent acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

[1] 15 U.S.C. 78f(b).

[2] 15 U.S.C. 78f(b)(5).

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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–97–40 and should be submitted by January 5, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–32650 Filed 12–12–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39416; File No. SR–NSCC–97–10]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change Establishing a New Category of Fund Member for Investment Advisers in Mutual Fund Services

December 9, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 25, 1997, the National Securities Clearing Corporation (''NSCC'') 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 primarily by NSCC. 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 proposed rule will establish a new category of fund member in NSCC's mutual fund services (''MFS'') for registered investment advisers.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's MFS is designed to enable NSCC members to process and to settle on an automated basis mutual fund purchase and redemption orders and to transmit registration instructions. Currently, NSCC's rules and procedures permit two categories of fund member in MFS: (1) principal underwriters

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

which are registered broker-dealers under the Act and (2) investment companies which are registered under the Investment Company Act of 1940.[3]

Although mutual funds which have no broker-dealer distributor may join MFS as individual fund members, it can be a cumbersome and inefficient process. For example, families of these self-distributed no load funds currently may only join MFS through each of their separate investment companies. To take full advantage of the benefits of a single membership, such as net settlement, reduced costs, operational efficiencies, and oversight by a single board of directors, these funds prefer to join MFS through an investment adviser.

The proposed rule change will expand the fund member category to include registered investment advisers as defined in Section 202(a)(11) of the Investment Advisers Act of 1940. To be eligible for membership in MFS, a nonguaranteed service of NSCC, investment advisers will need to be registered with the Commission and to have a minimum of $25 million in assets under management and $100,000 in total net worth.

In addition, the proposed rule change will make a technical amendment to conform NSCC's procedures with its rules. Specifically, Procedure Addendum I(B)(2) sets forth the standards of financial responsibility and operational capability for the investment company fund member applicant. Because the list of eligible fund members contained in Rule 51 inadvertently omits investment companies, Rule 51 Section 1 will be amended to include this existing category of fund member.[4]

NSCC believes that the proposed rule change is consistent with Section 17A of the Act and the rules and regulations promulgated thereunder because it will facilitate the prompt and accurate clearance and settlement of securities transactions and will protect investors and the public interest.[5]

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a 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 relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which NSCC consents, the Commission will:

(A) by order approve such rule filing

(B) institute proceedings to determine whether the rule filing 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 rule filing that are filed with the Commission, and all written communications relating to the rule filing between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the File No. SR–NSCC–97–10 and should be submitted by January 5, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–32654 Filed 12–12–97; 8:45 am]

BILLING CODE 8010–01–M

[3] See NSCC Rule 51, Section 1 (''Fund Member'') and Procedure Addendum I(B)(2) (''Standards of Financial Responsibility and Operational Capability for Fund Members'').

[4] Investment companies were permitted to join MFS as fund member pursuant to a rule change filing approved by the Commission. Securities Exchange Act Release No. 33525 (January 26, 1994), 59 FR 4759.

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) 25.1581–1, Airplane Flight Manual

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 25.1581–1, Airplane Flight Manual. The primary purpose of the FAA-approved AFM is to provide an authoritative source of information considered necessary for safely operating the airplane. The AC identifies the information that must be provided in the AFM under the airworthiness regulations and provides guidance as to the form and content of the approved portion of an AFM.

DATES: Advisory Circular 25.1581–1 was issued on July 14, 1997, by the Acting Manager of the Transport Airplane Directorate, Aircraft Certification Service, in Renton, Washington.

How To Obtain Copies: A copy of AC 25.1581–1 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785.

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

Stewart R. Miller,

Manager, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 97–32668 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Easterwood Airport, College Station, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Easterwood Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990)

(Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before January 14, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610D, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the Director of Aviation at Easterwood Airport at the following address: Harry E. Raisor, Director of Aviation, Easterwood Airport, McKenzie Terminal Drive #7, College Station, Texas 77845.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610D, Fort Worth, Texas 76193–0610, (817) 222–5614.

The applications may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Easterwood Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Recondicliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulation (14 CFR Part 158).

On November 24, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by Texas A&M University was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 24, 1998.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: August 1, 1998.

Proposed charge expiration date: June 1, 2000.

Total estimated PFC revenue: $429,159.00.

PFC application number: 98–02–C–00–CLL.

Brief description of proposed projects:

Projects To Impose and Use PFC's

Airfield Safety Improvements, Airfield Rescue & Firefighting (ARFF) Facility and ARFF Vehicle, Pavement Management System, and PFC Administrative Cost.

Proposed class or classes of air carriers to be exempted from collecting PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610D, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Easterwood Airport.

Issued in Forth Worth, Texas on December 2, 1997.

Joseph G. Washington,

Acting Manager, Airports Division.

[FR Doc. 97–32670 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and disapprovals. In November 1997, there were four applications approved. Additionally, two approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of section 158.29.

PFC Applications Approved

Public Agency: City of Phoenix, Arizona.

Application Number: 97–04–U–00–PHX.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue To Be Used In This Decision: $1,875,000.

Charge Effective Date: April 1, 1996.

Estimated Charge Expiration Date: October 1, 1998.

Class of Air Carriers Not Required To Collect PFC's: No change from previous decision.

Brief Description of Project Approved For Use: Extend north runway west end.

Decision Date: November 14, 1997.

FOR FURTHER INFORMATION CONTACT: John P. Milligan, Western Pacific Region Airports Division, (310) 725–3621.

Public Agency: Tucson Airport Authority, Tucson, Arizona.

Application Number: 97–01–C–00–TUS.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved In This Decision: $26,717,799.

Earliest Charge Effective Date: February 1, 1998.

Estimated Charge Expiration Date: December 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: Unscheduled Part 135 air taxi operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanement at Tucson International Airport.

Brief Description of Projects Approved For Collection and Use: Terminal entrance improvements, Remodel baggage claim area, Land acquisition expansion, Land acquisition for noise, Land acquisition (Sections 27 and 33).

Decision Date: November 19, 1997.

FOR FURTHER INFORMATION CONTACT: John P. Milligan, Western Pacific Region Airports Division, (301) 725–3621.

Public Agency: Dade County Aviation Department, Miami, Florida.

Application Number: 97–03–C–00–MIA.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $296,167,000.

Earliest Charge Effective Date: May 1, 1998.

Estimated Charge Expiration Date: July 1, 2005.

Class of Air Carriers Not Required To Collect PFC's: Air taxis.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Miami International Airport.

Brief Description of Projects Approved for Collection and Use: Midfield area development taxiways—phase III, Concourse F improvements—Gates F4, F6, and F8, Aircraft apron for inboard gates at Concourse H, H–J utility and pavement project, Central Boulevard corridor improvements, Perimeter road modifications, Extend upper vehicle drive—south side, Central chiller plants east and west expansion.

Brief Description of Project Approved in Part for Collection and Use: Midfield aircraft rescue and firefighting facility.

Determination: Partially approved. The explosives magazine is not eligible under paragraph 563 of FAA Order 5100.38A, Airport Improvement Program (AIP) Handbook, and, thus, is not AIP or PFC eligible.

Brief Description of Project Withdrawn: Terminal expansion north phase III.

Determination: This project was withdrawn by the public agency by letter dated November 25, 1997. Therefore, the FAA did not rule on this project in this decision.

Decision Date: November 26, 1997.

FOR FURTHER INFORMATION CONTACT: Bart Vernace, Orlando Airports District Office, (407) 812–6331.

Public Agency: Los Angeles World Airports, Los Angeles, California.

Application Number: 97–04–C–00–LAX.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $150,000,000.

Earliest Charge Effective Date: February 1, 1998.

Estimated Charge Expiration Date: May 1, 2000.

Class of Air Carriers not Required to Collect PFC's: Air taxi operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Los Angeles International Airport.

Brief Description of Project Approved for Collection and Use: Noise mitigation.

Decision Date: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: John Milligan, Western Pacific Region Airports Division, (310) 725–3621.

AMENDMENTS TO PFC APPROVALS

Amendment No., city, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
96–04–C–03–MCO, Orlando, FL	10/22/97	$93,592,000	$101,154,000	03/01/98	06/01/98
95–02–C–01–STL, St. Louis, MO.	11/05/97	80,186,867	86,214,867	12/01/97	02/01/98

Issued in Washington, DC. on December 8, 1997.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 97–32671 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on Thursday, January 15, 1998. The meeting begins at 1 p.m. and will have an Administrative Business session at 4 p.m. (Voting Board Members and key staff Only). The letter designations that follow each item mean the following: (I) is an ''information item;'' (A) is an action item; (D) is a discussion item. This meeting includes the following items: (1) Introductions and ITS America Antitrust Policy and Conflict of Interest Statements; (2) Review and Approval of Previous Meeting's Minutes (A); (3) US DOT ITS Initiatives (I/D); (4) President's Commission on Critical Infrastructure (I/D); (5) Intelligent Vehicle Initiative (IVI) Report (A); (6) Report of the Executive Committee (I/D); (7) Coordinating Council Report (A); (8) State Chapters Council Report (I); (9) ITS America Association Report (I); (10) ITS Awareness Program Update (I); (11) Futures Group Report (I); (12) Report of the ITS World Congress and Other International ITS Activities (I/D); (13) 1998 ITS America Annual Meeting (A); (14) 1998 Board Meeting Schedule (A); (15) Other Program Business. *Business Session* (Begins at 4 p.m.) (16) President's Report (I); (16) Report of the Membership Committee (I); (17) Report of the Membership Committee (I); (18) Report of the Administrative Policy and Finance Committee (I/D); (19) Nominating Committee Report (A); (20) Other Business; (21) Adjournment until March 19, 1998, Board of Directors Meeting in Chicago, IL.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Board of Directors of ITS AMERICA will meet on Thursday, January 15, 1998, from 1:00 p.m.—5:00 p.m.

ADDRESSES: Sheraton Washington Hotel at 2550 Woodley Road, N.W., Washington, D.C. 20008. Phone: (202) 328–2000 and Fax: (202) 234–0015.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue SW, Suite 800, Washington, D.C. 20024. Persons needing further information or who request to speak at this meeting should contact Kenneth Faunteroy at ITS AMERICA by telephone at (202) 484–4130 or by FAX at (202) 484–3483. The DOT contact is Mary C. Pigott, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued: December 10, 1997.

Jeffrey F. Paniati,

Deputy Director, ITS Joint Program Office.

[FR Doc. 97–32633 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Coordinating Council on Tuesday, January 13, 1998. The following designations are made for each item: (A) is an ''action'' item; (I) is an ''information item;'' and (D) is a ''discussion'' item. The agenda includes the following: (1) Call to Order and Introductions (I); (2) Statements of Anti-Trust Compliance and Conflict of Interest (A); (3) Approval of Last Meeting's Minutes (A); (4) Federal Report (I&D); (5) President's Report; (6) Report of the Planning Committee: Strategic Plan Update/National Research Agenda (A); (7) ITS America's IVI Report (A); (8) International Border Crossing Activities Report (I/D); (9) Professional Capacity Building Update (I); (10) FCC Frequency Petition Update (I); (11) Report of the ITS World Congresses and Other International ITS Activities (I/D); (12) ITS America 8th Annual Meeting Update (I/D); (13) Roundtable Discussion of Committee and Task Force Activities—Committee and Task Force Chairs (I/D); (14) Other Business. *Additional Information:* DSRC Status Report, Standards Needs Timeline and Coordinating Council Meeting Dates.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Coordinating Council of ITS AMERICA will meet on Tuesday, January 13, 1998, from 8:00 a.m. to 12:00 noon (Eastern Standard time).

ADDRESSES: Omni Shoreham Hotel, 2500 Calvert Street, N.W., Washington, D.C. 20008. Phone: (202) 234–0700. Fax: (202) 234–5333.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue, SW., Suite 800, Washington, D.C. 20024. Persons needing further information or to request to speak at this meeting should contact Kenneth Faunteroy at ITS AMERICA by telephone at (202) 484–4130, or by FAX at (202) 484–3483.

The DOT contact is Mary Pigott, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5:00 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued: December 10, 1997.

Jeffrey F. Paniati,

Deputy Director, ITS Joint Program Office.

[FR Doc. 97–32634 Filed 12–12–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–439 (Sub–No. 3X)]

Dallas Rapid Transit—Abandonment Exemption—in Dallas, TX

Dallas Rapid Transit (DART) a political subdivision of the State of Texas, has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 6.99-mile line of railroad between milepost D–762.26 in the vicinity of Mockingbird Lane and milepost D–755.27 in the vicinity of the Kansas City Southern Railway Company bridge overpass, in Dallas County, TX.[1] The line traverses United States Postal Service Zip Codes 75205, 75214, 75231 and 75238.

DART has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 14, 1998, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 29, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 5, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, N.W., Suite 400, Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

DART has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by December 19, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days

[1] DART acquired this line of railroad from the Missouri Pacific Railroad Company (MP) in 1990 with MP retaining trackage rights. *See Dallas Area Rapid Transit-Acquisition and Operation Exemption—Rail Line of Missouri Pacific Railroad Company and Missouri Pacific Railroad Company,* Finance Docket No. 31690 (ICC served July 17, 1990).

MP discontinued its trackage rights over the line as part of a joint relocation project. *See Missouri Pacific Railroad Company* and *The Atchison, Topeka and Santa Fe Railway Company—Joint Relocation Project Exemption,* Finance Docket No. 32060 (ICC served Apr. 27, 1992).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which is currently set at $900. *See* 49 CFR 1002.2(f)(25).

after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), DART shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by DART's filing of a notice of consummation by December 15, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: December 8, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–32648 Filed 12–12–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds Termination of Authority: Pennsylvania Manufacturers' Association Insurance Company

SUMMARY: Dept. Circ. 570, 1997—Rev., Supp. No. 5.)

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch (202) 874–7116.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certificate of Authority issued by the Treasury to Pennsylvania Manufacturers' Association Insurance Company, of Philadelphia, Pennsylvania, under the United States Code, Title 31, Sections 9304–9308, to qualify as an acceptable surety on Federal bonds was terminated effective November 13, 1997.

The Company was last listed as an acceptable surety on Federal bonds at 62 FR 35571, July 1, 1997.

With respect to any bonds currently in force with Pennsylvania Manufacturers' Association Insurance Company, bond-approving officers may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted. In addition, bonds that are continuous in nature should not be renewed.

The Treasury Department Circular 570 may be viewed and downloaded through the Internet (http://www.fms.treas.gov/c570.html) or through our computerized public bulletin board system at (202) 874–6887. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 048–000–00509–8.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6A11, Hyattsville, MD 20782.

Dated: December 4, 1997.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 97–32664 Filed 12–12–97; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–100–78]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–100–78 (TD 7918), Creditability of Foreign Taxes (§§ 1.901–2 and 1.901–2A).

DATES: Written comments should be received on or before February 13, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Creditability of Foreign Taxes.

OMB Number: 1545–0746.

Regulation Project Number: LR–100–78.

Abstract: Section 1.901–2A of the regulation contains special rules that apply to taxpayers engaging in business transactions with a foreign government that is also taxing them. In general, such taxpayers must establish what portion of a payment made pursuant to a foreign levy is actually tax and not compensation for an economic benefit received from the foreign government. One way a taxpayer can do this is by electing to apply the safe harbor formula of section 1.901–2A by filing a statement with the IRS.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 110.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 37.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 9, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–32673 Filed 12–12–97; 8:45 am]

BILLING CODE 4810–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Announcement 97–122

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Announcement 97–122, Interim Guidance for Roth Individual Retirement Accounts.

DATES: Written comments should be received on or before February 13, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Interim Guidance for Roth Individual Retirement Accounts.

OMB Number: 1545–1568.

Announcement Number: Announcement 97–122.

Abstract: Announcement 97–122 provides interim guidance concerning the establishment of Roth Individual Retirement Accounts (described in section 408A of the Internal Revenue Code as added by section 302 of the Taxpayer Relief Act of 1997). The guidance is directed mainly at banks, etc., that will market prototype Roth IRAs to the public.

Current Actions: There are no changes being made to the announcement at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 4,000.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 8,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 9, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–32674 Filed 12–12–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–178–78]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–178–78 (TD 7898), Employers' Qualified Educational Assistance Programs (§ 1.127–2).

DATES: Written comments should be received on or before February 13, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employers' Qualified Educational Assistance Programs.

OMB Number: 1545–0768.

Regulation Project Number: EE–178–78.

Abstract: Internal Revenue Code section 127(a) provides that the gross income of an employee does not include amounts paid or expenses incurred by an employer if furnished to the employee pursuant to a qualified educational assistance program. This regulation requires that a qualified educational assistance program must be a separate written plan of the employer and that employees must be notified of the availability and terms of the program. Also, substantiation may be required to verify that employees are entitled to exclude from their gross income amounts paid or expenses incurred by the employer.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 5,200.

Estimated Time Per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 615.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 9, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–32675 Filed 12–12–97; 8:45 am]

BILLING CODE 4830–01–U

ENRICHMENT CORPORATION

Sunshine Act Meeting

AGENCY: United States Enrichment Corporation, Board of Directors.

TIME AND DATE: 8:00 a.m., Wednesday, December 17, 1997.

PLACE: USEC Corporate Headquarters, 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: The Board meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

- Review of commercial, operational and financial issues of the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Joseph Tomkowicz 301–564–3345.

Dated: December 10, 1997.

Robert J. Moore,

Corporate Secretary.

[FR Doc. 97–32728 Filed 12–11–97; 9:32 am]

BILLING CODE 8720–01–M

UNITED STATES INFORMATION AGENCY

English Teaching Fellow Program

ACTION: Request for proposals.

SUMMARY: the English Teaching Program Division of the Agency's Bureau of Education and Cultural Affairs announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to manage and administer the English Teaching Fellow Program, which is designed to provide universities, binational centers teacher-training colleges and other language institutions worldwide with professionally trained American expertise in English as a foreign language (EFL), and to give recent M.A. graduates in TEFL/TESL additional teaching experience overseas. The Program increases the American academic presence in foreign institutions, enhances the American cultural component, and improves academic standards. An introduction to American English, methodology and materials opens the door for advanced study in the U.S., and establishes an ongoing relationship that will bear fruit in trade and commerce as well.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries. . . ; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations . . . and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided through the Fulbright-Hayes Act.

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

Announcement Title and Number: All communications with USIA concerning this RFP should refer to the announcement's title and reference number E/AL–98–01.

Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on Friday, January 30, 1998. Faxed documents will not be accepted at any time. Documents postmarked by the due date but received at a later date will not be accepted.

FOR FURTHER INFORMATION CONTACT: The Office of Academic Programs, English Language Programs Division, E/AL, Room 304, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547, telephone: 202–619–5869; fax: 202–401–1250, e-mail address: cjwillia@usia.gov to request a Solicitation Package containing more details. Please request required application forms, and standard guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/education/rfps. Please read all information before downloading.

To Receive a Solicitation Package via Fax on demand: The entire Solicitation Package may be received via the Bureau's ''Grants Information Fax on Demand System'', which is accessed by calling 202/401–7616. Please request a ''Catalog'' of available documents and order numbers when first entering the system.

Please specify USIA Program Officer Catherine Williamson on all inquiries and correspondences. Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions: Applicants must follow all instructions given in the Solicitation Package. The original and ten copies of the application should be sent to: U.S. Information Agency, Ref.: E/AL–98–01, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC 20547.

Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity''

should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy'', USIA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should account for advancement of this goal in their program contents, to the full extend deemed feasible.

SUPPLEMENTARY INFORMATION:

Overview

The United States Information Agency (USIA) is soliciting proposals from U.S. non-profit educational institutions/organizations to manage and administer the English Teaching Fellow Exchange Program. The program provides to English language teaching professionals with recent M.A. degrees in TEFL/TESL the opportunity to teach abroad at universities, teacher-training colleges, binational centers, or other host country institutions. Fellows must be U.S. citizens. Fellows will serve as full-time teachers of English as a Foreign Language in selected countries to be determined at a later date by USIA. In addition, they may be asked to work in materials/test development or teacher-training activities. The program is for twelve months beginning with academic year 1998–99. The program occasionally grants an extension up to one additional year. In the past three years, the English Teaching Fellow program has placed over 125 U.S. teachers worldwide, promoting English teaching as a response to the dramatic increase in the demand for English caused by political or economic changes.

Guidelines

The grantee organization is responsible for the management and administrative aspects of the program which include the following:

—Recruitment and placement of approximately 35 English teachers;
—Arrangement of a 4–5 day pre-departure orientation program which will provide the English Teaching Fellows with tools and skills through a cross-cultural training segment designed to facilitate adaptation to the participant's host country environment and their host institutional context; provide techniques and approaches to special areas in the EFL field such as teacher training and curriculum and materials development; acquaint the participants with the parameters, expectations and administrative workings of the English Teaching Fellow program; and make known the professional resources available to the participants through USIA and other NGOs in the English teaching field.
—Fiscal management and logistics;
—Travel management (itinerary schedules, airline ticket purchases; drafts of telegrams to USIS overseas posts with flight information, etc.);
—Enrollment of medical insurance;
—Development of promotional materials in support of the program;
—Extensive monitoring, review, follow up and evaluation of English Teaching Fellows reports. Fellows are required to submit a mid-year and final year-end report.

The period of the program is from March 1, 1998 through September 30, 1999. Recruitment and selection process will begin at the 1998 TESOL Convention in Seattle, Washington, March 17–21, 1998; pre-departure orientation, first or second week of August, 1998; and Fellows' travel to overseas assignment first and second week of September, 1998. The grantee organization is to provide a proposed time line for the activities. The Fellows will receive a basic stipend, round trip ticket, living and housing allowance, book allowance, miscellaneous expense, and $50,000 health insurance coverage.

Proposed Budget

Organizations must submit a comprehensive line item budget based on the specific guidance in the Solicitation Package.

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a breakdown reflecting both the administrative budget and the program budget. For further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding.

Allowable costs for the program include the following:

(1) Fellow remuneration—$17,000 per Fellow
(2) Round trip international travel—3,500 per Fellow
(3) Pre-departure (per diem)—800 per Fellow
(4) Pre-departure allowance—500 per Fellow
(5) Educational materials—100 per Fellow
(6) Excess Baggage/Shipping Allowance—400 per Fellow

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the program office, as well as the USIA Office of African Affairs, Office of East Asian and Pacific Affairs, Office of Inter-American Affairs, Office of East European and NIS Affairs, Office of West European and Canadian Affairs, Office of North African, Near Eastern, and South Asian Affairs, and USIS overseas posts, where appropriate. Proposals may be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to Agency mission.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible.

Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) which ensures that USIA supported programs are not isolated events.

9. Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

12. Value to U.S.-Partner Country Relations: Proposed projects should receive positive assessments by USIA's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country(ies).

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative.

Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposed budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: December 8, 1997.

John P. Loiello,

Associate Director for Educational and Cultural Affairs.

[FR Doc. 97–32587 Filed 12–12–97; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Minority Veterans, Notice of Meeting

The Department of Veterans Affairs (VA), in accordance with Public Law 103–446, gives notice that a meeting of the Advisory Committee on Minority Veterans will be held from Monday, January 12 through Wednesday, January 14, 1998, in Washington, DC. The purpose of the Advisory Committee on Minority Veterans is to advise the Secretary of Veterans Affairs on the administration of VA benefits and services for minority veterans, to assess the needs of minority veterans and to evaluate whether VA compensation, medical and rehabilitation services, outreach, and other programs are meeting those needs. The Committee will make recommendations to the Secretary regarding such activities.

The meeting will convene in room 230, VA Central Office (VACO) Building, 810 Vermont Avenue, NW, Washington, DC, from 8:30 A.M. to 5:00 P.M. on Monday, January 12, the Committee will receive an orientation on its duties and responsibilities. On Tuesday, January 13, the Committee will review the implementation plan for the 63 recommendations contained in its third Annual Report. The Committee will also finalize plans for each subcommittee and set the agenda for the coming year. On Wednesday, January 14, the Subcommittees will examine issues germane to their assigned areas of responsibility. These sessions will be open to the public. It will be necessary for those wishing to attend to contact Mrs. Crystal Lawrence-Greenwell, Department of Veterans Affairs (phone (202) 273–6708) prior to January 5, 1998. No time will be allocated for the purpose of receiving oral presentations from the public. However, the Committee will accept appropriate written comments from interested parties on issues affecting minority veterans. Such comments should be referred to the Committee at the following address: Advisory Committee on Minority Veterans, Center for Minority Veterans (00M), U.S. Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: December 5, 1997.

By direction of the Acting Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 97–32603 Filed 12–12–97; 8:45 am]

BILLING CODE 8320–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Electronic Records Work Group; Notice of Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of meeting.

SUMMARY: NARA will hold the initial meeting of the Electronic Records Work Group on December 19, 1997, to discuss issues related to the operation of the Work Group. The public is invited to observe the meeting; however, seating is limited. The Electronic Records Work Group will focus on identifying workable alternatives to the disposition practices currently authorized under NARA's General Records Schedule 20 for Electronic Records. Members of the Work Group are experts drawn from NARA and other Federal agencies. The Work Group will solicit technical assistance on specific issues from experts with practical experience in the private sector and the archives of other governments. Additional information about the Electronic Records Work Group is available on NARA's GRS 20 Internet Web page at <http://www.nara.gov/records/grs20/>.

DATES: The meeting is scheduled for December 19, 1997, from 11 a.m–12:30 p.m.

ADDRESSES: The meeting will be held in Lecture Room A, National Archives at College Park, 8601 Adelphi Rd., College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Jean Cooke at 301–713–7110, extension 228.

Dated: December 12, 1997.

John W. Carlin,

Archivist of the United States.

[FR Doc. 97–32903 Filed 12-12-97; 12:17 pm]

BILLING CODE 7515–01–P

Corrections

Federal Register

Vol. 62, No. 240

Monday, December 15, 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 ENERGY

Federal Energy Regulatory Commission

[Docket No. OA96-206-002]

The Empire District Electric Company; Notice of Filing

Correction

In notice document 97–32128 appearing on page 64818, in the issue of Tuesday, December 9, 1997, the Docket Number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 175

[CGD 85–080]

RIN 2115–AC 22

Small Passenger Vessel Inspection and Certification; Correction

Correction

In rule document 97–31895, beginning on page 64303, in the issue of Friday, December 5, 1997, make the following correction:

§ 175.400 [Corrected]

On page 64306, in the second column, in § 175.400, in the definition of *Wood vessel*, in the sixth line, ''area'' should read ''are''.

BILLING CODE 1505-01-D

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Federal Register

Vol. 62, No. 240

Monday, December 15, 1997

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FEDERAL REGISTER PAGES AND DATES, DECEMBER

63441–63626 1
63627–63824 2
63825–64130 3
64131–64262 4
64263–64510 5
64511–64676 8
64677–65004 9
65005–65196 10
65197–65308 11
65309–65592 12
65593–65740 15

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7056 64127
7057 64131
7058 65003
7059 65309

Administrative Orders:
Presidential Determinations:
No. 98–4 of November 14, 1997 63823
No. 98–5 of November 17, 1997 63619
No. 96–6 of December 2, 1997 65005

5 CFR

213 63627
315 63627
410 63630
531 65311
591 63630

7 CFR

2 65593
17 63606
247 64511
301 .....64133, 64263, 64677
319 65007
320 65007
330 65007
352 65007
401 .....63631, 65313
422 65321
437 65338
443 65344
454 63631
457 .....63631, 63633, 65130, 65313, 65321, 65338, 65344
1412 63441

Proposed Rules:
70 63471
610 64174
729 63678
1301 65226

8 CFR

213a 64048
299 64048

9 CFR

78 .....64134, 65596
91 64265
93 64265

Proposed Rules:
85 65630
381 64767
441 64767

10 CFR

30 63634
32 63634
50 63825
70 63825
73 63640

Proposed Rules:
40 65039
50 .....63892, 63911
70 63911

11 CFR

Proposed Rules:
114 65040

12 CFR

8 64135
226 63441
265 64996
516 64138
543 64138
545 64138
552 64138
556 64138
563 64138
614 63644
703 64146
704 64148
790 65197
791 64266
934 65197
1806 64440

Proposed Rules:
225 64997
226 64769
404 64177
405 64177
708a 64185
708b 64187

14 CFR

39 .....63622, 63828, 63830, 63831, 63835, 63836, 64268, 64511, 64513, 64514, 64517, 64519, 64680, 65009, 65011, 65198, 65352, 65355, 65597, 65600, 65601, 65603, 65604
71 .....64148, 64150, 64151, 64152, 64268, 64268, 64269, 64271, 64272, 64273, 64521, 65012, 65013, 65014, 65015, 65201, 65357, 65358, 65606
73 .....65359, 65360
95 .....65016, 65361, 65363
97 .....63447, 63449, 63451
121 65202
255 63837
1260 63452

Proposed Rules:
39 .....63473, 63475, 63476, 63624, 63912, 63914, 64523, 64775, 64777, 64779, 64780, 64782, 64784, 64785, 64787, 65227, 65228, 65230, 65231, 65233
71 .....63916, 63917, 64321, 64321, 64322, 64323, 64525,

65040, 65041, 65308, 65383, 65631

15 CFR

295....64682
Proposed Rules:
806....65043
960....65384

17 CFR

15....65203
230....64968, 65043
239....64968
270....64968
274....64687, 64968

18 CFR

35....64688
37....64715
401....64154

20 CFR

255....64161
340....64273
404....64274
422....64274
Proposed Rules:
211....64188
422....63681

21 CFR

101....63647, 63653, 64634
179....64102, 64107
520....65020
Proposed Rules:
200....64048
808....65384
1020....65235
1308....64526

22 CFR

Proposed Rules:
22....63478
51....63478
53....63478

23 CFR

1327....63655
Proposed Rules:
655....64324

24 CFR

201....65180
202....65180
203....65180
570....64634
888....64521

26 CFR

Proposed Rules:
1....64190

28 CFR

0....63453
540....65184, 65196

29 CFR

520....64956
521....64956
522....64956
523....64956
527....64956
1614....63847
1910....65203
4011....65607
4022....65607
4044....65609, 65610
Proposed Rules:
1910....65388

30 CFR

Proposed Rules:
57....64789
75....64789
917....63684, 65044
926....63685, 64327
936....65632

31 CFR

500....64720
Proposed Rules:
356....64528

32 CFR

320....65020
Proposed Rules:
199....64191
901....63485

33 CFR

100....65021
117....63847
160....65203
165....65022

36 CFR

701....64279
Proposed Rules:
1....63488
14....63488
327....64192

37 CFR

202....63657
Proposed Rules:
253....63502
255....63506

38 CFR

4....65207
17....64722
21....63847, 63848
36....63454
Proposed Rules:
20....64790

39 CFR

111....63850
262....64280
265....64280

40 CFR

52....63454, 63456, 63658, 64284, 64522, 64722, 64725, 65224, 65611, 65613
62....65616
63....64736, 65022
64....63662
70....63662
71....63662
80....63853
81....64284, 64725, 65025
180....63662, 63858, 64048, 64287, 64294, 65030, 65365, 65367, 65369
185....64048, 64284, 64287
186....64048
261....63458
264....64636, 64795
265....64636
268....64504
270....64636
300....65225
721....64738
Proposed Rules:
51....64532
52....63687, 64329, 64543, 647389, 65046, 65634
62....65635
63....65049
80....63918
81....63687
112....63812
194....64327
721....64738

41 CFR

105–60....64740
301....63798

42 CFR

417....63669
Proposed Rules:
1001....63689, 65049

43 CFR

3740....65376
3810....65376
3820....65376
Proposed Rules:
4....64544

45 CFR

205....64301
232....64301
233....64301
235....64301
250....64301
251....64301
255....64301
256....64301
257....64301

46 CFR

114....64303
116....64303
117....64303
118....64303
121....64303
122....64303
175....64303, 65739
177....64303
178....64303
180....64303
185....64303
514....63463

47 CFR

20....63864
22....63864
25....64167
43....64741
52....64759
54....65036, 65389
63....64741
64....64741, 64759
69....65619
73....63674, 65392
74....65392
Proposed Rules:
32....65053
73....63690

48 CFR

Ch. I....64912, 64952
1....64913, 64940
2....64914
4....64915, 64916
5....64914
6....64916
7....64914
8....64914, 64916
9....64914
12....64914, 64916
13....64914, 64916
16....64914, 64916
17....64914
19....64914, 64916, 64940
22....64914
25....64929
29....64930
31....64930, 64931, 64932
32....64914, 64916
33....64914, 64933
34....64914
37....64914
38....64914
39....64914
41....64916
42....64915, 64931, 64934, 64940
43....64916
45....64914
46....64914
47....64936
49....64916
51....64914
52....64914, 64915, 64916
53....64914, 64916, 64934, 64936, 64940
Proposed Rules:
1843....64545
1852....64545

49 CFR

171....65188
219....63464, 63675
225....63675
240....63464
1241....65378
Proposed Rules:
195....65635
213....65401
243....65479
572....64546
Ch. X....64193

50 CFR

17....64306
20....63608
222....63467
622....63677
648....63872, 64765
660....63876
679....63877, 63878, 63880, 64760, 65379, 65622, 65626
Proposed Rules:
14....64335
17....64337, 64340, 64799, 64800, 65237
23....64347
229....65402
600....65055
622....65056
648....65055
679....63690, 65402, 65635, 65638, 65644

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT DECEMBER 15, 1997

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Perishable Agricultural Commodities Act; implementation:

Electronic transmissions as ordinary and usual billing or invoice statements; published 11-14-97

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Sliced and pre-packaged dry-cured pork products; published 11-14-97

Plant-related quarantine, domestic:

Asian longhorned beetle; published 11-13-97

AGRICULTURE DEPARTMENT

Organization, functions, and authority delegations:

General officers and agency administrators; authorities modification, extension, and additions; published 12-15-97

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Electric utilities (Federal Power Act):

Hydroelectric projects; applications for licenses and exemptions; alternative administrative process; published 11-5-97

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; published 10-15-97

Maryland; published 10-15-97

Clean Air Act:

Special exemptions—

Virgin Islands; published 11-14-97

FEDERAL COMMUNICATIONS COMMISSION

Television broadcasting:

Cable television systems—

Inside wiring; published 11-14-97

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes, etc.:

Treaty-based return positions; published 10-14-97

VETERANS AFFAIRS DEPARTMENT

Medical benefits:

State home facilities; construction or acquisition grants; published 11-13-97

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Hazelnuts grown in Oregon and Washington; comments due by 12-15-97; published 10-14-97

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle and bison—

State and area classifications; comments due by 12-15-97; published 10-15-97

Plant-related quarantine, domestic:

Oriental fruit fly; comments due by 12-15-97; published 10-14-97

Plant-related quarantine, foreign:

Tomatoes from Morocco and Western Sahara, etc.; comments due by 12-15-97; published 10-16-97

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Carrageenam, locust bean gum and xanthan gum blend used as binder in cured pork products; comments due by 12-19-97; published 11-19-97

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pacific halibut and red king crab; comments due by 12-18-97; published 12-3-97

Marine mammals:

Endangered fish or wildlife—

Atlantic sturgeon; comments due by 12-16-97; published 10-17-97

Incidental taking—

Vandenberg AFB, CA; missile and rocket launches, aircraft flight test operations, and helicopter operations; comments due by 12-15-97; published 11-14-97

DEFENSE DEPARTMENT

Acquisition regulations:

Contract performance reporting outside the United States; comments due by 12-16-97; published 10-17-97

Government property; comments due by 12-16-97; published 10-17-97

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Natural Gas Policy Act:

Interstate natural gas pipelines—

Business practice standards; comments due by 12-18-97; published 11-18-97

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Florida; comments due by 12-15-97; published 11-13-97

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 12-19-97; published 11-19-97

FARM CREDIT ADMINISTRATION

Farm credit system:

Leasing activities; comments due by 12-15-97; published 10-15-97

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Arkansas; comments due by 12-15-97; published 10-31-97

Florida; comments due by 12-15-97; published 10-31-97

Illinois; comments due by 12-15-97; published 10-31-97

Michigan; comments due by 12-15-97; published 10-31-97

Oregon; comments due by 12-15-97; published 10-31-97

FEDERAL DEPOSIT INSURANCE CORPORATION

Interest on deposits:

Payment of interest; exception to prohibition; comments due by 12-15-97; published 10-16-97

FEDERAL LABOR RELATIONS AUTHORITY

Freedom of Information Act; implementation; comments due by 12-15-97; published 11-14-97

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Real Estate Settlement Procedures Act:

Mortgage brokers; disclosure of fees; comments due by 12-15-97; published 10-16-97

INTERIOR DEPARTMENT

Indian Affairs Bureau

Law and order on Indian reservations:

Courts of Indian Offenses and law and order code

Correction; comments due by 12-15-97; published 11-14-97

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Atlantic sturgeon; comments due by 12-16-97; published 10-17-97

Mobile River Basin, AL; three aquatic snails as endangered and three aquatic snails as threatened; comments due by 12-16-97; published 10-17-97

Newcomb's snail; comments due by 12-15-97; published 11-12-97

St. Andrew Beach mouse; comments due by 12-16-97; published 10-17-97

INTERIOR DEPARTMENT
Conflict of interests:
Ethical conduct for Department of Interior employees; supplemental standards; comments due by 12-15-97; published 10-16-97

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office
Permanent program and abandoned mine land reclamation plan submissions:
Louisiana; comments due by 12-19-97; published 11-19-97
Montana; comments due by 12-17-97; published 12-2-97
Ohio; comments due by 12-17-97; published 12-2-97
Surface coal mining and reclamation operations:
Ownership and control, permit application process, and improvidently issued permits; comments due by 12-15-97; published 10-29-97

INTERNATIONAL TRADE COMMISSION
Freedom of Information Act and Privacy Act; implementation; comments due by 12-17-97; published 11-17-97

JUSTICE DEPARTMENT
Drug Enforcement Administration
List I chemicals; manufacturers, distributors, importers and exporters; registration:
Pseudoephedrine and phenylpropanolamine products; temporary distribution registration exemption; comments due by 12-16-97; published 10-17-97

JUSTICE DEPARTMENT
Prisons Bureau
Inmate control, custody, care, etc.:
Early release consideration; drug abuse treatment and intensive confinement center programs; comments due by 12-15-97; published 10-15-97

LABOR DEPARTMENT
Occupational Safety and Health Administration
Safety and health standards:
Tuberculosis, occupational exposure to; comments due by 12-16-97; published 10-17-97

NATIONAL RAILROAD PASSENGER CORPORATION
Freedom of Information Act; implementation; comments due by 12-15-97; published 11-14-97

TRANSPORTATION DEPARTMENT
Coast Guard
Drawbridge operations:
North Carolina; comments due by 12-15-97; published 10-16-97

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airbus; comments due by 12-19-97; published 11-19-97
AlliedSignal Inc.; comments due by 12-16-97; published 10-17-97
Bombardier; comments due by 12-18-97; published 11-18-97
Dassault; comments due by 12-15-97; published 11-13-97
Dornier; comments due by 12-15-97; published 11-13-97
Robinson Helicopter Co.; comments due by 12-16-97; published 10-17-97
Short Brothers plc; comments due by 12-19-97; published 11-19-97
SOCATA-Groupe AEROSPATIALE; comments due by 12-15-97; published 11-7-97
Class E airspace; comments due by 12-15-97; published 10-31-97

TREASURY DEPARTMENT
Fiscal Service
Financial management services:
Federal payments; conversion (two phases) of checks to electronic fund transfer; comments due by 12-16-97; published 9-16-97

TREASURY DEPARTMENT
Internal Revenue Service
Employment taxes and collection of income taxes at source:
Form W-8; electronic filing; comments due by 12-15-97; published 10-14-97

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●**4**	(869–032–00003–4)	7.00	Jan. 1, 1997
5 Parts:			
●1–699	(869–032–00004–2)	34.00	Jan. 1, 1997
●700–1199	(869–032–00005–1)	26.00	Jan. 1, 1997
●1200–End, 6 (6 Reserved)	(869–032–00006–9)	33.00	Jan. 1, 1997
7 Parts:			
●0–26	(869–032–00007–7)	26.00	Jan. 1, 1997
●27–52	(869–032–00008–5)	30.00	Jan. 1, 1997
●53–209	(869–032–00009–3)	22.00	Jan. 1, 1997
●210–299	(869–032–00010–7)	44.00	Jan. 1, 1997
●300–399	(869–032–00011–5)	22.00	Jan. 1, 1997
●400–699	(869–032–00012–3)	28.00	Jan. 1, 1997
●700–899	(869–032–00013–1)	31.00	Jan. 1, 1997
●900–999	(869–032–00014–0)	40.00	Jan. 1, 1997
●1000–1199	(869–032–00015–8)	45.00	Jan. 1, 1997
●1200–1499	(869–032–00016–6)	33.00	Jan. 1, 1997
●1500–1899	(869–032–00017–4)	53.00	Jan. 1, 1997
●1900–1939	(869–032–00018–2)	19.00	Jan. 1, 1997
●1940–1949	(869–032–00019–1)	40.00	Jan. 1, 1997
●1950–1999	(869–032–00020–4)	42.00	Jan. 1, 1997
●2000–End	(869–032–00021–2)	20.00	Jan. 1, 1997
●**8**	(869–032–00022–1)	30.00	Jan. 1, 1997
9 Parts:			
●1–199	(869–032–00023–9)	39.00	Jan. 1, 1997
●200–End	(869–032–00024–7)	33.00	Jan. 1, 1997
10 Parts:			
●0–50	(869–032–00025–5)	39.00	Jan. 1, 1997
●51–199	(869–032–00026–3)	31.00	Jan. 1, 1997
●200–499	(869–032–00027–1)	30.00	Jan. 1, 1997
●500–End	(869–032–00028–0)	42.00	Jan. 1, 1997
●**11**	(869–032–00029–8)	20.00	Jan. 1, 1997
12 Parts:			
●1–199	(869–032–00030–1)	16.00	Jan. 1, 1997
●200–219	(869–032–00031–0)	20.00	Jan. 1, 1997
●220–299	(869–032–00032–8)	34.00	Jan. 1, 1997
●300–499	(869–032–00033–6)	27.00	Jan. 1, 1997
●500–599	(869–032–00034–4)	24.00	Jan. 1, 1997
●600–End	(869–032–00035–2)	40.00	Jan. 1, 1997
●**13**	(869–032–00036–1)	23.00	Jan. 1, 1997
14 Parts:			
●1–59	(869–032–00037–9)	44.00	Jan. 1, 1997
●60–139	(869–032–00038–7)	38.00	Jan. 1, 1997
●140–199	(869–032–00039–5)	16.00	Jan. 1, 1997
●200–1199	(869–032–00040–9)	30.00	Jan. 1, 1997
●1200–End	(869–032–00041–7)	21.00	Jan. 1, 1997
15 Parts:			
●0–299	(869–032–00042–5)	21.00	Jan. 1, 1997
●300–799	(869–032–00043–3)	32.00	Jan. 1, 1997
●800–End	(869–032–00044–1)	22.00	Jan. 1, 1997
16 Parts:			
●0–999	(869–032–00045–0)	30.00	Jan. 1, 1997
●1000–End	(869–032–00046–8)	34.00	Jan. 1, 1997
17 Parts:			
●1–199	(869–032–00048–4)	21.00	Apr. 1, 1997
●200–239	(869–032–00049–2)	32.00	Apr. 1, 1997
●240–End	(869–032–00050–6)	40.00	Apr. 1, 1997
18 Parts:			
●1–399	(869–032–00051–4)	46.00	Apr. 1, 1997
●400–End	(869–032–00052–2)	14.00	Apr. 1, 1997
19 Parts:			
●1–140	(869–032–00053–1)	33.00	Apr. 1, 1997
●141–199	(869–032–00054–9)	30.00	Apr. 1, 1997
●200–End	(869–032–00055–7)	16.00	Apr. 1, 1997
20 Parts:			
●1–399	(869–032–00056–5)	26.00	Apr. 1, 1997
●400–499	(869–032–00057–3)	46.00	Apr. 1, 1997
●500–End	(869–032–00058–1)	42.00	Apr. 1, 1997
21 Parts:			
●1–99	(869–032–00059–0)	21.00	Apr. 1, 1997
●100–169	(869–032–00060–3)	27.00	Apr. 1, 1997
●170–199	(869–032–00061–1)	28.00	Apr. 1, 1997
●200–299	(869–032–00062–0)	9.00	Apr. 1, 1997
●300–499	(869–032–00063–8)	50.00	Apr. 1, 1997
●500–599	(869–032–00064–6)	28.00	Apr. 1, 1997
●600–799	(869–032–00065–4)	9.00	Apr. 1, 1997
●800–1299	(869–032–00066–2)	31.00	Apr. 1, 1997
●1300–End	(869–032–00067–1)	13.00	Apr. 1, 1997
22 Parts:			
●1–299	(869–032–00068–9)	42.00	Apr. 1, 1997
●300–End	(869–032–00069–7)	31.00	Apr. 1, 1997
●**23**	(869–032–00070–1)	26.00	Apr. 1, 1997
24 Parts:			
●0–199	(869–032–00071–9)	32.00	Apr. 1, 1997
●200–499	(869–032–00072–7)	29.00	Apr. 1, 1997
●500–699	(869–032–00073–5)	18.00	Apr. 1, 1997
●700–1699	(869–032–00074–3)	42.00	Apr.1, 1997
●1700–End	(869–032–00075–1)	18.00	Apr. 1, 1997
●**25**	(869–032–00076–0)	42.00	Apr. 1, 1997
26 Parts:			
●§§ 1.0-1–1.60	(869–032–00077–8)	21.00	Apr. 1, 1997
●§§ 1.61–1.169	(869–032–00078–6)	44.00	Apr. 1, 1997
●§§ 1.170–1.300	(869–032–00079–4)	31.00	Apr. 1, 1997
●§§ 1.301–1.400	(869–032–00080–8)	22.00	Apr. 1, 1997
●§§ 1.401–1.440	(869–032–00081–6)	39.00	Apr. 1, 1997
●§§ 1.441-1.500	(869-032-00082-4)	22.00	Apr. 1, 1997
●§§ 1.501–1.640	(869–032–00083–2)	28.00	Apr. 1, 1997
●§§ 1.641–1.850	(869–032–00084–1)	33.00	Apr. 1, 1997
●§§ 1.851–1.907	(869–032–00085–9)	34.00	Apr. 1, 1997
●§§ 1.908–1.1000	(869–032–00086–7)	34.00	Apr. 1, 1997
●§§ 1.1001–1.1400	(869–032–00087–5)	35.00	Apr. 1, 1997
●§§ 1.1401–End	(869–032–00088–3)	45.00	Apr. 1, 1997
●2–29	(869–032–00089–1)	36.00	Apr. 1, 1997
30–39	(869–032–00090–5)	25.00	Apr. 1, 1997
●40–49	(869–032–00091–3)	17.00	Apr. 1, 1997
●50–299	(869–032–00092–1)	18.00	Apr. 1, 1997
●300–499	(869–032–00093–0)	33.00	Apr. 1, 1997
500–599	(869–032–00094–8)	6.00	[4] Apr. 1, 1990
●600–End	(869–032–00095–3)	9.50	Apr. 1, 1997
27 Parts:			
●1–199	(869–032–00096–4)	48.00	Apr. 1, 1997

Title	Stock Number	Price	Revision Date
●200–End	(869–032–00097–2)	17.00	Apr. 1, 1997
28 Parts:			
●1-42	(869–032–00098–1)	36.00	July 1, 1997
●43-end	(869-032-00099-9)	30.00	July 1, 1997
29 Parts:			
●0–99	(869–032–00100–5)	27.00	July 1, 1997
●100–499	(869–032–00101–4)	12.00	July 1, 1997
●500–899	(869–032–00102–2)	41.00	July 1, 1997
●900–1899	(869–032–00103–1)	21.00	July 1, 1997
●1900–1910 (§§ 1900 to 1910.999)	(869–032–00104–9)	43.00	July 1, 1997
1910 (§§ 1910.1000 to end)	(869–032–00105–7)	29.00	July 1, 1997
●1911–1925	(869–032–00106–5)	19.00	July 1, 1997
●1926	(869–032–00107–3)	31.00	July 1, 1997
●1927–End	(869–032–00108–1)	40.00	July 1, 1997
30 Parts:			
●1–199	(869–032–00109–0)	33.00	July 1, 1997
●200–699	(869–032–00110–3)	28.00	July 1, 1997
●700–End	(869–032–00111–1)	32.00	July 1, 1997
31 Parts:			
●0–199	(869–032–00112–0)	20.00	July 1, 1997
●200–End	(869–032–00113–8)	42.00	July 1, 1997
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–032–00114–6)	42.00	July 1, 1997
●191–399	(869–032–00115–4)	51.00	July 1, 1997
●400–629	(869–032–00116–2)	33.00	July 1, 1997
●630–699	(869–032–00117–1)	22.00	July 1, 1997
●700–799	(869–032–00118–9)	28.00	July 1, 1997
●800–End	(869–032–00119–7)	27.00	July 1, 1997
33 Parts:			
1–124	(869–032–00120–1)	27.00	July 1, 1997
125–199	(869–032–00121–9)	36.00	July 1, 1997
●200–End	(869–032–00122–7)	31.00	July 1, 1997
34 Parts:			
●1–299	(869–032–00123–5)	28.00	July 1, 1997
●300–399	(869–032–00124–3)	27.00	July 1, 1997
●400–End	(869–032–00125–1)	44.00	July 1, 1997
●35	(869–032–00126–0)	15.00	July 1, 1997
36 Parts			
●1–199	(869–032–00127–8)	20.00	July 1, 1997
200–299	(869–032–00128–6)	21.00	July 1, 1997
300–End	(869–032–00129–4)	34.00	July 1, 1997
●37	(869–032–00130–8)	27.00	July 1, 1997
38 Parts:			
0–17	(869–032–00131–6)	34.00	July 1, 1997
●18–End	(869–032–00132–4)	38.00	July 1, 1997
●39	(869–032–00133–2)	23.00	July 1, 1997
40 Parts:			
●1–49	(869–032–00134–1)	31.00	July 1, 1997
●50–51	(869–032–00135–9)	23.00	July 1, 1997
52 (52.01–52.1018)	(869–032–00136–7)	27.00	July 1, 1997
52 (52.1019–End)	(869–032–00137–5)	32.00	July 1, 1997
●53–59	(869–032–00138–3)	14.00	July 1, 1997
60	(869–032–00139–1)	52.00	July 1, 1997
●61–62	(869–032–00140–5)	19.00	July 1, 1997
●63–71	(869–032–00141–3)	57.00	July 1, 1997
●72–80	(869–032–00142–1)	35.00	July 1, 1997
●81–85	(869–032–00143–0)	32.00	July 1, 1997
86	(869–032–00144–8)	50.00	July 1, 1997
●87-135	(869–032–00145–6)	40.00	July 1, 1997
●136–149	(869–032–00146–4)	35.00	July 1, 1997
●150–189	(869–032–00147–2)	32.00	July 1, 1997
●190–259	(869–032–00148–1)	22.00	July 1, 1997
●260–265	(869–032–00149–9)	29.00	July 1, 1997
●266–299	(869–032–00150–2)	24.00	July 1, 1997
●300–399	(869–032–00151–1)	27.00	July 1, 1997
●400–424	(869–032–00152–9)	33.00	[6] July 1, 1996
●425–699	(869–032–00153–7)	40.00	July 1, 1997
●700–789	(869–032–00154–5)	38.00	July 1, 1997
●790–End	(869–032–00155–3)	19.00	July 1, 1997
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
●1–100	(869–032–00156–1)	14.00	July 1, 1997
101	(869–032–00157–0)	36.00	July 1, 1997
●102–200	(869–032–00158–8)	17.00	July 1, 1997
201–End	(869–032–00159–6)	15.00	July 1, 1997
42 Parts:			
●1–399	(869–028–00163–7)	32.00	Oct. 1, 1996
●400–429	(869–028–00164–5)	34.00	Oct. 1, 1996
●430–End	(869–028–00165–3)	44.00	Oct. 1, 1996
43 Parts:			
●1–999	(869–028–00166–1)	30.00	Oct. 1, 1996
●1000–end	(869–028–00167–0)	45.00	Oct. 1, 1996
●44	(869–028–00168–8)	31.00	Oct. 1, 1996
45 Parts:			
●1–199	(869–028–00169–6)	28.00	Oct. 1, 1996
●200–499	(869–028–00170–0)	14.00	[5] Oct. 1, 1995
●500–1199	(869–032–00168–5)	29.00	Oct. 1, 1997
●1200–End	(869–028–00172–6)	36.00	Oct. 1, 1996
46 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1997. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments were promulgated during the period October 1, 1995 to September 30, 1996. The CFR volume issued October 1, 1995 should be retained.

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