

§ 0.251 Authority delegated.

(a) The General Counsel is delegated authority to act as the "designated agency ethics official."

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[FR Doc. 97-11445 Filed 5-1-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 95-135; RM-8681]

Radio Broadcasting Services; Honor, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Commission denies the petition filed by Roger L. Hoppe, II ("Hoppe") for reconsideration of the *Report and Order* in MM Docket No. 95-135, 61 FR 24243, May 14, 1996. The *Report and Order* allotted Channel 264A to Honor, Michigan, as a first local service and denied Hoppe's one step application and counterproposal as untimely to substitute Channel 264C2 for Channel 261A at Bear Lake, Michigan. The Commission has affirmed the action taken in the *Report and Order* that a first local service at Honor, Michigan, will better serve the public interest than expanded service at Bear Lake, Michigan.

EFFECTIVE DATE: May 2, 1997.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-11128 Filed 5-1-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 107 and 190**

[Docket No. RSP-3]

RIN 2137-AD00

Availability of Interpretations of Hazardous Materials and Pipeline Safety Regulations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: In this final rule, RSPA establishes two new informational sections. The new sections give notice of the availability of informal guidance and interpretive assistance concerning the Federal hazardous materials transportation law and the Hazardous Materials Regulations, as well as the Federal pipeline safety law and the pipeline safety regulations.

EFFECTIVE DATE: The effective date of these amendments is May 2, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy E. Machado, Office of the Chief Counsel, (202) 366-4400, RSPA, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001 (for hazardous materials transportation issues); or, Paul Sanchez, Office of the Chief Counsel, (202) 366-4400, RSPA, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001 (for pipeline safety issues).

SUPPLEMENTARY INFORMATION:**Background**

On March 29, 1996, the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), was enacted as Title II of the Contract with America Advancement Act of 1996, Pub. L. 104-121. Section 213(b) of SBREFA requires that, prior to March 29, 1997, each Federal agency that regulates small entities establish a program to answer inquiries by small entities concerning information on, advice about, and compliance with, statutes and agency regulations, taking into account specific facts supplied by the small entity. That section further provides that guidance given to a small entity may be used as evidence of the reasonableness or appropriateness of proposed fines, penalties, or damages in civil and administrative actions. Finally, the section mandates that each Federal agency report to Congress, by March 29, 1998, on the scope of its program; this report must include the number of small

entities obtaining guidance, and the achievements of the agency's program.

Hazardous Materials Safety—Part 107

The Federal hazardous material transportation law (Federal hazmat law), 49 U.S.C. 5101-5127, directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. 49 U.S.C. 5103. The Research and Special Programs Administration (RSPA) is the administration within the Department of Transportation primarily responsible for implementing the Federal hazmat law. 49 CFR 1.53. RSPA does so through the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

The Federal hazmat law and the HMR apply to a person who transports hazardous materials in commerce; causes hazardous material to be transported in commerce; or manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a packaging or container which is represented, marked, certified, or sold by that person as qualified for use in transporting a hazardous material in commerce. Many of the persons involved in these regulated activities are small entities, including small business concerns and individuals.

RSPA's Office of Hazardous Materials Safety (OHMS) maintains a telephonic information line dedicated to answering questions concerning all aspects of regulated hazardous materials activities. Telephonic assistance is available from 9:00 a.m. to 4:00 p.m. Eastern time, Monday through Friday, except Federal holidays. At all other times, callers are requested to leave a recorded message, which is answered by the next business day.

The information line may be reached via a local, Washington, D.C. telephone number (202-366-4488), or through a toll-free "800" number (1-800-467-4922). Additionally, a written response to a question on the Hazardous Materials Regulations may be obtained by writing to RSPA's Office of Hazardous Materials Standards.

Information may also be obtained by contacting OHMS via the Internet (<http://www.volpe.dot.gov/ohm>). Information currently or soon to be available from OHMS' internet home page includes: (1) Recent rulemakings published by OHMS, in both text and image files; (2) Information about upcoming training classes provided by DOT; (3) The Emergency Response Guidebook, searchable by identification number and shipping name; (4) The Hazardous Materials Registration form, with guidance; and (5) The Hazardous

Materials Incident Report form, with guidance.

Presently, the information line's telephone numbers are published in RSPA's Hazardous Materials Information Exchange computer bulletin board, in informational brochures distributed to state and municipal governmental entities and trade organizations, in newsletters published by trade organizations, and in various DOT publications. Additionally, many of these sources also make known the availability of RSPA's written letters of clarification and assistance with hazardous materials issues. However, many small entities, including sole proprietorships, family businesses, and individuals, may not have access to these sources of information and, correspondingly, may be unaware of the verbal and written assistance available to them.

Also, RSPA's Office of the Chief Counsel (OCC) is available to answer questions concerning Federal hazmat law and Federal preemption of state, local and Indian tribe hazardous materials transportation requirements. OCC may be contacted by telephone (202-366-4400) from 9:00 a.m. to 4:00 p.m. Eastern time, Monday through Friday, except Federal holidays. Information and guidance concerning Federal hazmat law and preemption may also be obtained by writing to OCC or by contacting OCC via the Internet at <http://rspa-atty.dot.gov>. Specifically, OCC's website contains, or will soon contain: an organizational list; an index to preemption of state and local laws on hazardous materials transportation; the status of preemption determination applications; "hot topic" summaries of current significant decisions and events; procedural rules for pipeline safety administrative enforcement cases; and, a "feedback" mechanism to correspond electronically with OCC staff attorneys.

This rule amends the regulations in Part 107 by adding a new informational section 107.14. This section describes how to obtain telephonic assistance on hazardous materials issues, publishes the local and "800" telephone numbers for OHMS' information line and for OCC, and publishes OHMS' and OCC's Internet addresses. Section 107.14 also contains a paragraph which explains the availability of written guidance, and publishes the procedure for obtaining this guidance.

Pipeline Safety—Part 190

Federal pipeline safety law, 49 U.S.C. 60101 *et seq.*, directs the Secretary of Transportation to prescribe minimum safety standards for pipeline transportation and for pipeline facilities.

49 U.S.C. 60102. RSPA is the administration within the Department of Transportation responsible for implementing the pipeline safety law. 49 CFR 1.53. RSPA does so through the pipeline safety regulations (49 CFR Parts 190-199).

The pipeline safety law and the pipeline safety regulations apply to owners and operators of pipeline facilities; may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities. There are more than 20,000 gas and hazardous liquid pipeline companies, of which only about 1,000 are major companies.

RSPA's Office of Pipeline Safety (OPS) has designated its website on the Internet and a telephone line at the OPS Washington, D.C. headquarters as its means of disseminating information concerning small pipeline operators. It is also anticipated that the OPS regional offices and inspectors in the field will disseminate information and provide assistance to small operators. Small operators will be able to access information on pipeline safety regulations, recent **Federal Register** notices, interpretations, waivers, Alert Notices, and other useful information, including information on the availability of underground utility damage prevention programs in their region.

The OPS website will clearly display a "Special Information for Operators of Small Pipelines and Master Meter Systems" button. Small operators will have access to the recently revised "Guidance Manual for Operators of Small Natural Gas Systems" (the Small Gas Operators Manual), a document that explains how to comply with the pipeline safety regulations. In addition, small operators will be able to communicate directly with OPS engineers and regulatory personnel by clicking on a "Talk With OPS" button.

Both the OPS website and information telephone line are staffed by OPS engineers and regulatory personnel. OPS staff are available between the hours of 9:00 a.m. and 5:00 p.m. Eastern time, Monday through Friday, except Federal holidays. The OPS telephone number and OPS website address are provided in customer brochures. Callers may also be directed to the information telephone line through the main telephone line at OPS headquarters. Both services are accessible on a 24-

hour basis. Individuals will be able to leave a recorded voicemail message by telephone or post a message at the website when OPS personnel are not present. All messages will receive a response by the following business day. The telephone number for the OPS information line is (202) 366-0918 and the OPS website can be accessed via the Internet at <http://www.ops.gov>.

Also, OCC is available to answer questions concerning pipeline safety law, the statutory authority underlying RSPA's pipeline regulations. OCC may be contacted by telephone (202-366-4400) from 9:00 a.m. to 4:00 p.m. Eastern time, Monday through Friday, except Federal holidays. Information and guidance concerning pipeline safety law may also be obtained by writing to OCC or by contacting OCC via the Internet at <http://rspa-atty.dot.gov>. Specifically, OCC's website contains, or will soon contain: an organizational list; an index to preemption of state and local laws on hazardous materials transportation; the status of preemption determination applications; "hot topic" summaries of current significant decisions and events; procedural rules for pipeline safety administrative enforcement cases; and, a "feedback" mechanism to correspond electronically with OCC staff attorneys.

This rule will amend the pipeline safety regulations by adding a new informational regulation located at § 190.11. This section: (1) Sets out the availability of assistance via the OPS and OCC websites on the Internet and by telephone with respect to pipeline safety issues; (2) provides the OPS and OCC website Internet addresses; and (3) provides the OPS and OCC telephone numbers.

Effective Date

Because the amendments adopted herein are for informational purposes only and impose no new regulatory burden on any person, notice and public procedure are unnecessary. For these same reasons, these amendments are being made effective without the usual 30-day delay following publication.

Rulemaking Analysis and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. The rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). The changes adopted in this

rule do not result in any additional costs to the public or the agency. Because of the minimal economic impact of this rule, preparation of a regulatory evaluation is not warranted.

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism") and does not have sufficient Federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule does not impose any new requirements; thus, there are no direct or indirect adverse economic impact for small units of government, businesses or other organizations.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

Regulation Identifier Number

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

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties.

49 CFR Part 190

Administrative practice and procedure, Pipeline safety.

In consideration of the foregoing, 49 CFR parts 107 and 190 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 is revised to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.45, 1.53.

2. In subpart A, a new § 107.14 is added to read as follows:

§ 107.14 Availability of informal guidance and interpretive assistance.

(a) *Availability of telephonic and Internet assistance.* (1) RSPA has a toll-free, telephonic information line which provides answers to inquiries by small entities and other parties concerning information on and advice about compliance with the hazardous materials regulations, 49 CFR parts 171–180. The information line is staffed from 9:00 a.m. through 4:00 p.m., Eastern time, Monday through Friday, except Federal holidays. When the information line is not staffed, callers leave a recorded message, which will be answered by the next business day. The telephone numbers for the information line are: 1–800–467–4922 (that is; 1–800–HMR49–22 toll free), or 202–366–4488 (Washington, DC area). Additionally, information may be obtained from the Office of Hazardous Materials Safety via the Internet at <http://www.volpe.dot.gov/ohm>.

(2) RSPA's Office of the Chief Counsel (OCC) is available to answer questions concerning Federal hazardous material transportation law, 49 USC 5101 *et seq.* and Federal preemption of state, local and Indian tribe hazardous material transportation requirements. OCC may be contacted by telephone (202–366–4400) from 9:00 a.m. to 4:00 p.m., Eastern time, Monday through Friday, except Federal holidays. Information and guidance concerning Federal hazardous material transportation law and preemption may also be obtained by contacting OCC via the Internet at <http://rspa-atty.dot.gov>.

(b) *Availability of Written Interpretations.* (1) A written regulatory clarification, response to a question, or an opinion concerning hazardous materials offering, transporting, or packaging requirements may be obtained by submitting a written request to the RSPA Office of Hazardous Materials Standards (DHM–10), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. The requestor must include his or her return address and should also include a daytime telephone number.

(2) A written interpretation regarding Federal hazardous material transportation law, 49 USC 5101 *et seq.*, may be obtained from the Office of the Chief Counsel (DCC–1) RSPA, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. The requestor must include his or her return address and should also include a daytime telephone number.

PART 190—PIPELINE SAFETY PROGRAMS AND RULEMAKING PROCEDURES

3. The authority citation for part 190 is revised to read as follows:

Authority: 33 U.S.C. 1321; 49 U.S.C. 5101–5127, 60101 *et seq.*; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.53.

4. In subpart A, a new § 190.11 is added to read as follows:

§ 190.11 Availability of informal guidance and interpretive assistance.

(a) *Availability of telephonic and Internet assistance.* (1) RSPA has established a website on the Internet and a telephone line at the Office of Pipeline Safety headquarters where small operators and others can obtain information on and advice about compliance with pipeline safety regulations, 49 CFR parts 190–199. The website and telephone line are staffed by personnel from RSPA's Office of Pipeline Safety from 9:00 a.m. through 5:00 p.m., Eastern time, Monday through Friday, except Federal holidays. When the lines are not staffed, individuals may leave a recorded voicemail message, or post a message at the OPS website. All messages will receive a response by the following business day. The telephone number for the OPS information line is (202) 366–0918 and the OPS website can be accessed via the Internet at <http://www.dot.ops.gov>.

(2) RSPA's Office of the Chief Counsel (OCC) is available to answer questions concerning Federal pipeline safety law, 49 U.S.C. 60101 *et seq.* OCC may be contacted by telephone (202–366–4400) from 9:00 a.m. to 4:00 p.m., Eastern time, Monday through Friday, except Federal holidays. Information and guidance concerning Federal pipeline safety law may also be obtained by contacting OCC via the Internet at <http://rspa-atty.dot.gov>.

(b) *Availability of Written Interpretations.* (1) A written regulatory interpretation, response to a question, or an opinion concerning a pipeline safety issue may be obtained by submitting a written request to the Office of Pipeline Safety (DPS–10), RSPA, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. The requestor must include his or her return address and should also include a daytime telephone number.

(2) A written interpretation regarding Federal pipeline safety law, 49 U.S.C. 60101 *et seq.*, may be obtained from the Office of the Chief Counsel, RSPA, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC

20590-0001. The requestor must include his or her return address and should also include a daytime telephone number.

Issued in Washington, DC on April 18, 1997, under the authority delegated in 49 C.F.R. 1.53.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97-11436 Filed 5-1-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 670

[Docket No. 961107312-7021-02; I.D. 042897A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for Pacific cod by catcher vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the portion of the 1997 total allowable catch (TAC) of Pacific cod allocated to catcher vessels using trawl gear in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), April 29, 1997, through 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The portion of the TAC of Pacific cod allocated to catcher vessels using trawl gear in the BSAI was established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 63,450 metric tons

(mt). See § 679.20(c)(3)(iii) and § 679.20(a)(7)(i)(B).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the portion of the TAC of Pacific cod allocated to catcher vessels using trawl gear in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 59,450 mt, and is setting aside the remaining 4,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is closing directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the 1997 TAC of Pacific cod allocated to catcher vessels using trawl gear in the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The TAC will soon be reached. Further delay would only result in overharvest which would disrupt the FMP's objective of providing sufficient Pacific cod to support bycatch needs in other anticipated groundfish fisheries throughout the year. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: April 29, 1997.

Gary Matlock,

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

[FR Doc. 97-11472 Filed 4-29-97; 2:33 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 042897B]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal apportionment of the 1997 Pacific halibut bycatch allowance specified for the trawl yellowfin sole fishery category.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), April 29, 1997, until 1200 hrs, A.l.t., May 11, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal apportionment of the 1997 Pacific halibut bycatch allowance specified for the trawl yellowfin sole fishery in the BSAI, which is defined at § 679.21(e)(3)(iv)(B)(I), was established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 210 metric tons.

In accordance with § 679.21(e)(7)(iv), the Administrator, Alaska Region, NMFS, has determined that the second seasonal apportionment of the 1997 Pacific halibut bycatch allowance specified for the trawl yellowfin sole fishery in the BSAI has been caught. Consequently, NMFS is prohibiting directed fishing for yellowfin sole by vessels using trawl gear in the BSAI for the remainder of the season.