

# Rules and Regulations

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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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1215

[FV-96-709FR]

#### Popcorn Promotion, Research, and Consumer Information Order; Referendum Procedures

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this rule is to provide procedures which the Department of Agriculture (Department) will use in conducting the referendum to determine whether the issuance of the proposed Popcorn Promotion, Research, and Consumer Information Order is favored by a majority of the processors voting in the referendum and that the majority process more than 50 percent of the popcorn certified as being processed by those voting in the referendum.

**DATES:** This rule is effective from March 22, 1997, through August 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Stacey L. Bryson, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, Room 2535-S, P.O. Box 96456, Washington, D.C. 20090-6456. Telephone (888) 720-9917 or (202) 720-6930.

**SUPPLEMENTARY INFORMATION:** A referendum will be conducted among eligible popcorn processors to determine whether the issuance of the proposed Popcorn Promotion, Research, and Consumer Information Order (Order) (7 CFR part 1215) is favored by a majority of persons voting in the referendum. The Order is authorized under the Popcorn Promotion, Research and Consumer Information Act (Act) (Pub. L. 104-427, 7 U.S.C. 7481-7491).

#### Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. In accordance with § 580 of the Act, nothing in the popcorn statute preempts or supersedes any other program relating to popcorn promotion organized and operated under the laws of the United States or any State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 577 of the Act, a person subject to the Order may file a petition with the Secretary stating that the Order or any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency has examined the impact of this rule on small entities. Accordingly, we have performed this Final Regulatory Flexibility Analysis.

The Act which authorized the creation of a generic program of promotion and research for popcorn became effective on April 4, 1996.

Section 576 of the Act provides that the Secretary shall conduct a referendum, within the 60-day period immediately preceding the effective date of the Order, to determine whether the issuance of the Order is favored by a majority of the processors voting in

the referendum. Paragraph (2) of section 576 of the Act requires that the Order become effective only if favored by a majority of the processors voting in the referendum and if the majority processed more than 50 percent of the popcorn certified as having been processed during the representative period by the processors voting.

Small agricultural service firms, which would include processors who would be covered under the proposed Order, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than \$5 million. The Department estimates that there are approximately 35 processors who would pay the assessments out of an industry of 67 processors in total. Almost 50 percent of the industry would be exempt from the program; those processors marketing 4 million pounds or less of popcorn annually would be exempt. Further, only 2 of the 35 eligible processors have been identified as small entities.

According to the Popcorn Institute, a trade association consisting of popcorn processors representing the industry, annual sales of popcorn were 77.240 million pounds less in 1994 than they were in 1993, when sales totaled approximately 1.156 billion pounds.

The peak period for popcorn sales for home consumption is the fall. Sales remain constant throughout the winter months and taper off during the spring and summer.

Almost all of the popcorn consumed throughout the world is grown in the United States, and Americans consume more popcorn than the citizens of any other country. Popcorn is grown in 19 states. According to the latest Census on Agriculture, the top five major popcorn-producing states in 1992 were, in descending order, Indiana (23 percent), Illinois (19 percent), Nebraska (18 percent), Ohio (10 percent), and Missouri (7 percent). This is the most recent official information on popcorn production released by the U.S. government.

U.S. exports of popcorn totaled nearly 290 million pounds in 1995, with a value of \$64.7 million. According to the Snack Food Association, retail sales of popcorn in the United States totaled \$1.469 billion in 1994.

This rule establishes the procedures under which eligible popcorn

processors may vote on whether they want the proposed popcorn promotion and research program to be implemented. The proposed Order is being published separately in this issue of the **Federal Register**.

The referendum procedures provide definitions of who is eligible to vote and instructions for referendum agents regarding subagents, publicity for the referendum and the results, ballots, voting, ballot handling and tabulation, reporting, and confidentiality of referendum materials. The representative period for establishing voter eligibility for the referendum will be determined by the Secretary in a separate referendum order published with the proposed order. Persons who have processed over 4 million pounds of popcorn for market during the representative period will be eligible to vote. There are an estimated 35 eligible processors of which only two have been identified as small entities. The referendum will be conducted by mail ballot.

The Department will keep all eligible processors of record informed throughout the referendum process to ensure awareness and participation. In addition, trade associations and related industry media will receive news releases and other information regarding the referendum process.

Voting in the referendum is optional. However, if processors choose to vote, the burden of voting would be offset by the benefits of having the opportunity to vote on whether they want the program.

It is estimated that there are 35 popcorn processors who will be eligible to vote in the referendum. It will take an average 15 minutes for each voter to read the voting instructions and complete the referendum ballot. The total burden on the total number of voters will be 2.9 hours.

The Department considered requiring eligible voters to vote in person at various Department offices across the country. However, conducting the referendum from one central location by mail ballot is more cost effective for this program. Also, the Department will provide easy access to information for potential voters through a toll free telephone line.

If the program is implemented, the estimated cost in providing the required information to the Board under the Order by the estimated 67 respondents would be \$19.28 per respondent annually. This total has been estimated by multiplying 129.15 (total burden hours requested) by \$10.00 per hour, a sum deemed to be reasonable if the respondents were compensated for their time.

### **Paperwork Reduction Act**

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the referendum ballot, which represents the information collection and recordkeeping requirements that may be imposed by this rule, was approved by OMB on December 16, 1996.

*Title:* National Research, Promotion, and Consumer Information Programs.

*OMB Number:* 0581-0093.

*Expiration Date of Approval:* October 31, 1997.

*Type of Request:* Revision of a currently approved information collection for research and promotion programs.

*Abstract:* The information collection requirements in this request are essential to carry out the intent of the Act.

The burden associated with the ballot is as follows:

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .25 hours per response for each processor.

*Respondents:* Processors.

*Estimated Number of Respondents:* 35.

*Estimated Number of Responses per Respondent:* 1 every 3 years (.33).

*Estimated Total Annual Burden on Respondents:* 2.9 hours.

In the proposed rule published on September 30, 1996, comments were invited on: (a) Whether the proposed collection of information is necessary for the proper performance of functions of the Order and the Department's oversight of the program, including whether the information will have practical utility; (b) the accuracy of the AMS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumption used; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collections techniques or other forms of information technology.

By the November 29, 1996, deadline for comments on the information collections associated with the referendum rules, two comments were received, from the Popcorn Institute. In its comments, the Institute states that it agrees with the Department's estimate of the burdens associated with the ballot. The Institute also states that the ballot

must contain the necessary information to determine whether each voter is an eligible processor pursuant to the referendum rules. The Department agrees with this. In fact, paragraph (a)(2) of § 1215.503 of the proposed rule requires the voters to provide the total volume of popcorn processed during the representative period. Further, all ballots will contain a certification by the voter that all information provided on the ballot is correct.

In addition, the Institute recommended that the Department develop and utilize procedures to verify the information collected by the anticipated 35 potential respondents. This issue is addressed below in the discussion of the Institute's comment on the referendum procedures.

The Institute further commented that the burden of voting could be reduced if the respondents were allowed to utilize electronic means of communicating their votes to the Department. The Institute states that, by using electronic procedures, the Department would not have to rely on conventional mail for the delivery of ballots. It could confirm the receipt of ballots confidentially and could more easily develop a list of voters which could be used for public inspection and potential challenges. Although the Department is receptive to the concept of utilizing new technological methods for casting votes in the future, we are not equipped to implement such a method and ensure confidentiality and the identification of each ballot's origin by electronic means at this time. Consequently, it is not possible to establish a procedure to utilize electronic methods during the initial referendum on this program. The Department believes that mail balloting is the most efficient and appropriate method for the upcoming referendum. Further, the popcorn industry will have access to the Agricultural Marketing Service's web site (<http://www.usda.gov/ams/titlepag.htm>), which will provide information about the proposed program and the referendum.

### **Background**

The purpose of the Act is to provide an orderly procedure for developing and financing an effective and coordinated program of promotion, research, and consumer information to strengthen the markets for popcorn. The program would be funded by an assessment of no more than 8 cents per hundredweight levied on popcorn processors. Processors who process and market 4 million pounds or less of popcorn annually would be exempt from paying

the assessment. Assessments would be used to pay for: promotion, research, consumer information, and industry information; administration, maintenance, and functioning of the Popcorn Board which would operate the program under the Secretary's supervision; and expenses incurred by the Secretary in implementing and administering the program, including referendum costs.

This rule will add a new subpart which establishes procedures to be used in the initial referendum required by the Act. This subpart will be in effect for the referendum period only and will not be part of the Code of Federal Regulations. The proposed Order would go into effect only if the Secretary determines that the Order is approved by no less than a majority of the processors voting in the referendum and if the majority processed more than 50 percent of the popcorn certified as having been processed during the representative period by the processors voting.

The referendum procedures provide definitions of who is eligible to vote and instructions for referendum agents regarding subagents, publicity for the referendum and the results, ballots, voting, ballot handling and tabulation, reporting, and confidentiality of referendum materials. The representative period for establishing voter eligibility for the referendum shall be determined by the Secretary. Persons who have processed over 4 million pounds of popcorn for market during the representative period will be eligible to vote. There are an estimated 35 eligible processors. The referendum will be conducted by mail ballot.

A proposed rule on the Order was published in the September 30, 1996, issue of the **Federal Register** (61 FR 51046). On the same date, a proposed rule was published on the referendum procedures (61 FR 51055). As stated above, the comment period on the information collection requirements associated with this rule ended on November 29, 1996, and one comment was received on the information collection requirements. The comment period on the substance of the referendum procedures ended on October 30, 1996. One comment was also received, from the Popcorn Institute, on the procedures.

In its comment on the procedures, the Institute recommends that the representative period for determining voter eligibility be January 1 through December 31, 1996. This would be the most recent full calendar year preceding a referendum in 1997. The Institute states that this representative period will ensure that the information is

readily available for respondents to include on the ballots. The Department accepts the suggested representative period. As is common practice, the representative period will be established in the referendum order which is being published with the proposed order. The referendum order also establishes the voting period and identifies the referendum agents. The proposed order and referendum order will be published separately in this issue of the **Federal Register**.

In its comment, the Institute also states that it is important that the rule ensure that those entities that are comprised of multi-ownership arrangements are entitled to only one vote; however, if two popcorn companies are owned by the same holding company and both processing companies will be paying assessments individually under the proposed program, both entities should be entitled to vote separately. However, the definition of "person" in paragraph (e) of § 1215.501 provides for these situations. Under the definition of "person" in the regulations those entities that are comprised of multi-ownership arrangements are entitled to only one vote. For example, a partnership which owns a processing facility would only receive one vote regardless of the number of partners participating in ownership. However, the definition also provides that two companies that pay assessments separately would be entitled to vote separately in the referendum.

Further, the Institute expresses the position that anyone who has reason to challenge a ballot should be allowed to do so.

To accomplish this, the Institute recommends that § 1215.505 be expanded to require the referendum agent to "make available for public inspection for 10 days following the end of the referendum period a list of each person casting a vote in the referendum."

The Department believes that voter eligibility can be satisfactorily determined without a challenge process. The referendum will be conducted by mail ballot. Ballots will be sent only to potential eligible voters. Due to the anticipated small number of voters, the referendum agents anticipate the ability to determine the eligibility of a majority of the voters in advance of the referendum. The referendum agents will also take steps to verify any questionable ballots as provided in § 1215.505, which has been slightly changed to clarify terminology. The term "challenged" has been changed to "questioned." All ballot handling is

done in the presence of an official from the Department's Office of the Inspector General (OIG), and the referendum agents or the OIG official may request documentation from any or all voters. We believe this course of action addresses the commenters concerns as well as allows for the timely tabulation of referendum results.

The Institute's final issue relates to the technical classification of an eligible processor as discussed in § 1215.501. There are several references to "ownership of the popcorn process" or "ownership of all or a portion of the popcorn process." The Institute believes these references are confusing and recommends that they be changed to "ownership of the popcorn processed" or "ownership of all or a portion of the popcorn processed." The Department has modified the proposed rule accordingly.

After consideration of all relevant material presented, it is found that this final rule effectuates the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) These procedures are the same as or similar to referendum procedures for other research and promotion programs; (2) it is estimated that there are no more than 35 eligible voters; (3) minimal preparation time is needed to conduct the referendum; (4) therefore, no useful purpose would be served in delaying the effective date for 30 days; and (5) this action better reflects the statutory provisions concerning issuance of an order.

#### List of Subjects in 7 CFR Part 1215

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Popcorn, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Title 7, chapter XI of the Code of Federal Regulations is amended as follows:

1. Part 1215, consisting of subpart C, is added to read as follows:

#### PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

##### Subpart C—Procedure for the Conduct of Referenda in Connection With the Popcorn Promotion, Research, and Consumer Information Order

Sec.

1215.500 General.  
1215.501 Definitions.  
1215.502 Voting.

- 1215.503 Instructions.
- 1215.504 Subagents.
- 1215.505 Ballots.
- 1215.506 Referendum report.
- 1215.507 Confidential information.

**Authority:** 7 U.S.C. 7481-7491.

**Subpart C—Procedure for the Conduct of Referenda in Connection With the Popcorn Promotion, Research, and Consumer Information Order**

**§ 1215.500 General.**

A referendum to determine whether eligible processors favor the issuance of the Order shall be conducted in accordance with these procedures.

**§ 1215.501 Definitions.**

Unless otherwise defined below, the definitions of terms used in these procedures shall have the same meaning as the definitions in the Order.

(a) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(b) *Order* means the Popcorn Promotion, Research, and Consumer Information Order.

(c) *Referendum agent or subagent* means the individual or individuals designated by the Secretary to conduct the referendum.

(d) *Representative period* means the period designated by the Secretary.

(e) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. For the purpose of this definition, the term "partnership" includes, but is not limited to:

(1) A husband and wife who have title to, or leasehold interest in, processing facilities and equipment as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and

(2) So-called "joint ventures" wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contributed labor, management, equipment, or other services, or any variation of such contributions by two or more parties so that it results in the processing of popcorn and the authority to transfer title to the popcorn so processed.

(f) *Eligible processor* means any person who processes over 4 million pounds of popcorn during the representative period and who:

(1) Owns or shares in the ownership of processing facilities and equipment

resulting in the ownership of the popcorn processed;

(2) Rents processing facilities and equipment resulting in the ownership of all or a portion of the popcorn processed;

(3) Owns processing facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the popcorn processed; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to process popcorn who share the risk of loss and receive a share of the popcorn processed. No other acquisition of legal title to popcorn shall be deemed to result in persons becoming eligible processors.

**§ 1215.502 Voting.**

(a) Each person who is an eligible processor as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to cast only one ballot in the referendum. However, each processor in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to process popcorn, in which more than one of the parties is a processor, shall be entitled to cast one ballot in the referendum covering only such processor's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate processor or an administrator, executor, or trustee of an eligible processing entity may cast a ballot on behalf of such processing entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible processor, or an administrator, executor, or trustee of an eligible processing entity, and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail.

**§ 1215.503 Instructions.**

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedures to be followed by the referendum agent. Such agent shall:

(a) Prepare ballots and related material to be used in the referendum. Ballot material shall provide for

recording essential information including that needed for ascertaining:

(1) Whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and

(2) The total volume of popcorn processed by the voting processor during the representative period.

(b) Give reasonable advance public notice of the referendum by utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio and such other means as the agent may deem advisable.

(c) Mail to each eligible processor whose name and address is known to the agent, the instructions on voting and a ballot. No person who claims to be eligible to vote shall be refused a ballot.

(d) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of the Office of Inspector General.

(e) Prepare a report on the referendum.

(f) Announce the results to the public.

**§ 1215.504 Subagents.**

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any and all functions which, in the absence of such appointment, shall be performed by the agent.

**§ 1215.505 Ballots.**

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be questioned for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was questioned, by whom questioned, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

**§ 1215.506 Referendum report.**

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

**§ 1215.507 Confidential information.**

The ballots and other information or reports that reveal, or tend to reveal, the vote of any processor in the referendum shall be held strictly confidential and shall not be disclosed.

Dated: March 18, 1997.

**Robert C. Keeney,**

*Director, Fruit and Vegetable Division.*

[FR Doc. 97-7293 Filed 3-20-97; 8:45 am]

BILLING CODE 3410-02-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 96-AWP-32]

**Amendment of Class E Airspace; Battle Mountain, NV**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class E airspace area at Battle Mountain, NV. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 03 has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Battle Mountain Airport, Battle Mountain, NV. **EFFECTIVE DATE:** 0901 UTC May 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** William Buck, Airspace Specialist, Operations Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6556.

**SUPPLEMENTARY INFORMATION:****History**

On January 8, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Class E airspace area at Battle Mountain, NV (62 FR 1073). This action will provide adequate controlled airspace to accommodate a GPS SIAP to RWY 03 at Battle Mountain Airport, Battle Mountain, NV.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations

are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in this Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulation (14 CFR part 71) amends the Class E airspace area at Battle Mountain, NV. The development of a GPS SIAP to RWY 03 has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 03 SIAP at Battle Mountain Airport, Battle Mountain, NV.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendment 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 DOT Regulatory Policies and Procedures (44 FR 10034; 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 rule 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).

**Adoption of the Amendment**

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

**PART 71—[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 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

\* \* \* \* \*

**AWP AZ E5 Battle Mountain, NV [Revised]**

Battle Mountain Airport, NV  
(lat. 40°35'57" N, long. 116°52'28" W)

Battle Mountain VORTAC  
(lat. 40°34'09" N, long. 116°55'20" W)

That airspace extending upward from 700 feet above the surface with a 4.3-mile radius of the Battle Mountain Airport and within 4.3 miles southeast and 11.7 miles northwest of the Battle Mountain VORTAC 218° radial extending from the Battle Mountain VORTAC to 25 miles southwest of the VORTAC. That airspace extending upward from 1200 feet above the surface within 8.7 miles southeast and 11.7 miles northwest of the Battle Mountain VORTAC 218° and 038° radials extending from 25 miles southwest to 10.4 miles northeast of the Battle Mountain VORTAC 077° and 257° radials, extending from 7 miles west to 16.1 miles east of the Battle Mountain VORTAC.

\* \* \* \* \*

Issued in Los Angeles, California, on February 28, 1997.

**Michael Lammes,**

*Acting Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 97-7225 Filed 3-20-97; 8:45 am]

BILLING CODE 4910-13-M

**SOCIAL SECURITY ADMINISTRATION****20 CFR Parts 404 and 416**

[Regulations Nos. 4 and 16]

RIN 0960-AE57

**Supplemental Security Income; Determining Disability for a Child Under Age 18; Correction**

**AGENCY:** Social Security Administration.  
**ACTION:** Correction to interim final rules.

**SUMMARY:** This document contains corrections to the interim final rules published Tuesday, February 11, 1997 (62 FR 6408). These rules implement the childhood disability provisions of sections 211 and 212 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

**DATES:** This correction is effective beginning April 14, 1997.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Bridgewater, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3298 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.