

## Annex I—Continued

- 648-W Women's and girls' woven man-made fiber pants: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.
- 659-C Coveralls and overalls: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.
- 659-H Headwear: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.
- 659-S Swimwear: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.
- 659-O Other: all HTS numbers except those in Category 659-C, Category 659-H and Category 659-S.
- 669-P Polypropylene bags: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.
- 669-T Tents and tarpaulins: only HTS numbers 6306.12.0000, 6306.19.0010 and 6306.22.9030.
- 669-O Other: all HTS numbers except those in Category 669-P and Category 669-T.
- 670-H Handbags: only HTS numbers 4202.22.4030 and 4202.22.8050.
- 670-L Luggage: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.
- 670-O Other: all HTS numbers except those in Category 670-H and Category 670-L.

## Merged Categories and Subcategories

225/317/326  
300/301/607  
333/334/335  
338/339  
347/348  
347-W/348-W  
350/650  
352/652  
359-C/659-C  
359-H/659-H  
369-L/670-L/870  
445/446  
447/448  
613/614/615/617

## Annex I—Continued

619/620  
625/626/627/628/629  
633/634/635  
633/634  
638/639  
645/646  
647/648  
647-W/648-W

## Annex II

## Exempt Products Requiring Exempt Certification

1. Pincushions.
2. Embroideries (needle work), of man-made fibers with designs embroidered with wool thread.
3. Hand-made carpets, i.e., in which the pile was inserted or knotted by hand.
4. Christmas or Easter ornaments having a non-textile core or a non-textile structural frame and man-made fiber textile covering.
5. Martial arts uniforms, such as Kung Fu, Karate, and Judo uniforms.
6. Toy (novelty) animals, birds or insects with a plastic wire or other non-textile core that are covered or decorated with a textile thread or fiber.
7. Traditional Chinese caps.
8. Traditional Chinese garments:
  - Jackets—three quarter length or shorter, or woven fabrics, usually with Chinese figures in the weave but may be plain/woven otherwise figured or printed. They have a low Mandarin collar, long sleeves and full frontal openings, with "front" type closures (looped fastenings made of braid, cording, etc., used with a matching knot or toggle of the same material.)
  - Fur or imitation fur-lined jackets— which may or may not be reversible and are otherwise identical in appearance and construction with the jackets described above.
  - Vests—sleeveless garments extending from the neck area to waist with or without pockets at the waist. They are otherwise identical in appearance and construction with the jackets described above.

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## DEPARTMENT OF DEFENSE

## Department of the Army

### Movement of Foreign Military Sales (FMS) Shipments—Proposed Policy Change

AGENCY: Military Traffic Management Command.

ACTION: Notice.

SUMMARY: The Military Traffic management command (MTMC) proposes to change the application of the Guaranteed Traffic (GT) and related freight movement programs to include movement of Foreign Military Sales

(FMS) material. This proposed new policy was previously announced in the **Federal Register** on December 13, 1995, but was declared invalid on substantive and procedural grounds by the United States District Court for the District of Columbia in the case of *Munitions Carriers Conference, Inc., et al versus United States of America* 932F. Supp. 334 (D.D.C. June 19, 1996) ("MTMC I"). The government's appeal of that decision is presently pending before the United States Court of Appeals for the District of Columbia Circuit in Appeal No. 97-5119. Accordingly, MTMC does not propose to put the proposed policy into effect unless and until the District Court's decision in *MTMC I* is modified or reversed on appeal. The instant notice of proposed policy change is nevertheless being published at this time both to provide an opportunity for public comment on the proposed policy, and in an effort to address certain jurisdictional issues that might otherwise interfere with meaningful judicial review of the District Court's substantive ruling in *MTMC I*.

The policy change, if adopted, will be effective for new movements and for resolicited MTMC GT freight solicitations no earlier than 60 days after publication of this notice. This policy change will also apply, if adopted, to all other applicable effective MTMC GT movements and related freight movement programs. Carriers performing under existing GT agreements and related freight movement programs will be given the opportunity to voluntarily participate in the FMS movements. FMS movements will only be offered to those carriers who voluntarily participate. This policy change is the result of congressional repeal of most tariff requirements for motor carriers (other than carriers of household goods) in the Interstate Commerce Act.

**DATES:** This policy change, if adopted, will be effective no earlier than December 30, 1997. Interested parties are requested to submit comments on this proposal. All comments submitted within 60 days of publication of this notice will be considered prior to any decision on whether to adopt this proposal.

**ADDRESSES:** Comments should be addressed to Headquarters, Military Traffic Management Command, Room 117, 5611 Columbia Pike, Falls Church, VA 22041-5050, ATTN: MTTM-D (Barbara McGinnis).

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara McGinnis, (703) 681-6103.

**SUPPLEMENTARY INFORMATION:**

Historically, the Interstate Commerce Act provided that carriers could provide transportation only at the rates set forth in a tariff filed with the Interstate Commerce Commission. A carrier could not charge a shipper any rate different from the filed tariff rate, with the exception that under 49 U.S.C. 10721 the carrier could transport property for the U.S. Government "at reduced rates", meaning rates that were reduced from the common carrier's tariff rates. By Pub. L. 103-311 (The Trucking Industry reform Act of 1994), effective 26 August 1994, and Pub. L. 104-88 (The ICC Termination Act of 1995), effective 29 December 1995, congress repealed the requirement that motor carriers (other than carriers of household goods) file a tariff and apply that tariff. With some exceptions, tariffs are no longer filed by motor carriers with the Interstate Commerce Commission, and there is, accordingly, no requirement that carriers apply a tariff rate to FMS traffic. MTMC's policy change in its movement programs will require motor carriers to participate in FMS shipments for new movements and resolicited GT agreements; and, will accommodate motor carrier's voluntary agreements to include FMS shipments in currently effective GT agreements and related freight movement programs.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

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**DEPARTMENT OF DEFENSE****Corps of Engineers; Department of the Army**

**Intent To Prepare Draft Environmental Impact Statements for the Evaluation of Water Allocation Formulas for the Alabama-Coosa-Tallapoosa (ACT) and Apalachicola-Chattahoochee-Flint (ACF) River Basins, located in Alabama, Florida, and Georgia**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The Mobile District, U.S. Army Corps of Engineers (Corps), in cooperation with several Federal cooperating agencies, intends to prepare Draft Environmental Impact Statements (EISs), to address proposed water allocation formulas for the equitable apportionment of water in the ACT and ACF River Basins. The formulas will be developed by the States of Alabama and Georgia for the ACT basin; and by the

States of Alabama, Florida and Georgia for the ACF basin. The States will develop these formulas, in conjunction with the United States, and subject to concurrence by a federal Commissioner. A separate EIS will be prepared to evaluate the formulas for each basin: ACT Basin and ACF Basin.

**FOR FURTHER INFORMATION CONTACT:**

Questions about these EISs or the NEPA process can be answered by: Ms. Joanne Brandt (ACF) or Mr. Michael J. Eubanks (ACT), Inland Environment Section, U. S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001; Telephone (334) 690-3260 or (334) 694-3861, respectively.

Electronic mail may be addressed to:

michael.j.eubanks@sam.usace.army.mil  
or

joanne.u.brandt@sam.usace.army.mil

Also, brief messages may be left on a toll-free line answering machine at 1-800-421-7637, or delivered by electronic facsimile at (334) 694-3815. For current information, you may also visit the Mobile District Web Page: <http://www.sam.usace.army.mil/sam/pd/actacfeis>

**SUPPLEMENTARY INFORMATION:****1. Public Participation**

a. The Corps invites full public participation to promote open communication and better decision making. All persons and organizations that have an interest in the water allocation formulas, including minority, low-income, disadvantaged and native American Groups, are urged to participate in this National Environmental Policy Act (NEPA) environmental analysis process. Assistance will be provided upon request to anyone having difficulty with learning how to participate.

b. Public comments are welcomed anytime throughout the NEPA process. Formal opportunities for public participation include:

(1) Response to the Scoping Brochure/Questionnaire—Anytime during the NEPA process.

(2) Review and Comment on the Draft EISs—Oct–Nov 1998.

(3) Comments/Presentation on the draft EISs at Public Workshops—Nov 1998.

(4) Review of the Final EISs—Summer 1999.

c. Precise schedules and locations will be announced in the local news media. You may also request to be included on the mailing list for public distribution of meeting announcements and documents.

**2. Background**

a. The States of Alabama, Florida, and Georgia, in conjunction with the United States, will soon be developing water allocation formulas for the ACT and ACF River Basins, in accordance with interstate water compacts. The States have ratified the compacts and implementing provisions are currently being developed in consent legislation before Congress. The purpose of the compacts would be to promote interstate comity, remove causes of present and future controversies, equitably apportion surface waters of the ACT and ACF Basins, engage in water planning, and develop and share common data bases.

b. Pursuant to the ACT and ACF interstate compacts, allocation formulas would be developed by Commissions established for each basin. A Federal Commissioner will be appointed as a non-voting advisory member for each compact Commission. The compacts would provide for approval of allocation formulas by unanimous vote of the State Commissioners and concurrence of the Federal Commissioner. Federal agency evaluations and these EISs will form the basis for the Federal Commissioner's decision to concur or nonconcur with the water allocation formulas developed in accordance with the compacts.

c. The Corps, in partnership with the States of Alabama, Florida, and Georgia, is currently conducting a Comprehensive Study of the ACT and ACF river basins. The Comprehensive Study was initiated in January 1992, under a Memorandum of Agreement among the three States and the U.S. Department of the Army. The Comprehensive Study has developed substantial data and predictive models useful for the development of water allocation formulas. The Comprehensive Study partners have also recommended development of interstate compacts as the mechanisms for coordinated management of the basins.

d. The Corps, in conjunction with the Federal cooperating agencies, will prepare separate EISs to evaluate the environmental and socioeconomic impacts of the proposed allocation formula for each basin. In addition to information available from the Comprehensive Study, a preliminary scope of evaluations necessary to assist the Federal Commissioner in a decision has been identified in a Federal Interagency Management Plan. Agency evaluations will be incorporated into the completed EISs, which may be used as supporting documentation for a decision by the Federal Commissioner on the acceptability of the water