

**Example:** An issuer sold 1,000,000 shares, and 250,000 shares had previously been registered pursuant to rule 24e-2. Item 5(i) should show the aggregate sale price of 750,000 shares.

**6. Item 5(ii)**—Report the aggregate redemption or repurchase price of securities redeemed or repurchased during the fiscal year. Do not include securities that have been redeemed or repurchased and previously applied as a reduction to registration fees pursuant to rule 24e-2 as in effect before October 11, 1997.

**Example:** An issuer with an August 30, 1997 fiscal year end registered shares pursuant to rule 24e-2 in September 1997. The issuer applied securities redeemed during its 1997 fiscal year to reduce its registration fees payable under rule 24e-2. The redemption price of these redeemed securities should not be included in Item 5(ii).

**7. Item 5(iii)**—Report the aggregate redemption or repurchase price of securities redeemed or repurchased during any prior fiscal year ending no earlier than October 11, 1995, that were not used previously to reduce registration fees payable to the Commission. Do not include securities that have been redeemed or repurchased and previously applied as a reduction to registration fees pursuant to rule 24e-2 as in effect before October 11, 1997. See the Example to Item 5(ii).

**8. Items 5(iv) through 5(vi)**—Report the sum of Items 5(ii) and 5(iii) in Item 5(iv). Subtract Item 5(iv) from Item 5(i). If Item 5(iv) is less than Item 5(i), report the result in Item 5(v) (net sales). If Item 5(iv) is greater than Item 5(i), report the resulting negative number in parentheses in Item 5(vi) (net redemptions or repurchases). The amount of redemptions or repurchases reported in Item 5(vi) may be used by the issuer in future years to offset sales (by including it in response to Item 5(iii) of Form 24F-2 filed for the next fiscal year).

**9. Item 5(vii)**—The multiplier for calculation of the registration fee is determined by the Commission in accordance with Section 6(b) of the Securities Act [15 U.S.C. 77f(b)]. As of October 1, 1996, the multiplier was 1/3300. Use of a decimal factor or some other method to calculate registration fees may result in payment of an incorrect amount. This multiplier is subject to change from time to time, without notice, by act of Congress through appropriations for the Commission or other laws. Issuers should determine the current fee rate prior to the time of filing by reference to Section 6(b) and any law or regulation affecting Section 6(b). The Commission generally makes available information concerning changes in the fee rate of its Internet site at <http://www.sec.gov/news/press>. Unless otherwise specified by act of Congress, the fee rate in effect at the time of filing applies to all securities sold during the fiscal year, regardless of whether the fee rate changed during the year.

**10. Item 5(viii)**—If the issuer reports net redemptions or repurchases in Item 5(vi), report "0" in Item 5(viii).

**11. Item 6**—If the issuer has sold securities during the fiscal year that were registered under rule 24e-2 as in effect prior to October

11, 1997 (and thus are pre-paid), the issuer should exclude the pre-paid securities from 5(i) and instead report them in item 6. If, after deducting the pre-paid securities from the aggregate sale price of securities sold during the fiscal year, there is a balance of pre-paid shares remaining, the issuer should report those pre-paid shares that remain.

**Example:** An issuer sold 1,000,000 shares, and had 1,250,000 shares which were pre-paid because they had previously been registered pursuant to rule 24e-2. Item 5(i) should show the aggregate sale price was 0, and Item 6 should show that 1,000,000 pre-paid shares were used and that 250,000 prepaid shares remain.

#### *D. Computation of Interest Due if Form is Filed Late*

**1. Item 7**—Section 24(f) requires any issuer that pays its registration fee after the Due Date (see Instruction A.2) to pay interest to the Commission on amounts not timely paid. The payment of interest does not preclude the Commission from bringing an action to enforce the requirements of section 24(f). Pursuant to section 11 of the Debt Collection Act [31 U.S.C. 3717(a)], that rate is published by the Secretary of the Treasury. The rate is computed each year for the 12-month period ending September 30 for applicability effective January 1 of the following year. The rate in effect for calendar year 1997 is 5 percent. In some circumstances the rate may be changed on a quarterly basis. Filers owing interest should verify the current interest rate.

**2.** The interest is assessed only on the amount of the registration fee due, and begins to accrue on the day after the Due Date. The amount of interest due should be calculated based on the interest rate in effect at the time the interest payment is made using the following formula:

$$I = (X) \cdot (Y) \cdot (Z/365)$$

where:

I = Amount of interest due

X = Amount of registration fee due

Y = Applicable interest rate, expressed as a fraction

Z = Number of days by which the registration fee payment is late

#### *E. Payment and Signature*

**1. Item 9**—Identify which SEC account number (payor's CIK number) was designated to receive the payment.

**2.** The Form must be signed on behalf of the issuer by an authorized officer of the issuer. See rule 302 of Regulation S-T [17 CFR 232.302] regarding signatures on forms filed electronically.

#### *F. SEC's Collection of Information*

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. Filing of this Form is mandatory. The principal purpose of this collection of information is to enable issuers to calculate the registration fee payable to the Commission. The Commission estimates that the burden for completing the Form will be approximately 1 hour per filing. Any member of the public may direct to the Commission any comments concerning the

accuracy of the burden estimate of this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. § 3507. The responses to the collection of information will not be kept confidential.

[FR Doc. 97-24344 Filed 9-11-97; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS DECATUR (DDG 73) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** August 29, 1997.

#### **FOR FURTHER INFORMATION CONTACT:**

Captain R.R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS DECATUR (DDG 73) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii) pertaining to the vertical placement of task lights; Annex

I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; and, Annex I, paragraph 3(c) pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also

certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the

placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

## List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR Part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table Four, Paragraph 15 of §706.2 is amended by adding, in numerical order, the following entry for USS DECATUR:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

Diagram illustrating the horizontal distance between the USS DECATUR and DDG 73. The USS DECATUR is on the left and DDG 73 is on the right. A horizontal line connects them, with a dimension line indicating a distance of 1.87 meters. The diagram is labeled "Vessel" and "Number".

3. Table Four, Paragraph 16 of §706.2 is amended by adding, in numerical order, the following entry for USS DECATUR:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

	*	*	*	*	*	
	Vessel				Number	Obstruction angle relative ship's headings
USS DECATUR .....	*	*	*	*	DDG 73	103.00 thru 112.50°.
	*	*	*	*	*	*

4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS DECATUR:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

Vessel	No.	Masthead lights not all other lights and obstructions. annex I, sec. 2(f).	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward mast-head light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS DECATUR .....	DDG 73	X	X	X	14.0

Dated: August 29, 1997.

**R.R. Pixa,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH106-1a; FRL-5890-9]

#### Approval and Promulgation of Implementation Plans; Ohio

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** On February 21, 1997 the Ohio Environmental Protection Agency (Ohio EPA) submitted a State Implementation Plan (SIP) revision request to USEPA under the Clean Air Act (CAA). This revision request contained a number of rules and rule paragraphs formerly contained in the Ohio Administrative Code (OAC) which had been incorporated in the Ohio SIP but which had been amended or removed from the OAC by the State. The State requested that these rules and rule paragraphs be removed from the Ohio SIP since they were no longer part of the OAC. In this action, USEPA is approving the State's SIP revision request through a "direct final" rulemaking; the rationale for this approval is set forth below. Elsewhere in this **Federal Register**, USEPA is proposing approval and soliciting comment on this direct final action; if appropriate comments are received, USEPA will withdraw the direct final rulemaking and address the comments received in a new final rule; otherwise, no further rulemaking will occur on this SIP revision request.

**DATES:** This action will be effective November 12, 1997 unless substantive adverse written comments not previously addressed by the State or USEPA are received by October 14, 1997. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the Ohio submittal are available for public review during normal business hours, between 8:00 a.m. and 4:30 p.m., at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Randolph O. Cano, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 886-6036.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

This is a list of the affected rules and paragraphs accompanied by an explanation of the action taken by the State as well as the reason for the State's request to remove it from the SIP.

##### 1. OAC 3745-21-02 *Ambient Air Quality Standards and Guidelines*

An amendment to this rule deleted Paragraph (C) because Paragraph (C) was superseded by a revision to the National Ambient Air Quality Standards (NAAQS).

##### 2. OAC 3745-21-03 *Methods of Ambient Air Quality Measurement*

An amendment to this rule deleted Paragraph (D) because it was superseded by a USEPA Reference Method.

##### 3. OAC 3745-21-05 *Non-Degradation Policy*

This rule was rescinded because it has been superseded by Federal Prevention of Significant Deterioration (PSD) regulations.

##### 4. OAC 3745-22-01 *Applicability*

OAC 3745-22-02 Definitions. OAC 3745-22-03 Fuel Quality Standards. OAC 3745-22-04 Registration. OAC 3745-22-05 Transfer Documentation and Labeling. OAC 3745-22-06 Compliance Averaging. OAC 3745-22-07 Sampling, Test Methods, and Compliance Calculations. OAC 3745-22-08 Recordkeeping, Reporting, and Auditing

This Chapter of Ohio's Regulations was rescinded because Cuyahoga County was redesignated as attaining the carbon monoxide NAAQS.

##### 5. OAC 3745-23-03 *Compliance Time Schedule*

This rule was rescinded because it is outdated in that it requires sources to comply not later than April 15, 1977.

##### 6. OAC 3745-23-04 *Non-Degradation Policy*

This rule was rescinded because it was superseded by Federal PSD regulations.

##### 7. OAC 3745-23-05 *Classification of Regions*

This rule was rescinded because the State believes it to be outdated. On May 8, 1974 (39 FR 16344) the Administrator of USEPA promulgated regulations classifying all Ohio Air Quality Control Regions as Priority III. This subsequent Federal rule supplanted the State's classification of regions.

##### 8. OAC 3745-102-07 *Savings Provision*

This rule was rescinded because Chapter 102 was approved by USEPA as a general conformity SIP revision on March 11, 1996 (61 FR 9644).

#### II. Rulemaking Action

The USEPA approves the deletion of the following rules from the Ohio SIP: OAC 3745-21-02(C), OAC 3745-21-03(D), OAC 3745-21-05, OAC 3745-22-01, OAC 3745-22-02, OAC 3745-22-03, OAC 3745-22-04, OAC 3745-22-05, OAC 3745-22-06, OAC 3745-22-07, OAC 3745-22-08, OAC 3745-23-03, OAC 3745-23-04, OAC 3745-23-05, and OAC 3745-102-07. Based on the information submitted by Ohio, the USEPA has determined that the deletions are approvable under the CAA. The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments.

However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the SIP revision should adverse or critical written comments be filed. This action will be effective on November 12, 1997 unless, by October 14, 1997, written adverse or critical comments are received.

If the USEPA receives such written comments, this action will be withdrawn before the effective date by publishing a subsequent rulemaking that will withdraw the final action. Public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA does not plan to institute a second comment