

propagator algorithm with an accuracy equal to or greater than the NORAD propagator used by DoD.

(b) A NVNG licensee time sharing spectrum in the 400.15–401 MHz band shall establish a 24-hour per day contact person and telephone number so that claims of harmful interference into DoD earth station users and other operational issues can be reported and resolved expeditiously. This contact information shall be made available to DoD or its designee. If the National Telecommunications and Information Administration ("NTIA") notifies the Commission that DoD is receiving unacceptable interference from a NVNG licensee, the Commission will require such NVNG licensee to terminate its interfering operations immediately unless it demonstrates to the Commission's reasonable satisfaction, and that of NTIA, that it is not responsible for causing harmful interference into the worldwide DoD system. A NVNG licensee assumes the risk of any liability or damage that it and its directors, officers, employees, affiliates, agents and subcontractors may incur or suffer in connection with an interruption of its non-voice, non-geostationary mobile-satellite service, in whole or in part, arising from or relating to its compliance or noncompliance with the requirements of this paragraph (b). The Commission will not hesitate to impose sanctions on a NVNG licensee time-sharing spectrum in the 400.15–401 MHz band with DoD, including monetary forfeitures and license revocations, when appropriate.

(c) Each satellite in a NVNG licensee's system time-sharing spectrum with DoD in the 400.15–401 MHz band shall automatically turn off and cease satellite transmissions if, after 72 consecutive hours, no reset signal is received from the NVNG licensee's gateway earth station and verified by the satellite. All satellites in such NVNG licensee's system shall be capable of instantaneous shutdown on any sub-band upon command from such NVNG licensee's gateway earth station.

(d) Initially, a NVNG licensee time-sharing spectrum with DoD in the 400.15–401 MHz band shall be able to change the frequency on which its system satellites are operating within 125 minutes of receiving notification from a DoD required frequency change in the 400.15–401 MHz band.

Thereafter, when a NVNG licensee constructs additional gateway earth stations located outside of North and South America, it shall use its best efforts to decrease to 90 minutes the time required to implement a DoD required frequency change. A NVNG

licensee promptly shall notify the Commission and NTIA of any decrease in the time it requires to implement a DoD required frequency change.

(e) Once a NVNG licensee time-sharing spectrum with DoD in the 400.15–401 MHz band demonstrates to DoD that it is capable of implementing a DoD required frequency change within the time required under paragraph (d) of this section, thereafter, such NVNG licensee shall demonstrate its capability to implement a DoD required frequency change only once per year at the instruction of DoD. Such demonstrations shall occur during off-peak hours, as determined by the NVNG licensee, unless otherwise agreed by the NVNG licensee and DoD. Such NVNG licensee will coordinate with DoD in establishing a plan for such a demonstration. In the event that a NVNG licensee fails to demonstrate to DoD that it is capable of implementing a DoD required frequency change in accordance with a demonstration plan established by DoD and the NVNG licensee, upon the Commission's receipt of a written notification from NTIA describing such failure, the Commission shall impose additional conditions or requirements on the NVNG licensee's authorization as may be necessary to protect DoD operations in the 400.15–401 MHz downlink band until the Commission is notified by NTIA that the NVNG licensee has successfully demonstrated its ability to implement a DoD required frequency change. Such additional conditions or requirements may include, but are not limited to, requiring such NVNG licensee immediately to terminate its operations interfering with the DoD system.

[FR Doc. 97-28995 Filed 10-31-97; 8:45 am]  
BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 199

[Docket RSPA-97-2995, Notice No. 5]

#### Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations Alcohol Misuse Prevention Program

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

**ACTION:** Notice of random drug testing rate.

**SUMMARY:** RSPA has received and evaluated the 1996 Management

Information System (MIS) Data Collection forms for the drug testing of pipeline industry personnel. The RSPA determined that the random positive drug testing rate for pipeline industry for the period of January 1, 1996, through December 31, 1996, is 0.7 percent.

**DATES:** Effective January 1, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Catrina Pavlik, Drug/Alcohol Program Analyst, Research and Special Programs Administration, Office of Pipeline Safety, Room 2335, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-6199, Fax: (202) 366-4566, e-mail: catrina.pavlik@RSPA.dot.gov. Information is also available on the Office of Pipeline Safety's internet home page at "OPS.dot.gov."

**SUPPLEMENTARY INFORMATION:** In a final rule published on December 23, 1993 (58 FR 68257), RSPA announced that it would require operators of gas, hazardous liquid and carbon dioxide pipelines, and liquefied natural gas facilities, who are subject to 49 CFR parts 192, 193 and 195, to implement, maintain, and submit an annual report of their drug testing program data. Operators with 51 or more covered employees are required to submit this information on an annual basis. Operators with 50 or fewer covered employees are required to maintain this information, and RSPA randomly selected 100 operators in this category to submit their data. The drug testing statistical data is essential for RSPA to analyze its current approach to deterring and detecting illegal drug abuse in the pipeline industry, and, as appropriate, plan a more efficient and effective approach. In 1997, RSPA lowered the random drug testing rate to 25 percent. Since the positive random testing rate continues to be less than 1 percent industry-wide, the RSPA announces in accordance with Section 199.11(c)(3), that the minimum random drug testing rate will be maintained at 25 percent of covered pipeline employees for the period of January 1, 1998, through December 31, 1998.

Submission of MIS reports are due to the Office of Pipeline Safety, Research and Special Programs Administration, DPS-23, Room 2335, 400 7th Street SW., Washington, DC 20590, not later than March 15 of each calendar year. Notice of statistical data will be published in the future to report results of each calendar year's MIS Data Collection results. At that time, the RSPA will also publish whether or not the random rate will be reduced or

increased for the pipeline industry pursuant to Section 199.11.

Issued in Washington, DC on October 28, 1997.

**Richard B. Felder,**

*Associate Administrator for Pipeline Safety.*  
[FR Doc. 97-28985 Filed 10-31-97; 8:45 am]

BILLING CODE 4910-60-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 960531152-7241-05; I.D. 082897A]

RIN 0648-A118

#### Fisheries in the Exclusive Economic Zone Off Alaska; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** NMFS issues a technical amendment correcting minor errors in the regulations implementing the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off of Alaska. This action is necessary to correct a number of inadvertent errors in the regulations implementing the IFQ Program. The intent of this action is to improve the clarity and coherence of the IFQ regulations.

**DATES:** November 3, 1997.

**ADDRESSES:** Comments must be sent to Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK, Attn: Lori J. Gravel. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, Attn: NOAA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** James Hale, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

#### Background

The fixed gear halibut and sablefish fisheries are managed by the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus*

*stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries in and off of Alaska.

Under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982 (Halibut Act), NMFS implemented the IFQ Program in 1995, on the recommendation of the North Pacific Fishery Management Council (Council).

At 50 CFR 679.1(d)(2), the regulations state that the term "fixed gear" is described in 16 U.S.C. 773(d). The term "fixed gear" is not defined in 16 U.S.C. 773(d). However, it is defined, as an "authorized fishing gear" in 50 CFR 679.2, *Definitions*. The reference is corrected.

On August 9, 1996, at 61 FR 41523, NMFS published a final rule implementing a number of regulatory changes in the IFQ Program. Among these changes, the requirements for submitting IFQ Shipment Reports at 50 CFR 679.5(l)(2)(iii)(A) were revised to require that Shipment Reports be submitted to NMFS within 7 days of the date of shipment, not prior to the shipment as was formerly required. In the revised regulations, the reference to submission of Shipment Reports in 50 CFR 679.5(l)(2)(ii)(A) should also have been revised to be consistent with the new requirement. Moreover, this section is redundant and awkward. To correct the inconsistency and clarify the requirements for shipping reports, NMFS revises in its entirety § 679.5(l)(2).

Finally, a final rule published at 61 FR 43312, on August 22, 1996, revised the definitions of vessel categories to which quota share and IFQ can be assigned (§ 679.40(a)(5)(ii)(B)), and included an exception to the revised definitions elsewhere in the regulations (§ 679.42(a)). The exception is not referenced in the definitions themselves. For the sake of clarity, this action revises the regulations defining QS categories to reference the exception.

#### Classification

Because this technical amendment makes only minor, non-substantive corrections to an existing rule, prior notice and opportunity for public comment would serve no purpose. Accordingly, the Assistant Administrator for Fisheries, under 5 U.S.C. 553(b)(3)(B), finds for good cause that prior notice and opportunity for public comment are unnecessary. Because this is a non-substantive rule, 5 USC(d) does not require a delay in the effective date.

Because this rule is being issued without prior notice, it is not subject to the Regulatory Flexibility Act

requirement for a regulatory flexibility analysis, and none has been prepared.

This rule makes minor technical changes to a rule that has been determined to be not significant under E.O. 12866. No change in the regulatory impact previously reviewed and analyzed will result from implementation of this technical amendment.

This rule repeats a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The requirement for an IFQ shipment report has been approved by the Office of Management Budget, Control Number 0648-0272. Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of 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 number.

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: October 27, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set forth in the preamble, 50 CFR part 679 is 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 § 679.1, paragraph (d)(2) is revised to read as follows:

#### § 679.1 Purpose and scope.

\* \* \* \* \*

(d) \* \* \*

(2) *Halibut.* Regulations in this part govern commercial fishing for halibut by vessels of the United States using fixed gear, as that term is defined in 50 CFR 679.2, in and off of Alaska.

\* \* \* \* \*