

Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference files TN189-1-9730, TN194-1-9731, and TN198-1-9732. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. William Denman 404/562-9030

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

FOR FURTHER INFORMATION CONTACT: William Denman at 404/562-9030.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: July 3, 1997.

Michael V. Peyton,

Acting Regional Administrator.

[FR Doc. 97-19938 Filed 7-28-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 384

[Docket No. R-166]

RIN 2133-AB26

Criteria for Granting Waivers of Requirement for Exclusive U.S.-Flag Carriage of Certain Export Cargoes

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD) is withdrawing its rulemaking, initiated through an advance notice of proposed rulemaking (ANPRM) published on October 28, 1996, soliciting public comment on whether it should amend its existing criteria and methodologies for granting waivers of the requirement for U.S.-flag

vessel carriage of cargo covered by Public Resolution 17 (PR17), 33rd Congress. In administering this law, MARAD has been following a policy for granting waivers which was published in 1959.

FOR FURTHER INFORMATION CONTACT: Murray Bloom, Chief, Division of Maritime Assistance Programs, Office of the Chief Counsel, Telephone (202) 366-5320.

SUPPLEMENTARY INFORMATION: On October 28, 1996, MARAD published an ANPRM (61 FR 55614) setting forth its policy for granting waivers of the requirement for exclusive U.S.-flag carriage of certain cargo covered by PR17 (46 App U.S.C. 1241-1), soliciting public comment on whether it should amend its criteria that have been in effect since 1959, and if so, how the criteria should be changed. In a subsequent notice published on December 24, 1996 (61 FR 67764), MARAD extended the original 60 day comment period for 45 days, and posed 12 questions involving whether MARAD should actually issue a rule that states the objectives and the procedures that will guide the waiver process, as well as the merits, respectively, of various specified procedures. After the receipt and careful review of comments, MARAD held a public forum on May 29, 1997, which allowed interested parties to present oral and written comments to MARAD and officials of the Export-Import Bank of the United States, which administers a program granting credits (loans) with respect to agricultural or other U.S. products for export, that is within the scope of PR17.

Based on the positions enunciated by ocean carriers and shippers with divergent interests, MARAD concluded, with the concurrence of the Export-Import Bank, that the promulgation of discrete regulations of general applicability is not feasible. Therefore, MARAD will continue to grant waivers through case-by-case determinations. Accordingly, on July 2, 1997, MARAD published (62 FR 35881) a revised policy statement that applies to credits of the Export-Import Bank.

Dated: July 23, 1997.

By Order of the Acting Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 97-19843 Filed 7-28-97; 8:45 am]

BILLING CODE 4910-81-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 96-111; CC Docket No. 93-23; FCC 97-252]

Non-U.S.-Licensed Satellites Providing Domestic and International Service in the United States

ACTION: Proposed rule.

SUMMARY: With this Further Notice of Proposed Rulemaking, the Commission seeks additional comment on a framework to allow non-U.S.-licensed satellites to provide domestic and international satellite services in the United States. The Commission tentatively concludes that the public interest requires adoption of uniform standards to determine whether a non-U.S. satellite system should be permitted to serve the United States. The Commission aims to promote greater market access, to foster fair competition, and to ensure lower prices, better service, and more innovative service offerings for U.S. users and competitors. This Further Notice of Proposed Rulemaking contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

DATES: Comments may be filed no later than August 21, 1997. Reply Comments may be filed no later than September 5, 1997. Written comments by the public on the proposed and/or modified information collections are due September 29, 1997. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before September 29, 1997.

ADDRESSES: Office of the Secretary, Room 222, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, NW.,

Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Fern Jarmulnek at (202) 418-0751, William Kirsch at (202) 418-0764, or Robert Calaff at (202) 418-0431 of the International Bureau. For additional information concerning the information collections contained in this Further Notice of Proposed Rulemaking, contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking in IB Docket No. 96-111; CC Docket No. 93-23; FCC 97-252, adopted July 16, 1997 and released July 18, 1997. The complete text of this Further Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036, telephone: 202-857-3800, facsimile: 202-857-3805.

This Further Notice of Proposed Rulemaking contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Further Notice of Proposed Rulemaking, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due on or before August 21, 1997; OMB notification of action is due September 29, 1997. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The modifications to approve collections have been submitted to the Office of Management and Budget for review under Section 3507(d) of the Paperwork Reduction Act (44 U.S.C. 3507(d)). For copies of the submissions contact Judy Boley at (202) 418-0214. A copy of any comments filed with the Office of Management and Budget should also be sent to the following

address at the Commission: Federal Communications Commission, Performance Evaluation and Records Management Branch, Room 234, Paperwork Reduction Project, OMB No. 3060-0678, Washington, DC 20554. For further information contact Judy Boley, (202) 418-0214.

OMB Approval Number: 3060-0678.

Type of Review: Revision of existing collections.

Title: Rules and Regulations for Satellite Applications and Licensing Procedures.

(Note: title name change)

Form Number: 312.

Respondents: Businesses or other for profit, including small businesses, governments.

Number of Respondents: 1,310.

Estimated Time Per Response: The Commission estimates that all respondents will hire an attorney or legal assistant to complete the form. The time to retain these services is 2 hours per respondent.

Total Annual Burden: 2,620 hours.

Estimated Costs Per Respondent: This includes the charges for hiring an attorney, legal assistant, or engineer at \$150 an hour to complete the submissions. The estimated average time to complete the Form 312 is 10 hours per response. The estimated average time to complete space station submissions is 20 hours per response. The estimated average time for prepare submissions using non-U.S. licensed satellites is 22 hours per response. The estimated average time to complete the ASIA submission is 24 hours per response. Earth station submissions: \$1935. (\$1500 for Form 312; \$375 remainder of application; \$60 for outside hire). Space station submissions: \$4560 (\$1500 for Form 312; \$3000 for remainder of submission; \$60 for outside hire). ASIA submissions: \$3,660 (\$3,600 for submission; \$60 for outside hire). Non-U.S. licensed satellite filings: \$3,360 (\$3,300 for submissions; \$60 for outside hire). Fee amounts vary by type of service and application. Total fee estimates for industry: \$5,814,347.00

Needs and Uses: In accordance with the Communications Act, the information collected will be used by the Commission in evaluating applications requesting authority to operate pursuant to Part 25 of the Commission's rules. The information will be used to determine the legal, technical, and financial ability of the applicants and will assist the Commission in determining whether grant of such authorizations are in the public interest.

Summary of Further Notice of Proposed Rulemaking

1. With this Further Notice of Proposed Rulemaking, the Commission seeks additional comment on a framework to allow non-U.S. licensed satellites to provide service domestic and international satellite services in the United States. These issues were raised initially in a Notice of Proposed Rulemaking in the Domestic International Consolidation (*DISCO II*) proceeding issued on May 14, 1996, 61 FR 32398 (June 24, 1996). In that Notice of Proposed Rulemaking, the Commission proposed to apply an "effective competitive opportunities" for satellites or "ECO-Sat" test to determine whether U.S. satellites have access to a foreign market before allowing a satellite licensed by that foreign country to serve the United States.

2. In light of the recent conclusion of a World Trade Organization Agreement (WTO) on Basic Telecommunications Services ("Agreement"), this Further Notice of Proposed Rulemaking revisits the *DISCO II* proposal, and asks for comment on how best to open U.S. markets in a manner consistent with our overriding goal of promoting a competitive satellite market in the United States. The Commission seeks comment on whether, and to what extent, the *DISCO II* proposals should be changed both with respect to countries and services covered by the Agreement and those that are not. In particular, the Commission proposes (1) to establish a presumption that no ECO-Sat analysis is required in evaluating whether to permit satellites licensed by WTO members to provide services covered by the U.S. schedule of commitments under the Agreement ("covered services") within the United States and between the United States and other WTO members; (2) to retain the proposed ECO-Sat test for non-WTO members, intergovernmental organizations, and services for which the United States has taken an exemption from most-favored-nation obligations under the Agreement ("non-covered services"); and (3) to consider whether grant of an application to access a non-U.S. licensed satellite will otherwise serve the public interest, convenience, and necessity.

3. In addition, this Further Notice of Proposed Rulemaking proposes that non-U.S. licensed satellites be eligible to participate in a U.S. satellite processing round either by filing an earth station application or a letter of intent to participate by the cut-off date for consideration in that round. The

Commission does not propose to require participation in U.S. processing rounds as a prerequisite to access to the U.S. market. Rather, systems coordinated under International Telecommunications Union (ITU) procedures seeking coordination would be accommodated through earth station licensing to the extent possible.

4. In this Further Notice of Proposed Rulemaking, the Commission tentatively concludes that the public interest requires that the Commission adopt uniform standards to determine whether a non-U.S. satellite system should be permitted to serve the United States. In proposing these standards, the Commission seeks to foster efficient and innovative satellite communications services for U.S. users through fair competition among multiple service providers, including non-U.S. service providers. In recognition of the liberalization of the global telecommunications market under the WTO Basic Telecom Agreement, the Commission proposes to rely on competitive market forces rather than an analysis of effective competitive opportunities abroad in evaluating requests to serve the United States using WTO member satellite systems. To promote competition where the WTO Basic Telecom Agreement does not apply, the Commission proposes to apply an ECO-Sat analysis where requests to serve the United States involve non-WTO satellite systems, IGO satellite systems, or services exempt from most-favored-nation obligations under the WTO Basic Telecom Agreement. In proposing this framework, the Commission aims to promote greater market access, to foster fair competition, and to ensure lower prices, better service, and more innovative service offerings for U.S. users and competitors. The Commission may condition or deny authorizations based on other important public interest considerations. These include: spectrum availability and technical coordination, compliance with Commission rules and procedures, and compliance with foreign ownership rules. The Commission tentatively concludes that requiring applicants to provide the same information the Commission requires for U.S. systems is consistent with the General Agreement on Trade in Services (GATS) obligations. The Commission also seeks comment, on what, if any, additional changes should be made to the earth station application form (Form 312).

Procedural Issues

5. As required by section 603 of the Regulatory Flexibility Act, the

Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in below. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of this Further Notice of Proposed Rulemaking, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before August 21, 1997 and reply comments on or before September 5, 1997. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you should file five additional copies. Send comments and reply comments to the Office of the Secretary, Room 222, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Federal Communications Commission, Reference Center, Room 239, 1919 M Street NW., Washington, DC 20554.

7. Written comments by the public on the proposed and/or modified information collections are due to Commission on or before September 29, 1997. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Performance Evaluation and Records Management Branch, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

Note: OMB is required to make a decision concerning the modified collection of information contained in this Further Notice of Proposed Rulemaking between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect

if OMB receives it within 30 days of publication.

8. This is a permit but disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

Ordering Clauses

9. Accordingly, it is ordered that pursuant to the authority contained in Sections 1, 4(i), 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303, and 308, notice is hereby given of our intent to adopt the policies and rules set forth in this Further Notice of Proposed Rulemaking and that comment is sought on all the proposals in this Further Notice of Proposed Rulemaking.

10. It is further ordered that the Secretary shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Regulatory Flexibility Analysis

A. Reason for Action

11. In this proceeding the Commission seeks to solicit comments and develop a record on the proposed policies and rules to allow non-U.S. licensed satellite systems and satellite transmissions originating outside of the U.S. to enter the U.S. market and to continue licensing receive-only earth stations operating with non-U.S. satellite systems. These proposed rules are designed in large part to promote competition and enhance customer service and options throughout the United States and the world.

B. Objective

12. The Commission seeks to establish standard rules and procedures to regulate foreign entry into the U.S. satellite services market in order to promote competition, prevent anti-competitive conduct in the market for international communications services, and foster open communications markets around the world.

C. Legal Basis

13. The legal basis of this action is found in Sections 303 and 308(c) of the Communications Act of 1934, 47 U.S.C. 303 and 308(c).

D. Reporting, Recordkeeping and Other Compliance Requirements

14. We propose to require that earth stations and other entities working in

conjunction with non-U.S. satellite systems and foreign satellite service providers file certain information regarding the foreign service, markets, and satellite systems. This is not estimated to be a significant economic burden for these entities.

E. Federal Rules That Overlap, Duplicate or Conflict With These Rules

15. None.

F. Description, Potential Impact and Number of Small Facilities Affected

16. The proposed rules would apply to all earth stations or service providers (including small entities) that seek authorization under Part 25 and Part 100 of the Commission's rules to operate with a non-U.S. licensed satellite. These proposals are intended to ensure that U.S. satellite systems can compete effectively in international markets and that competition in the United States is maximally enhanced. Copies of this Further Notice of Proposed Rulemaking will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

G. Any Significant Alternative Minimizing Impact on Small Entities Consistent With Stated Objectives

17. The Further Notice of Proposed Rulemaking solicits comment on other alternatives to achieve the Commission's objectives.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 97-20016 Filed 7-28-97; 8:45 am]

BILLING CODE 6712-01-U

DEPARTMENT OF DEFENSE

48 CFR Part 236

[DFARS Case 97-D015]

Defense Federal Acquisition Regulation Supplement; Architect-Engineer Selection process

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to streamline the process for selection of firms for architect-engineer contracts.

DATES: Comments on the proposed rule should be submitted in writing to the

address shown below on or before September 29, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 97-D015 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This rule proposes revisions to DFARS 236.602 to streamline the process for selection of firms for architect-engineer contracts. The rule eliminates requirements for formal constitution and minimum size of preselection boards; eliminates special approval requirements for selection of firms for contracts exceeding \$500,000; and changes the criteria for inclusion of firms on a preselection list from "the maximum practicable number of qualified firms" to "the qualified firms that have a reasonable chance of being considered as most highly qualified by the selection board."

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule streamlines, but does not significantly alter, the process for selection of firms for architect-engineer contracts. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D015 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because this proposed rule does not impose any information collection requirements that require approval of the Office of Management and Budget under 44 U.S.C. 3401, *et seq.*

List of Subjects in 48 CFR Part 236

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR part 236 is proposed to be amended as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

2. Section 236.602-2 is revised to read as follows:

§ 236.602-2 Evaluation boards

(a) Preselection boards may be used to identify to the selection board the qualified firms that have a reasonable chance of being considered as most highly qualified by the selection board.

3. Section 236-4 is revised to read as follows:

§ 236.602-4 Selection authority.

(a) The selection authority shall be at a level appropriate for the dollar value and nature of the proposed contract.

(c) A finding that some of the firms on the selection report are unqualified does not preclude approval of the report, provided that a minimum of three most highly qualified firms remains. The reasons for finding a firm or firms unqualified must be recorded.

[FR Doc. 97-19906 Filed 7-28-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 072297A]

RIN: 0648-AJ71

Amendment 49 to the Fishery Management Plan for Groundfish Fishery of the Gulf of Alaska

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 49 to the Fishery Management Plan for Groundfish of the Gulf of Alaska for Secretarial review. Amendment 49 would require all vessels fishing for groundfish in the Gulf of Alaska (GOA) to retain all