

On page 16490, in the first column, in § 4.28(e)(2), the phrase “and prior to [10 years from date of publication]” should read “and prior to April 9, 2007”.

Dated: June 13, 1997.

Bradley A. Buckles,

Acting Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc. 97-16188 Filed 6-20-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[SPATS No. CO-034-FOR]

Colorado Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; correction.

SUMMARY: In this document, the Office of Surface Mining Reclamation and Enforcement (OSM) is correcting a final rule that appeared in the **Federal Register** of May 30, 1997 (62 FR 29290). The document amended the Colorado regulatory program (hereinafter referred to as the “Colorado program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM inadvertently omitted the Director’s finding and decision concerning Colorado’s decisions regarding permit transfers.

DATES: Effective May 30, 1997.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 844-1424.

SUPPLEMENTARY INFORMATION:

I. Background

In the preamble of the May 30, 1997, **Federal Register** notice (62 FR 29290, administrative record No. CO-683-05), OSM inadvertently omitted the discussion and approval of Rule 2.08.6(6) as it had been proposed in Colorado’s original February 25, 1997, submittal. The purpose of this document is to notify the public that Colorado’s February 25, 1997, proposed revisions to Rule 2.08.6(6) are approved by OSM.

II. Director’s Finding

Rule 2.08.6(6), Decisions on Applications for Permit Transfers

Colorado proposed to revise Rule 2.08.6(6) to clarify that Colorado issues a “proposed” decision to approve or deny a permit transfer. The existing rule provides that persons with an interest in the decision may, within thirty days after the notification, request a formal hearing on the proposed decision. Colorado also proposed to revise Rule 2.08.6(6) by adding the clarification that [i]f no formal hearing is requested, the Division shall issue and implement the proposed decision as final within five days after the close of the 30-day period provided for the filing of a request for a formal hearing. However, no permit shall be transferred until the applicant has filed a performance bond with the Division and the Division has approved it.

The Federal regulation at 30 CFR 774.17(c) provides that any person having an interest which is or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, including an official of any Federal, State, or local government agency, may submit written comments on the application to the regulatory authority within a time specified by the

regulatory authority. The Federal regulation at 30 CFR 774.17(e) requires the regulatory authority to provide notification of its findings.

Colorado’s proposed revisions of Rule 2.08.6(6) clarify (1) that any decision would not be final until after the close of the thirty day comment period and (2) when and under what circumstances the decision would become final. The Director finds that proposed Rule 2.08.6(6) is consistent with and no less effective than the Federal regulations at 30 CFR 774.17 (c) and (e) and approves it.

III. Director’s Decision

The Director, based on the above finding, approves Colorado’s proposed Rule 2.08.6(6), concerning decisions on permit transfers, as submitted on February 25, 1997.

List of Subjects in 30 CFR Part 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 10, 1997.

James F. Fulton,

Acting Director, Western Regional Coordinating Center.

Accordingly, 30 CFR Part 906 is amended as set forth below.

PART 906—COLORADO

1. The authority citation for Part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 906.15 is corrected in the table by revising the entry on the “Date of Final Publication” of May 30, 1997, to read as follows:

§ 906.15 Approval of Colorado regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
February 25, 1997	May 30, 1997	2 CCR 407-2, Rules 1.01(9); 1.04 (4), (12), (21), (41), (149); 1.13; 2.05.3 (3) (b)(i)(D), (3)(c)(ii); 2.06.2(4); 2.06.6(2)(a)(i); 2.08.5(2)(b)(ii); 2.08.6(6); 3.02.4(2)(d)(i); 3.05.5(1); 4.02.2(2); 4.03.1(1)(e); 4.05.6 (6)(a), (11)(h); 4.07.3(3) (f), (g); 4.30 .1(3), .2(3); 5.02.41 (1), (2); 5.03.3(5).

[FR Doc. 97-16332 Filed 6-20-97; 8:45 am]

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PANAMA CANAL COMMISSION

35 CFR Part 61

RIN 3207-AA41

Health, Sanitation, and Communicable Disease Surveillance; Licensing of Activities

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission is amending its regulations in title 35 of the Code of Federal Regulations in order to delete reference to activities assumed by the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and to reflect the sanitation and communicable disease surveillance activities performed by the

Commission. The procedural rights of the users of the Panama Canal are unaffected by this amendment.

EFFECTIVE DATE: Effective June 23, 1997.

FOR FURTHER INFORMATION CONTACT: John A. Mills, Secretary, Panama Canal Commission, Office of the Secretary, Panama Canal Commission, International Square, 1825 I Street NW., Suite 1050, Washington, DC 20006-5402, (Telephone: (202) 634-6441); or John L. Haines, Jr., General Counsel, Panama Canal Commission, Unit 2300, APO AA 34011-2300; Telephone 011-507-272-7511; Facsimile: 011-507-272-3748.

SUPPLEMENTARY INFORMATION: Licensing of various activities was a governmental function conducted by the Canal Zone Government. The Panama Canal Treaty of 1977 and the implementing legislation, Public Law 96-70, approved September 27, 1979, eliminated those functions. The regulations concerning those pre-treaty activities are removed by this amendment. The following parts including their identified sections are removed: Subpart B—Barbers, Beauticians, and Manicurists; Subpart C—Examination of Food Handlers; Inspection of Food-Handling Establishments; Subpart D—Food and Beverages. Subpart E—Maritime Communicable Disease Surveillance is being amended to reflect the correct titles of the positions involved in these activities.

The Commission has been exempted from Executive Order 12866 and, accordingly, the provisions of that directive do not apply to this rule. Even if the Order were applicable, this rule would not have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

Further, the agency has determined implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

Finally, the Secretary of the Panama Canal Commission certifies these changes in regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

List of Subjects in 35 CFR Part 61

Biologics, Communicable diseases, Harbors, Public health, Reporting and recordkeeping requirements, Vessels.

Accordingly, 35 CFR part 61 is amended as follows:

PART 61—HEALTH, SANITATION, AND COMMUNICABLE DISEASE SURVEILLANCE

1. The authority citation for part 61 continues to read as follows:

Authority: 22 U.S.C. 3811.

Subparts B, C, D, §§ 61.31–61.95 [Removed and Reserved]

2. In 35 CFR part 61 remove and reserve subparts B, C, and D, and §§ 61.31–61.95 [removed and reserved] and amend subpart E as follows:

Subpart E—[Amended]

Subpart E—Maritime Communicable Disease Surveillance

3. In subpart E remove the words “medical officer” and “medical officer in charge” and add, in their place, the words “Chief, Occupational Health Division” each place they appear.

§ 61.121 [Amended]

4. In § 61.121 add the abbreviation “(WHO)” after the “World Health Organization”.

5. In § 61.122 remove the definitions of Medical officer and Medical officer in charge and add the following definitions in alphabetical order:

§ 61.122 Definitions.

* * * * *

Boarding official (admeasurer) means an official or employee of the Panama Canal Commission specially trained and assigned to communicable disease surveillance duty by authority of the Chief, Occupational Health Division.

* * * * *

Chief, Occupational Health Division means the officer of the Panama Canal Commission responsible for the application of these regulations.

* * * * *

6. Section 61.152 is amended by revising the first sentence to read as follows:

§ 61.152 Vessels; sanitary inspection and corrective measures.

The master or his/her designated officer shall make a daily sanitary inspection of all compartments or the vessel normally accessible to passenger or crew. * * *

§ 61.154 [Amended]

7. In § 61.154(a) remove the words “suspected smallpox”.

8. Section 61.155 is amended by revising paragraph (a) (1) and paragraph (d) to read as follows:

§ 61.155 Vessels; yellow fever.

(a) * * *

(1) An infected or suspected vessel as defined in § 61.226; or

(2) * * *

(b) * * *

(c) * * *

(d) The Quarantine Office of the Government of Panama, upon request, will be provided complete information from the ship's required entry documents for specified vessel(s) which have either transited the Panama Canal or docked at a port of Panama.

* * * * *

§ 61.193 [Amended]

9. Section 61.193(a) is amended by adding the word “(admeasurer)” after the words “boarding officer” in the fourth sentence and by removing the words “medical officer or” in paragraph (b).

§ 61.195 [Amended]

10. Section 61.195(b) is amended by revising the words “his judgment” to read “his/her judgment”.

§ 61.20 [Amended]

11. Section 61.201 is amended by revising the words “medical officer” to read “boarding officer (admeasurer)”, and by adding after the words “this subpart” and before the words “or destruction,” the words “shall not render liable to detention, disinfection,”.

12. Section 61.222 is amended by revising the words “medical officer” to read “boarding officer (admeasurer)” in paragraphs (d) and (e) and by adding a sentence at the end of paragraph (e) to read as follows:

§ 61.222 Cholera; vessels and things.

* * * * *

(e) * * * The ship will be instructed not to dispose of any potentially contaminated water of feces into Canal waters.

§§ 61.223, 61.224, 61.225, 61.227, 61.242, 61.243, 61.263, 61.242, 61.243, 61.263, and 61.264 [Amended]

13. In §§ 61.223(c), 61.224(c), 61.225, 61.227, 61.242(b), 61.243, 61.263(b), and 61.264 remove the words “medical officer” and add, in their place, the words “boarding officer (admeasurer)” each place they appear.

14. Section 61.263(a) is revised to read as follows:

§ 61.263 Provisional pratique.

(a) Provisional pratique signifies the vessel may proceed, but additional measures regarding the sanitary condition of the vessel, as specified, must be taken in connection with the entering or proceeding through the Canal. Free pratique shall be issued after

the additional measurers have been completed.

* * * * *

Dated: June 12, 1997.

John A. Mills,

Secretary, Panama Canal Commission.

[FR Doc. 97-15932 Filed 6-20-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC46

St. Croix National Scenic Riverway, Boating Operations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is adopting this final rule to amend the special regulations for the NPS administered portion of the St. Croix National Scenic Riverway (Riverway). This rule will provide for the regulation of access to waters within the Riverway of vessels and individuals in order to protect against the infestation of zebra mussel. The purpose of this rule is to protect park aquatic natural resources and supporting human built infrastructure.

EFFECTIVE DATE: This rule becomes effective on July 23, 1997.

FOR FURTHER INFORMATION CONTACT:

Brian Adams, Chief Ranger, St. Croix National Scenic Riverway, P.O. Box 708, Saint Croix Falls, WI 54024. Telephone 715-483-3284.

SUPPLEMENTARY INFORMATION:

Background

The NPS is granted broad statutory authority under 16 U.S.C. Section 1 *et seq.* (National Park Service Organic Act) to “* * * regulate the use of the Federal areas known as national parks, monuments, and reservations * * * by such means and measures as conform to the fundamental purpose of the said parks * * * which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (16 U.S.C. Sections 1a-2(h)). In addition, the Organic Act (16 U.S.C. 3.) allows the NPS to develop “rules and regulations * * * necessary or proper for the use and management of the parks, monuments and reservations

under the jurisdiction of the National Park Service”.

The *National Park Service Management Policies* (1988) provide overall direction in implementing the intent of this congressional mandate and other applicable Federal legislation. The policy of the NPS regarding protection and management of natural resources is “The National Park Service will manage the natural resources of the national park system to maintain, rehabilitate, and perpetuate their inherent integrity” (Chapter 4:1). Where conflict arises between human use and resource protection, where the NPS has a “reasonable basis to believe a resource is or would become impaired, the Park Service may, * * * otherwise place limitations on public use” (Chapter 1:3).

The integrity and quality of many national aquatic ecosystems, and dependent economic values and infrastructure, are threatened by the introduction of a variety of injurious non-indigenous aquatic species, both flora and fauna. These exotic aquatic animals and plants cause irreparable harm to the core values and resources for which the national park system was created and can impose costly economic impacts on businesses and government entities through loss of production time and detection, mitigation, remediation and control activities. It is estimated that six of the over 150 known exotic aquatic species found within United States waters have alone caused over \$1.5 billion in damages since 1906 (U.S. Congress, Office of Technology Assessment).

One such example is the exotic zebra mussel (*Dreissena polymorpha*). The zebra mussel is a small, fresh water, filter feeding mollusk that attaches itself to any hard surface, human-made or natural. These highly prolific mussels were first discovered in Lake St. Clair in 1988 and have rapidly become one of the most ecologically and economically damaging aquatic nuisance species in North America. It is believed that the species was accidentally introduced into Great Lakes waters in 1985-1986 by the routine practice of transferring ballast water in commercial vessels. They have quickly spread throughout the Great Lakes and into the major eastern and Midwestern river systems including the Mississippi River, Ohio River, Arkansas River, Red River, Tennessee River and Hudson River drainages.

The ecological and economic impacts of zebra mussels have been extensive. These include effects to other organism, water quality, water clarity, and disruption of native aquatic communities and impacts to navigational devices, businesses and

industries, municipal water systems, utility power plants, and recreational and commercial vessel owners.

The primary vector in the spread of the zebra mussel, like many aquatic exotic species, is by in-water or trailered vessels transport from infested to uninfested waters. During the summer of 1995, zebra mussels were found on trailered vessels as far west as California. There is evidence that contaminated wet suits are also a vector for accidental introduction. There is no evidence that transport by natural means such as birds or aquatic wildlife has led to the establishment of viable zebra mussel populations.

Exotic organisms were recognized as a problem in 1977 when, on May 24, 1977, Executive Order (EO) 11987 was signed and released. EO 11987 directed Federal agencies to restrict the importation and introduction of exotic species into the natural ecosystems on lands and waters under their jurisdiction. On November 29, 1990, Congress passed the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (1996) (16 U.S.C. 4701). This act, among other things, directed Federal agencies to prevent the introduction and dispersal of nonindigenous species into waters of the United States. On November 9, 1996, the President signed the “National Invasive Species Act” that had been passed by Congress. This act calls for a more widespread effort in looking for ways to prevent and control the increasing number of invasions by nonindigenous species.

This final rule will allow St. Croix National Scenic Riverway to regulate vessel and individual access to park area waters, to prevent or minimize the risk of the unintentional introduction of zebra mussel. Minimizing such risks is particularly important since once introduced and established, zebra mussels are extremely costly and nearly impossible to eliminate.

This rule will prohibit the transportation, introduction or attempted introduction of aquatic nuisance species into park area waters. The rule includes criteria for the decontamination of vessels and equipment that will allow them access to park area waters. The rule will also allow the NPS to implement a permit system outlined in the general provisions (36 CFR 1.6) to assure vessels entering Riverway waters are free of aquatic nuisance species.

This rule will bring the NPS into conformity with programs currently in place in the States of Minnesota and Wisconsin and will allow the NPS to provide an extra measure of protection