

eliminates or substantially reduces a significant risk of material harm, that compliance is economically and technologically feasible, that the standard employs the most cost-effective measures that will achieve its regulatory goals, and that the standard is supported by substantial evidence in the record. See *International Union, UAW v. OSHA*, 37 F.3d 664 (1994) (upholding criteria).

The purpose of the review is to determine whether the standard should be continued without change, rescinded, or amended to make it more effective or less burdensome, consistent with the objectives of the Occupational Safety and Health Act. The review will consider the application of Executive Order 12866 on Regulatory Planning and Review (58 FR 51735, 51739, Oct. 4, 1993) and the directive of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to achieve statutory goals while imposing as little economic impact as possible on small employers. In the event the Agency determines, based on the results of this review, that the rule should be rescinded or modified, appropriate rulemaking will be initiated.

An important step in the review process involves the gathering and analysis of information from affected persons about their experience with the rule and any material changes in circumstances since issuance of the rule. This notice requests written comments and announces a public meeting to provide an opportunity for interested parties to comment on the continuing need for, adequacy or inadequacy, and potential improvement of this rule, consistent with statutory objectives. Comment concerning the following subjects would assist the Agency in determining whether to retain the standard unchanged or to initiate rulemaking for purposes of revision or rescission:

1. The benefits and utility of the rule in its current form and, if amended, in its amended form;

2. Whether potentially effective and reasonably feasible alternatives to the standard exist;

3. The continued need for the rule;

4. The complexity of the rule;

5. Whether and to what extent the rule overlaps, duplicates, or conflicts with other Federal, State, and local governmental rules;

6. Information on any new developments in technology, economic conditions, or other factors affecting the ability of affected firms to comply with the Lockout/Tagout rule;

7. Alternatives to the rule or portions of the rule that would minimize

significant impacts on small businesses while achieving the objectives of the Occupational Safety and Health Act; and

8. The effectiveness of the standard as implemented by small entities.

Persons making timely written requests to speak at the public meeting will be given priority for oral comments, as time permits. Other persons wishing to speak should register at the meeting from 12:30 to 1:00. OSHA will make every effort to accommodate individuals wishing to speak at the public meeting.

Authority: This document was prepared under the direction of Gregory R. Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 23rd day of May, 1997.

Gregory R. Watchman,

Acting Assistant Secretary.

[FR Doc. 97-14057 Filed 5-28-97; 8:45 am]

BILLING CODE 4510-26-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-135, RM-9087]

Radio Broadcasting Services; Spring Valley, MN, and Osage, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KVGGO, Inc., proposing the substitution of Channel 282C3 for Channel 282A at Spring Valley, Minnesota, and modification of the license for Station KVGGO(FM) to specify operation on Channel 282C3. The coordinates for Channel 282C3 are 43-38-23 and 92-38-30. To accommodate the substitution at Spring Valley we shall also propose the substitution of Channel 254A for Channel 279A at Osage, Iowa, and modification of the license for Station KCZY accordingly. The coordinates for Channel 254A at Osage are 43-19-20 and 92-51-22. We shall propose to modify the license for Station KVGGO(FM) in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before July 14, 1997, and reply comments on or before July 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James A. Koerner, Baraff, Koerner & Olender, P.C., Three Bethesda Metro Center, Suite 640, Bethesda, Maryland 20814-5392.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-135, adopted May 14, 1997, and released May 23, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-14021 Filed 5-28-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-136, RM-9083]

Radio Broadcasting Services; Ironton and Malden, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by B.B.C. Inc., proposing the substitution of Channel 225C2 for Channel 225C3 at Malden, Missouri, and modification of the license for Station KMAL(FM) to specify operation on Channel 225C2. The coordinates for Channel 225C2 are 36-39-48 and 89-47-39. To accommodate the substitution at Malden, we shall also propose to substitute Channel 224A for Channel 225A at Ironton, Missouri, and modify the license for Station KYLS to specify operation on Channel 224A. The coordinates for Channel 224A are 37-34-23 and 90-41-35. We shall propose to modify the license for Station KMAL(FM) in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before July 14, 1997, and reply comments on or before July 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John M. Pelkey, Haley Bader & Potts P.L.C., 4350 North Fairfax Drive, Suite 900, Arlington, Virginia 22203-1633.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-136, adopted May 14, 1997, and released May 23, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-14025 Filed 5-28-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

RIN 1018-AE24

No Surprises Policy

AGENCY: Fish and Wildlife Service, Interior; National Marine Fisheries Service, NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: This proposed rule will codify the substance of the Endangered Species Act (ESA) "No Surprises" policy issued by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) in 1994 and included in the joint FWS and NMFS Endangered Species Habitat Conservation Planning Handbook issued in November 1996 (61 FR 63854). The No Surprises policy provides regulatory assurances to the holder of an incidental take permit issued under section 10(a) of the ESA that no additional land use restrictions or financial compensation will be required of the permit holder with respect to species adequately covered by the permit, even if unforeseen circumstances arise after the permit is issued indicating that additional mitigation is needed for a given species covered by a permit. The proposed rule contains proposed revisions to parts 17 (FWS) and 222 (NMFS) of Title 50 of the Code of Federal Regulations necessary to implement the substance of the No Surprises policy. The proposed rule is published in response to the March 21, 1997, settlement agreement in *Spirit of the Sage v. Babbitt*, No. 1:96CV02503 (SS) (D. D.C.).

DATES: Comments on the proposed rule must be received by July 28, 1997.

ADDRESSES: For 50 CFR part 17, send any comments or materials concerning the proposed changes to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 452 ARLSQ, Washington, D.C., 20240 (Telephone 703/358-2171, Facsimile 703/358-1735). You may examine comments and materials received during normal business hours in room 452, Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia. For 50 CFR part 222, send any comments to Nancy Chu, Chief, Endangered Species Division, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD, 20910 (Telephone (301/713-1401)). You must make an appointment to examine these materials.

FOR FURTHER INFORMATION CONTACT: E. LaVerne Smith, Chief, Division of Endangered Species (Telephone (703/358-2171); or Nancy Chu, National Marine Fisheries Service, Chief, Endangered Species Division (Telephone (301) 713-1401).

SUPPLEMENTARY INFORMATION: The Services firmly believe that they have had sufficient authority under the Endangered Species Act (ESA) to issue Habitat Conservation Plan (HCP) permits with No Surprises assurances and continue to believe in the validity of those permits. The Services also believe that the current process and those permits issued in the past with the No Surprises assurances are legally adequate and continue to assert the Services' authority to issue individual HCP permits with the No Surprises assurances. Nevertheless, the Services recognize the benefits of permanently codifying the No Surprises policy as a rule in 50 CFR, as well as the value of soliciting additional comments on the policy itself. Therefore, the Services believed it served their purposes to settle the *Spirit of the Sage Council v. Babbitt*, No. 1:96CV02503 (SS) (D. D.C.), lawsuit, which challenged the procedures under which the No Surprises policy was adopted and under which subsequent HCP permits were issued, by agreeing to submit the No Surprises Policy to further public comment and to consider public comment in drafting a final No Surprises rule.

These proposed regulations apply to the FWS and the NMFS (collectively referred to as the Services). The background information regarding the proposed rule is the same for the Services. The proposed rule is, however, presented in two parts because the Services have separate regulations for implementing the section 10 permitting