

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

7 CFR Part 500

National Arboretum

AGENCY: Agricultural Research Service; USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture (USDA) seeks comments on a proposed rule that would establish a schedule of fees to be charged for certain uses of the facilities, grounds, and services at the United States National Arboretum (USNA). This proposed rule reformats and adds a new subpart to 7 CFR part 500. The title of part 500 is changed to "National Arboretum." The current text regarding conduct on USNA property is designated as subpart A. New text added as subpart B contains the fee structures for use of USNA facilities and services. The USNA will charge fees for riding its new tram service, use of the grounds and facilities, as well as for commercial photography and cinematography. Fees generated will be used to defray USNA expenses or to promote the mission of the USNA. The public will not be charged an admission fee for visiting the USNA.

DATES: Comments must be submitted on or before July 21, 1997.

ADDRESSES: Address all comments to Thomas S. Elias, Director, U.S. National Arboretum, Beltsville Area, Agricultural Research Service, 3501 New York Avenue, NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Director, National Arboretum, Beltsville Area, ARS, 3501 New York Avenue, NE., Washington, DC 20002; (202) 245-4539.

SUPPLEMENTARY INFORMATION:

Classification

This proposed rule has been reviewed under Executive Order 12866, and it has been determined that it is not a

"significant regulatory action" rule because it will not have an annual effect on the economy of \$100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. This proposed rule will not create any serious inconsistencies or otherwise interfere with actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof, and does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Regulatory Flexibility Act

The Department of Agriculture certifies that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. No. 96-354, as amended (5 U.S.C. 601, *et seq.*).

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements that will be imposed in implementation of this proposed rule have been submitted to OMB for approval. Those requirements would not become effective prior to OMB approval.

Title: Collection of information regarding the use of facilities or the performance of photography/cinematography at the U.S. National Arboretum.

Summary: The purpose of this collection of information is to collect, either orally or by use of a form, basic information from persons who request to use space at the USNA for which a user fee shall be charged. Use of space includes not only the use of physical space for events, but also the use of the grounds of the USNA for commercial photography and cinematography purposes. Information to be collected will include the name, address, and telephone numbers of the party requesting use of the USNA space, the date and time that the party is

requesting to use the space, the purpose for which the space will be used, the number of people expected at the event for which the space is to be used, any requirements for setup of the space that the USNA will be expected to provide, and the signature of the individual responsible for requesting space on behalf of a party.

Need for the Information: The information is needed for USNA to administer the scheduling of space usage and to keep records of parties accountable for use of USNA property.

Respondents: Respondents to the collection of information will be those persons or organizations that request use of the USNA facility or grounds. Each respondent will have to furnish the information for each space usage request. The USNA expects to receive approximately 220 requests for use of space per year.

Estimate of burden: The estimated burden on respondents for space usage request is .25 hours. The total annual reporting and record keeping burden on respondents will be minimal.

Comments: Comments on this proposed collection of information may be submitted to Dr. Thomas S. Elias at the address listed under the **ADDRESSES** section by August 18, 1997, or to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for USDA. Reference should be made to the volume, page, and date of this **Federal Register** publication.

Background

Section 890(b) of the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. 104-127 (1996 Act), expands the authorities of the Secretary of Agriculture to charge reasonable fees for the use of USNA facilities and grounds. These new authorities include the ability to charge fees for temporary use by individuals or groups of USNA facilities and grounds in furtherance of the mission of the USNA. Also, authority is provided to charge fees for the use of the USNA for commercial photography and cinematography. All rules and regulations noted in 7 CFR 500, subpart A, Conduct on the U.S. National Arboretum Property, will apply to individuals or groups granted approval to use the facilities and grounds.

Fee Schedule for Tram

The USNA has purchased a 48-passenger tram (which accommodates 2 wheelchairs) to provide mobile tours throughout the USNA grounds. The proposed rule includes a fee to be charged to all riders except children under 4 sharing a seat with an adult. Fee amounts were determined after a survey of similar services provided by other Arboreta and Botanical Gardens. Fees generated will be used to offset costs or for the purposes of promoting the mission of the USNA.

Fee Schedule for Use of Facilities and Grounds

The USNA proposes to charge a fee for temporary use by individuals or groups of USNA facilities and grounds. The proposed fees have been established based on actual costs (i.e., electricity, heating, water, maintenance, security, scheduling, etc.). Facilities and grounds are available by reservation at the discretion of the USNA and may be available to individuals or groups in furtherance of the mission of the USNA. Agency initiatives may be granted first priority. Reservation requests should be made as far in advance of the need as possible to ensure consideration.

Fee Schedule for Use of Facilities and Grounds for Purposes of Photography or Cinematography

The USNA proposes to charge a fee for the use of the facility or grounds for purposes of commercial photography or cinematography. The proposed fees have been established based on comparable opportunities provided by other Arboreta and Botanical Gardens across the nation. Facilities and Grounds are available for use for commercial photography or cinematography at the discretion of the USNA Director. Requests for use should be made a minimum of two weeks in advance of required date. The USNA does not intend to charge fees to the press for photography or cinematography related to stories concerning the USNA and its mission or for other noncommercial, First Amendment activity.

Payment Submission Requirements

Payment for use of the tram will be made by cash or money order (in U.S. funds) and is due at the time of ticket purchase. Fee payments for use of facilities or grounds or for photography and cinematography must be made in advance of services being rendered. These payments are to be made in the form of a check or money order. Checks and money orders are to be made payable, in U.S. funds, to the U.S. National Arboretum. The USNA will provide receipts to requests for their records or billing purposes.

List of Subjects in 7 CFR Part 500

Agricultural research, Cinematography, Federal buildings and facilities, Government property, National Arboretum, Photography, User fees.

For the reasons set out in the preamble, 7 CFR part 500 is proposed to be amended as set forth below:

PART 500—NATIONAL ARBORETUM

1. The heading for part 500 is revised as set forth above.
2. Sections 500.1 through 500.15 are designated as subpart A and a subpart heading is added, and the authority citation for part 500 is redesignated as the authority citation for new subpart A and continues to read as set forth below:

Subpart A—Conduct on U.S. National Arboretum Property

Authority: Secs. 2, 4, 62 Stat. 281; sec. 103, 63 Stat. 389; sec. 205(d), 63 Stat. 389; 40 U.S.C. 318a, 318c, 486(d), 753, 34 FR 6406; 34 FR 7389.

* * * * *

3. A new subpart B is added to read as follows:

Subpart B—Fee Schedule for Certain Uses of National Arboretum Facilities and Grounds

Sec.

500.20 Scope.

500.21 Fee schedule for tram.

500.22 Fee schedule for use of facilities and grounds.

500.23 Fee schedule for photography and cinematography on grounds.

500.24 Payment of fees.

Authority: 20 U.S.C. 196.

§ 500.20 Scope.

The subpart sets forth schedules of fees for temporary use by individuals or groups of United States National Arboretum (USNA) facilities and grounds for any purpose that is consistent with the mission of the USNA. This part also sets forth schedules of fees for the use of the USNA for commercial photography and cinematography. Fees generated will be used to offset costs of services or for the purposes of promoting the mission of the USNA. All rules and regulations noted in 7 CFR part 500, subpart A—Conduct on the U.S. National Arboretum Property, will apply to individuals or groups granted approval to use the facilities for the purposes specified in this subpart.

§ 500.21 Fee schedule for tram.

The USNA provides tours of the USNA grounds in a 48-passenger tram (accommodating 2 wheelchairs) for a fee as follows: \$3.00 per adult; \$2.00 per senior citizen or Friend of the National Arboretum; \$1.00 per child ages 4 through 16. Children under 4 sharing a seat with an adult will not be charged.

§ 500.22 Fee schedule for use of facilities and grounds.

The USNA will charge a fee for temporary use by individuals or groups of USNA facilities and grounds. Facilities and grounds are available by reservation at the discretion of the USNA and may be available to individuals or groups whose purpose is consistent with the mission of the USNA. Agency initiatives may be granted first priority. Non-profit organizations that substantially support the mission and purpose of the USNA may be exempted from the requirements of this part by the Director. Reservation requests should be made as far in advance of the need as possible to ensure consideration. The fees for use of USNA buildings listed in the following fee schedule are for times when the building is open. "Half-Day" usage is defined as 4 hours or less; "Whole Day" is defined as more than 4 hours in a day. For after hours usage of such buildings, an additional \$25/hour will be added for supervision/security.

Area	Includes	Per day charge	
		Half day	Whole day
Auditorium	Basic audience-style set-up for 125 people or classroom set-up for 40–50 people. Includes microphone/lectern, screen, projection stand, (2) flip charts (no paper) and (2) trash cans. Also includes the use of the Kitchen space, Upstairs Conference Room, and Coat Room. Extra tables are \$10 each	N/A	\$250
Upstairs Conference Room	(Only if Auditorium is not in use)	\$50	100

Area	Includes	Per day charge	
		Half day	Whole day
Lobby	Includes use of telephone for local calls. Also includes the use of the Kitchen space and Coat Room As is (with furniture in place)	N/A	100
Classroom	Furniture removed	50	125
Classroom—Multiple	Standard set-up with 40 chairs. Includes microphone/lectern, screen, projection stand, (2) flip charts (no paper) and trash can. 3 hour limit; 5 sessions	225
Yoshimura Center	3 hour limit; 10 sessions	50	125
Grounds)—1–300 people	For use from 10:00 a.m. to 3:30 p.m. weekends only	N/A	500
301–600 people	No Public Invited. Patio, Meadow, Triangle, NY Avenue, etc. Cost includes scheduling time, extra mowing, and site preparation. Guest organization responsible for everything related to their event, including portable toilets. Same as above	N/A	750
Damages	Public Invited (i.e., show or sale). Cost includes scheduling time, extra mowing, and site preparation. Guest organization responsible for everything related to their event, including portable toilets. Damages to plants, grounds, facilities or equipment will be assessed on a value based on replacement cost (Including labor) plus 10% (administrative fee)	N/A	750

§ 500.23 Fee schedule for photography and cinematography on grounds.

The USNA will charge a fee for the use of the facility or grounds for purposes of commercial photography or cinematography. Facilities and grounds are available for use for commercial

photography or cinematography at the discretion of the USNA Director. Requests for use should be made a minimum of two weeks in advance of the required date. In addition to the fees listed below, supervision costs of \$25.00 per hour will be charged. The USNA

Director may waive fees for photography or cinematography conducted for the purpose of disseminating information to the public regarding the USNA and its mission or for the purpose of other noncommercial, First Amendment activity.

Category	Type	Notes	Per day charge	
			Half day	Whole day
Still Photography	Individual	For personal use only. Includes hand-held cameras, recorders, small non-commercial tripods.	No Charge	No Charge.
	Commercial	Includes all photography which uses professional photographer and/or involves receiving a fee for the use or production of the photography. Note: This includes 5 people or less with carry on (video) equipment.	\$250 plus Supervisor.	\$500 plus Super-visor.
Cinematography	Set Preparation	Set up sets; no filming performed	N/A	250 plus Super-vision.
	Filming	Sliding scale based on number of people in cast and crew and number of pieces of equipment. 45 people and 6 pieces of equipment = \$1,500 200 people = \$3,900 Note: 5 people with carry on equipment = same as still photography.	1,200 to 3,900.
	Strike Set	Take down sets, remove equipment; no filming	N/A	250 plus Super-vision.
	Music Videos	No sound involved; smaller operation	N/A	1,000 plus Super-vision.
Slide Production	Providing USNA photos/slides for use in promotions/advertisements. Fee is for one-time rights.	100 per image to reproduce.
Damages	All	Damages to plants, grounds, facilities or equipment will be assessed on a value based on replacement cost (Including labor) plus 10% (administrative fee) Half Day = 4 hours or less Full Day = More than 4 hours		

§ 500.24 Payment of fees.

Payment for use of tram will be made by cash or money order (in U.S. funds)

and is due at the time of ticket purchase. Fee payments for use of facilities or grounds or for photography and

cinematography must be made in advance of services being rendered. These payments are to be made in the

form of a check or money order. Checks and money orders are to be made payable, in U.S. funds, to the "U.S. National Arboretum." The National Arboretum will provide receipts to requestors for their records or billing purposes.

Done at Washington, DC, this 12th day of June 1997.

Robert J. Reginato,

Associate Administrator, Agricultural Research Service.

[FR Doc. 97-15977 Filed 6-18-97; 8:45 am]

BILLING CODE 3410-03-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 32

Public Meetings

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of public meetings.

TIME AND DATES: 1:00-4:00 p.m., Thursday, July 10, 1997 (Bloomington, Illinois) and 9:00 a.m.-12:00 noon, Wednesday, July 16, 1997 (Memphis, Tennessee).

PLACE: July 10, 1997—Illinois State University, Bone Student Center, (Corner of College & University), Old Main Room, Bloomington-Normal, Illinois 61761, (309) 438-2222, and July 16, 1997—University of Memphis, Fogelman Executive Center, Room 123, 330 Deloach St., Memphis, Tennessee 38152, (901) 678-3635.

STATUS: Open.

SUMMARY: Notice is hereby given that the Commodity Futures Trading Commission ("Commission") will convene public meetings at which interested members of the public may appear to present oral and written statements relating to the Commission's consideration of whether it should propose rules to lift the prohibition on trade options on enumerated agricultural products subject to conditions and, if so, what conditions would be appropriate.

ADDRESSES: Requests to appear and statements of interest should be mailed to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat; transmitted by facsimile at (202) 418-5521; or transmitted electronically to [secretary@cftc.gov]. Reference should be made to "Agricultural Trade Options Meeting—Bloomington" or "Agricultural Trade Options Meeting—Memphis."

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, (202) 418-5260, or electronically, [PArchitzel@cftc.gov].

SUPPLEMENTARY INFORMATION: Generally, the offer or sale of commodity options is prohibited except on designated contract markets. 17 CFR 32.11. One of several specified exceptions to the general prohibition on off-exchange options is for "trade options." Trade options are defined as off-exchange options "offered by a person having a reasonable basis to believe that the option is offered to" categories of commercial users specified in the rule, where such commercial user "is offered or enters into the transaction solely for purposes related to its business as such." 17 CFR 32.4(a). Trade options, however, are not permitted on the agricultural commodities which are enumerated in the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (Act). 17 CFR 32.2.

The Commodity Futures Trading Commission (Commission) recently published in the **Federal Register** an Advance Notice of Proposed Rulemaking (62 FR 31375 (June 9, 1997)) (Advance Notice), seeking comment on whether it should propose rules to lift the prohibition on trade options on the enumerated agricultural options subject to conditions and, if so, what conditions would be appropriate. The comment period will remain open until July 24, 1997. *Id.*

As the Commission noted in its Advance Notice, it directed its Division of Economic Analysis (Division) to study the prohibition on the offer or sale of off-exchange trade options on the agricultural commodities enumerated in the Act and to report on the Division's findings. On May 14, 1997, the Division forwarded to the Commission its study entitled, "Policy Alternatives Relating to Agricultural Trade Options and Other Agricultural Risk-Shifting Contracts." The complete text of that study is available through the Commission's Internet site and can be accessed at <http://www.cftc.gov/ag8.htm>.

The Advance Notice poses a number of questions for comment relating to the issues identified in the Division's study. These issues include, among others, the nature of possible conditions on lifting the prohibition on agricultural trade options. Such conditions relate to the nature of the parties, restrictions on the instruments or their use, the regulation of their marketing and other possible

limitations relating to financial capacity, cover, and internal controls.

The Commission is of the view that, in addition to the receipt of written comments, an opportunity for interested members of the public to appear before it will assist it in its consideration of these issues and is in the public interest. Accordingly, the Commission will convene public meetings on July 10th in Bloomington, Illinois, and on July 16th, in Memphis, Tennessee, for that purpose.

All individuals or organizations wishing to appear before the Commission should submit to the Commission at the above address by July 1, 1997, a concise statement of interest and qualifications and a brief summary or abstract of the content of his or her statement. The Commission will invite a representative number of individuals or organizations to appear from those submitting such statements. Persons appearing before the Commission are invited specifically to address the questions posed by the Commission in its Advance Notice. A transcription of the meetings will be made and entered into the Commission's public comment files, which as noted above, will remain open for the receipt of written comment until July 24, 1997.

Issued in Washington, DC, this 16th day of June 1997 by the Commodity Futures Trading Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 97-16073 Filed 6-18-97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 330, and 358

[Docket Nos. 96N-0420, 92N-454A, 90P-0201, and 95N-0259]

RIN 0910-AA79

Over-the-Counter Human Drugs; Proposed Labeling Requirements; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to October 6, 1997, the period for comments for the notice of proposed rulemaking on over-the-counter (OTC) labeling requirements that was