

Under proposed § 207.3(a)(5), the Financial Agent is required to provide service to cardholders on such terms and conditions as the Service specifies. The customer service duties of the Financial Agent will be described in detail in the Invitation for Expression of Interest (IEI) or in the Financial Agency Agreement between the Service and the Financial Agent.

Proposed § 207.3(a)(6) is a catch-all provision that would require the Financial Agent to perform any duties not specifically enumerated in this Part which the Service determines are necessary or appropriate in connection with the Direct Federal EBT program.

Proposed § 207.3(b) provides that, in carrying out its duties, the Financial Agent acts as agent of the United States and not as agent of the unbanked recipient.

Rulemaking Analysis

Treasury has determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. It is hereby certified that this rule will not have a significant economic impact on a substantial number of small business entities. The proposed rule does not require any actions on the part of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

List of Subjects in 31 CFR Part 207

Automated clearing house, Banks, Banking, Electronic funds transfer, Federal Reserve System, Financial institutions, Government payments.

For the reasons set out in the preamble, the Service proposes to add Part 207 to title 31, chap. II, as follows:

PART 207—ELECTRONIC BENEFITS TRANSFER; DESIGNATION OF FINANCIAL INSTITUTIONS AS FINANCIAL AGENTS

Sec.

207.1 Scope.

207.2 Definitions.

207.3 Duties of the financial agent.

Authority: 12 U.S.C. 90, 265, 266, 391, 1452(d), 1767, 1789a, 2013, 2122; 31 U.S.C. 321, 3122, 3303, 3321, 3327, 3332, 3335 and 3336.

§ 207.1 Scope.

This part governs Direct Federal electronic benefits transfer (EBT), which involves the disbursement by electronic funds transfer of Direct Federal payments to unbanked recipients through the selection and designation of financial institutions as Financial Agents of the United States, and describes the duties of such Financial Agents.

§ 207.2 Definitions.

For purposes of this part:

Benefit Security Card® means the Service's registered service mark for Direct Federal EBT.

Direct Federal electronic benefits transfer (EBT) means a program for providing electronic access to Direct Federal payments to unbanked recipients through disbursement by a financial institution acting as Financial Agent of the United States.

Direct Federal payment means a payment under any entitlement, pension, annuity, or wage or salary program.

Disburse means, in the context of Direct Federal EBT, the performance of the following duties by a Financial Agent acting as agent of the United States: the establishment at a financial institution of an account in the name of an unbanked recipient; the maintenance of such account; the receiving of Direct Federal payments through the ACH and crediting of Direct Federal payments to the account; and the provision of access to such account on the terms specified by the Service and in accordance with this part.

Eligible financial institution means an institution eligible for designation as a Depository and Financial Agent under any one of the following provisions of Federal law: 12 U.S.C. 90, 265, 266, 391, 1452(d), 1767, 1789a, 2013, 2122; and 31 U.S.C. 3122 and 3303.

Financial agent means an eligible financial institution that has been designated as a Depository and Financial Agent of the United States for EBT pursuant to this part.

Recipient means a natural person entitled to receive a Direct Federal payment.

Service means the Financial Management Service, a bureau of the United States Treasury.

State EBT program means a program established under State or local law or administered by a State or local agency for providing electronic access to needs-tested or other benefits.

Unbanked recipient means a recipient who does not have an account at a financial institution.

§ 207.3 Duties of the financial agent.

(a) The financial agent shall:

(1) Establish an account in the name of each unbanked recipient. Such account must be eligible for Federal deposit insurance and may be closed only at the direction of the Service.

(2) Comply with Regulation E, 12 CFR part 205.

(3) Credit to such account Direct Federal payments received through the automated clearing house. The

Financial Agent also may credit to the account payments under a State EBT program.

(4) Issue to each unbanked recipient a debit card bearing the Benefit Security Card® service mark which will permit the recipient to access the account established pursuant to paragraph (a)(1) of this section at automated teller machines and point of sale terminals.

(5) Provide service to Benefit Security Card® holders on such terms as the Service specifies; and,

(6) Perform such other duties as the Service may specify.

(b) In performing the duties described in subsection (a), the financial agent shall act solely as the agent of the United States, not as agent of the unbanked recipient, and shall be accountable only to the Treasury.

Russell D. Morris,

Commissioner.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 167

[CGD 97-004]

RIN 2115-AF42

Traffic Separation Scheme in the Approaches to Delaware Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the traffic separation scheme (TSS) in the approaches to Delaware Bay by shifting the Eastern approach lanes southward; establishing a two-way route for use by tug and tow traffic; and reconfiguring the precautionary area to exclude shoal areas too shallow for deep draft vessels. Navigation safety, economic, and environmental considerations necessitate action to separate large inbound vessels from tug and barge traffic transiting easterly and northerly along traditional New Jersey coastal routes. The proposed reconfiguration will reduce frequent near misses and the probability of an incident which could result in a major chemical or petroleum oil spill.

DATES: Comments must be received on or before August 7, 1997.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 97-004), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to

room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Project Manager, Office of Vessel Traffic Management at (202) 267-0415.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 97-004) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The 1978 amendments to the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1223(c), require that a port access route study be conducted prior to establishing or adjusting a traffic separation scheme (TSS). A TSS is an internationally recognized routing measure intended to minimize the risk of collision by separating vessels into opposing streams of traffic through the establishment of traffic lanes. To be internationally recognized, a TSS must be approved by the International Maritime Organization (IMO). IMO

approves a TSS only if the proposed routing system complies with IMO principles and guidelines on ships routing. Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 1972), prescribes the conduct of vessels within or near a TSS adopted by IMO.

The Coast Guard conducted a study of the TSS in the Approaches to Delaware Bay which was announced in the **Federal Register** on March 22, 1994 (59 FR 14126). The notice of study results for the Approaches to Delaware Bay was published in the **Federal Register** on September 22, 1995 (60 FR 49237).

The existing TSS, adopted by the Inter-Governmental Maritime Consultative Organization (as the IMO was formerly known) on October 28, 1969, is published in the IMO publication *Ships' Routing* (B-IX/6-1). A change to the southeastern approach lanes was implemented on March 15, 1976. The TSS off Delaware Bay consists of an Eastern approach, a South-eastern approach, and a precautionary area. The Eastern approach consists of a westbound traffic lane and an eastbound traffic lane divided by a separation zone. The Southeastern approach consists of a northwesterly traffic lane and a southeasterly traffic lane divided by a separation zone. The precautionary area consists of an eight mile radius centered upon Harbor of Refuge light.

The study showed that navigation safety, economic, and environmental considerations necessitate establishment of a TSS to better separate large inbound vessels from tug and barge traffic transiting easterly and northerly along their traditional New Jersey coastal route. In the current configuration near misses occur much too frequently. The probability of a major chemical or petroleum oil spill is much too great to ignore. Therefore, the Coast Guard is proposing to adjust the Eastern Approach TSS, establish a Two-Way Traffic Route for tug and barge traffic entering and departing Delaware Bay, and reconfigure the precautionary area. The proposed changes have already been adopted by IMO, and barring any changes resulting from this rulemaking, will be implemented in June 1997.

Discussion of Proposed Rules

The proposed Eastern approach would still consist of a traffic lane for westbound traffic and a traffic lane for eastbound traffic divided by a separation zone, but the west end of the northern boundary of the TSS would be rotated clockwise to the position of Delaware Bay North Approach Lighted Bell Buoy 2 (LLNR 1475).

The Southeastern approach would remain unchanged, but would be added to the CFR. It consists of a north-westbound traffic lane and a south-eastbound traffic lane divided by a separation zone.

The proposed Two-Way Traffic Route would start north of the Eastern approach and would follow the general contour of the New Jersey coast heading southwesterly, then west before turning back to the northwest. This route would better separate tug and tow traffic from large inbound traffic in the Eastern approach. This route would not be for the exclusive use of tug and tow traffic, but would be available for use by all vessels with a draft that enables them to operate safely.

Reconfiguring the Precautionary area, as proposed, would remove areas that cannot be used by deep draft vessels due to the naturally available water depths and more accurately reflects to the international mariner where caution should be exercised.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary since this proposal is an adjustment of an existing TSS which will provide a much higher degree of safety.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

The adjustment of the existing TSS provides an increased level of safety for mariners using the TSS thereby decreasing any adverse economic effect on the region due to a potential collision. Because it expects the impact of this proposal to be minimal, the Coast

Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2.c of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects in 33 CFR Part 167

Navigation (water), Traffic separation schemes, Vessels.

In consideration of the foregoing, the Coast Guard proposes to amend 33 CFR part 167 as set forth below.

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

1. The authority citation for part 167 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46.

2. Section 167.5 is amended to add paragraph (f) to read as follows:

§ 167.5 Definitions.

* * * * *

(f) Two-way route means a route within defined limits inside which two way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

3. Sections 167.170 through 167.174 are added to read as follows:

§ 167.170 Off Delaware Bay Approach Traffic Separation Scheme and Precautionary Area.

The Off Delaware Bay Traffic Separation Scheme consists of four parts: An Eastern approach, a South-eastern approach, a Two-Way Traffic Route, and a precautionary area. The specific areas of the Off Delaware Bay

Traffic Separation Scheme and Precautionary Area are described in § 166.171, § 167.172, § 167.173, and § 167.174 of this chapter.

§ 167.171 Eastern approach.

(a) A separation zone is established bounded by a line connecting the following points:

Latitude	Longitude
38°46'18" N	74°35'27" W
38°46'20" N	74°55'45" W
38°47'27" N	74°55'24" W
38°47'21" N	74°34'30" W

(b) A traffic lane for westbound traffic is established between the northern side of the separation zone and a line connecting the following points:

Latitude	Longitude
38°46'19" N	74°55'18" W
38°49'40" N	74°36'45" W

(c) A traffic lane for eastbound traffic is established between the south side of the separation zone and a line connecting the following points:

Latitude	Longitude
38°45'27" N	74°56'12" W
38°44'27" N	74°34'21" W

§ 167.172 Southeastern approach.

(a) A separation zone is established bounded by a line connecting the following points:

Latitude	Longitude
38°27'00" N	74°42'17" W
38°43'24" N	74°57'59" W
38°44'12" N	74°57'11" W
38°27'36" N	74°41'17" W

(b) A traffic lane for north-westbound traffic is established between the northeastern side of the separation zone and a line connecting the following points:

Latitude	Longitude
38°28'48" N	74°39'17" W
38°45'06" N	74°56'35" W

(c) A traffic lane for south-eastbound traffic is established between the southwestern side of the separation zone and a line connecting the following points:

Latitude	Longitude
38°42'48" N	74°58'53" W
38°27'00" N	74°45'23" W

§ 167.173 Two-Way Traffic Route.

The Two-Way Traffic Route is recommended for use predominantly by tug and tow traffic transiting to and from the North East in order to separate such traffic from large, inbound vessel traffic.

(a) The Two-Way Traffic Route is bounded on the west and south by a line connecting the following points:

Latitude	Longitude
38°50'45" N	75°03'24" W
38°47'30" N	75°01'48" W
38°48'19" N	74°55'18" W
38°50'12" N	74°49'44" W
39°00'00" N	74°40'14" W

(b) The Two-Way Traffic Route is bounded on the east and north by a line connecting the following points:

Latitude	Longitude
39°00'00" N	74°41'00" W
38°50'29" N	74°50'18" W
38°48'48" N	74°55'15" W
38°48'20" N	74°59'18" W
38°49'06" N	75°01'39" W
38°51'16" N	75°02'50" W

§ 167.174 Precautionary area.

The Precautionary area is defined as follows: from 38°42'48" N, 74°58'54" W; thence northerly by an arc of eight nautical miles centered at 38°48'54" N, 75°05'36" W to 38°47'27" N, 74°55'18" W; thence westerly to 38°47'30" N, 75°01'48" W; thence northerly to 38°50'45" N, 75°03'24" W; thence northeasterly to 38°51'16" N, 75°02'50" W; thence northerly to 38°54'48" N, 75°01'36" W; thence westerly by an arc of 6.7 nautical miles centered at 38°48'54" N, 75°05'36" W to 38°55'32" N, 75°05'52" W; thence southwestwardly to 38°54'00" N, 75°08'00" W; thence southerly to 38°42'48" N, 74°58'54" W. Datum: NAD 83.

Dated: February 25, 1997.

G.N. Naccara,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM97-2; Order No. 1174]

Amendment to Rules Concerning Evidence Based on Market Research

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.