SUPPLEMENTARY INFORMATION:

The proposed rule was published on August 1, 1997, at 62 FR 41323. No comments were received, therefore, the rule is being adopted as published.

Executive Order 12866. It has been determined that this Privacy Act rule for the Department of Defense does not constitute ''significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act. It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

List of Subjects in 32 CFR Part 311

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

PART 311—[AMENDED]

1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: Pub.L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

2. Section 311.7, is amended by adding paragraphs (c)(11)(i) through (c)(11)(iii) to read as follows:

§ 311.7 Procedures for exemptions.

* * * * *

(c) * * *

(11) *System identifier and name*: DUSP 11, POW/Missing Personnel Office Files.

(i) *Exemption:* Information classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(ii) *Authority:* 5 U.S.C. 552a(k)(1).

(iii) *Reasons:* From subsection 5 U.S.C. 552a(d) because granting access to information that is properly classified pursuant to E.O. 12958, as implemented by DoD 5200.1–R, may cause damage to the national security.

* * * * *

Dated: October 29, 1997.

L.M. Bynum,

Alternate OSD **Federal Register** *Liaison Officer, Department of Defense.*

[FR Doc. 97–29070 Filed 11–3–97; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI45

Survivors and Dependents Education: Extension of Eligibility Period

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; technical amendment.

SUMMARY: In a document published in the **Federal Register** on October 3, 1997 (62 FR 51783), VA amended the ''Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35'' regulations. The final rule, among other things, transferred the subject matter of paragraph (e) of § 21.3046 to a new § 21.3047. Inadvertently, two cross-references to said paragraph (e) were not amended to reflect the change. Accordingly, this document corrects this error by changing the cross-references to refer to the new § 21.3047.

EFFECTIVE DATE: November 4, 1997.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.117.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: October 28, 1997.

Thomas O. Gessel,

Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 21, subpart C, is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors'—and Dependents'—Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for subpart C continues to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500–3566, unless otherwise noted.

§ 21.3046 [Amended]

2. In § 21.3046, paragraph (c)(1) is amended by removing ''paragraphs (d) and (e) of this section'' and adding, in its place, ''paragraph (d) of this section and § 21.3047'' and paragraph (d)(6)(ii) is amended by removing ''or (e) of this section'' and adding, in its place, ''of this section or § 21.3047''.

[FR Doc. 97–29096 Filed 11–3–97; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50621B; FRL–5745–1]

RIN 2070–AB27

Dipropylene Glycol Dimethyl Ether; Final Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance described as dipropylene glycol dimethyl ether (DGDE), which was the subject of premanufacture notice (PMN) P–93–507. This final rule will require persons who intend to manufacture, import, or process this substance for a use designated by this SNUR as a ''significant new use'' to notify EPA at least 90 days before commencing those manufacturing or processing activities. The notice will provide EPA with the opportunity to evaluate the intended use and, if necessary, prohibit or limit that activity before it can occur.

DATES: The effective date of this rule is January 5, 1998. This rule shall be promulgated for purposes of judicial review at 1 p.m. (e.s.t.) on November 18, 1997.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, telephone: (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of this document are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/).

The proposed SNUR for dipropylene glycol dimethyl ether was published in the **Federal Register** on August 22, 1994 (59 FR 43079). While background information is presented here, readers should also consult the preamble of that proposed rule for further information on the objectives and rationale for this final rule.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA promulgates a final significant new use rule, section 5(a)(1)(B) of TSCA and 40 CFR part 721 require persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for the significant new uses. Section 26(c) of TSCA authorizes EPA to take action under section 5(a)(2) with respect to a category of chemical substances. Persons subject to this SNUR must comply with most of the same requirements as submitters of premanufacture notices under section 5(a)(1) of TSCA. These requirements include the information submission requirements of sections 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

II. Applicability of General Provisions

General regulatory provisions applicable to SNURs are codified at 40 CFR part 721, subpart A. Regulatory provisions covering user fees applicable to significant new use notices are codified at 40 CFR part 700 under the authority of TSCA section 26(b). Interested persons may refer to those sections for further information.

III. Discussion of Comments and Final Rule

Almost all public comments on the proposed SNUR for dipropylene glycol dimethyl ether (DGDE) were submitted to EPA by the PMN submitter. The other comments, which were general in nature and spoke to the advantages of the PMN substance over similar products, are discussed in Comment 5 and in the EPA Response.

The comments addressed each requirement of the proposed SNUR and also furnished substantial background material in the form of toxicological studies and technical information on the PMN substance and analogous chemical substances. Nearly all this information had previously been submitted to the Agency, considered during the PMN review period, and incorporated into the Agency's regulatory decision. The results of this toxicological review and analysis are reflected in the Agency's risk assessment document, which is part of the public record for this SNUR. It is important to note that although the risk assessment document does not specifically reference studies submitted following the PMN review period, most notably a reproductive toxicity study on the PMN substance, these studies were considered in EPA's final assessment of DGDE and support the Agency's decision. The comments also suggested language for revising the proposed SNUR, specifically to have the SNUR apply only to the substance when it was manufactured, imported, or processed containing greater than 5 percent by weight of the isomer propane 2,2′-oxybis[1-methoxy-. The Agency has particularly strong concerns for adverse health effects of that isomer and has adopted the above suggested approach in this final rule.

The proposed rule for DGDE listed the following uses as significant new uses that would require notice to the Agency 90 days prior to commencement:

(1) Manufacturing or processing the substance without use of dermal protection that provides an impervious barrier to the substance.

(2) Annual manufacture and importation volume for any domestic use greater than 4 times the yearly volume specified in the PMN for the substance.

(3) Use of the substance in a consumer product.

After careful consideration of all public comments on the proposed SNUR, the Agency has decided to issue the final rule with several changes from the proposed version. Based upon toxicological and background information submitted to the public docket by the PMN submitter, the Agency no longer has concerns for use of the PMN substance in consumer uses or without a strict requirement for dermal protection. In the final SNUR, the significant new uses defined above in the proposed SNUR will apply to DGDE only when containing more than 5 percent of the above mentioned isomer, thereby addressing EPA's primary health concerns for the toxicity of the isomer. Accordingly, to reflect the Agency's concern for the isomer, the production volume limit contained in the proposed rule has been intentionally omitted and the Agency is now requiring notice of any volume of the substance as defined by this final rule when used either without dermal protection or in consumer uses.

1. *Comment*. The PMN submitter argues that the dermal protection provision is unnecessary since its material safety data sheet (MSDS) for DGDE provides adequate warnings and guidance as to appropriate protective equipment. In addition, the company stated that its product stewardship program and corporate responsibility ethic also obviate the need for this provision.

EPA Response. Hazard communication is not equivalent to, and does not ensure, the actual use of protective equipment; it is merely a means of encouragement towards that end. The Agency did not take issue with the adequacy of the warnings and information on how to protect against dermal exposure to DGDE that is contained in the PMN submitter's MSDS. It is important to note, however, that the PMN submitter's MSDS is in its current form, which EPA now considers satisfactory, as a result of glove testing required by the Agency. The company's research safety sheet for DGDE, which is the precursor to its MSDS, contained no special handling precautions to ensure that individuals who might come into

contact with the substance would use adequate dermal protection.

The dermal protection requirement is designed to ensure that all manufacturers and processors of DGDE, with the isomer of concern present at greater than 5 percent, provide workers with adequate protection against dermal exposure to the substance. While a company's product stewardship program and Responsible Care® ethic cannot in themselves alleviate the need for this provision, the Agency will consider, as explained in the proposed rule, the product stewardship program of a future significant new use notice (SNUN) submitter in its decision on how to regulate DGDE.

Ultimately, however, the Agency must ensure that all workers who might be exposed to DGDE containing greater than 5 percent by weight of the isomer propane 2,2′-oxybis[1-methoxy-, at all potential manufacturing sites and downstream locations, are adequately protected, not just warned, against its health risks. Hence, the Agency retains this provision in the final SNUR as proposed.

2. *Comment.* The PMN submitter informed the Agency that the company's annual domestic production of DGDE has exceeded 4 times the yearly volume specified in the PMN and expects this to continue. The comment provides specific information on the quantities of DGDE manufactured in the United States solely for export (claimed by the PMN submitter as confidential business information), which accounts for the exceedance of the volume limit contained in the proposed SNUR. The comment also states that the Agency was informed about the company's production levels during the PMN review period.

EPA Response. The limitation on the isomeric make-up of DGDE effectively addresses any Agency concerns for risk, regardless of ultimate production volume. For more information on the isomeric make-up of the PMN submitter's DGDE formulation, see the discussion in the proposed rule (59 FR 43079, August 22, 1994).

3. *Comment.* The PMN submitter states that the Agency has never defined under TSCA what a ''consumer use'' is and that, therefore, the proposed SNUR provision requiring notice prior to use in a consumer product is vague and unenforceable.

EPA Response. The Agency disagrees with the PMN submitter's assertion that ''use in a consumer product'' is a vague concept and an inappropriate SNUR provision. Although the Agency may not have specifically defined the term ''consumer use'' under TSCA, the definitions section for SNURs, 40 CFR 721.3, defines both *consumer* and *consumer product.* The meaning of ''consumer use'' is clear from the definition of these terms.

Consumer is defined at 40 CFR 721.3 as a private individual who uses a chemical substance or any product containing the chemical substance in or around a permanent or temporary household or residence, during recreation, or for any personal use or enjoyment. *Consumer product* is described as a chemical substance that is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreation. It is plain from reading these definitions what the Agency intends when it designates ''use of the PMN substance in a consumer product'' as a significant new use. It is the regulated community's responsibility to know, through research and development activities, market research or other means, whether its products will be or are likely to be used in consumer applications. The Agency believes it is reasonable to assume that companies have knowledge of potential distribution patterns and uses for their products. In deciding whether it is appropriate to submit a SNUN to the Agency, a company should use a standard based on reasonableness. If the company believes or has reason to believe, based on reasonably ascertainable information obtained in the course of conducting its business, that the substance will or will likely be used by a consumer, they should comply with the SNUR requirement. If there is any uncertainty as to the provision's applicability in a given case or need for clarification of the definitions, the company should contact the Agency for guidance.

Glycol ethers, like DGDE, are present in many consumer products, some of which, like hand lotions, may involve significant contact with skin and other types of human exposures. Since the Agency continues to have concerns when the use of DGDE in a consumer product may expose the general population to a potentially significant health risk, the final rule requires submission of a SNUN prior to any use of DGDE, as defined by this SNUR, in a consumer product.

4. *Comment.* As part of its public comments on the SNUR, the PMN submitter provided a substantial amount of information, in the form of toxicity studies and background documents, on the potential toxicity of the PMN substance and related chemicals. The company believes that the Agency has taken a more restrictive approach with DGDE than it has in the past with similar PMN substances.

EPA Response. As stated above, the Agency has decided to limit applicability of this restrictive approach only to DGDE with greater than 5 percent by weight of the isomer, propane, 2,2′-oxybis[1-methoxy- (CAS No. 189354–80–1). Nearly all of the company's toxicological and background information was available to the Agency during the PMN review period and incorporated into EPA's risk assessment of DGDE, which is available in the public record (the risk assessment document in the public record, however, has not been updated with studies submitted following the PMN review period). While EPA does not intend to comment on each toxicity study and background document in this response, a brief review of the Agency's hazard assessment of DGDE, especially as it compares to similar compounds, should be helpful in understanding the regulatory approach selected for this substance.

In its comments, the PMN submitter mentions two PMN substances—both propylene glycol monoethers—that were not regulated by the Agency. From the standpoint of toxicity, data indicate that the P-series glycol ethers should be broken down into two groups: secondary and primary alcohols. Because of DGDE's isomeric ratio and the way it is metabolized, the substance has the potential to form much more primary alcohol *in vivo* (i.e., 2-methoxy-1-propanol, 2-(2-methoxypropoxy)-1-propanol, and 2-(2-methoxy-1-methylethoxy)-1-propanol) than is present in the monoethers, which are generally 90–95 percent secondary alcohol, and 5–10 percent primary alcohol. Available toxicity data show that the primary alcohols are more toxic than the secondary alcohols.

The test data provided by the PMN submitter indicate that DGDE's potential human health hazard falls between the ethylene glycol ethers it will replace, namely, glyme (1,2-dimethoxyethane) and diglyme (1-methoxy-2-methoxyethoxyethane) and the P-series glycol ethers mentioned in the company's comments. The data indicate no observable effects levels (NOELs) from the toxicity studies on DGDE, glyme, and diglyme are similar, but the effects seen with glyme and diglyme are more severe. The toxic effects observed with DGDE and the P-series mono glycol ethers are similar, but the NOEL for the P-series mono glycol ethers is approximately 10–fold higher, indicating relatively less toxicity for the P-series.

In other words, if the Agency were ranking the glycol ethers currently under discussion according to relative toxicity/hazard, the glycol ethers would fall in the following order (from high to low): E-series glycol ethers like glyme and diglyme; then DGDE, the PMN substance; and lastly the P-series glycol ethers, such as those referenced by the PMN submitter in its comments. The Agency's risk assessments have reflected and have been consistent with this relative hazard ranking, allowing for variations in the degree of exposure/use patterns, and its regulatory decisions have corresponded as well.

5. *Comment*. The PMN submitter and two other commenters, the only other parties to address the proposed rule, objected to regulation of DGDE because the substance represents an improvement over existing glycol ethers in both performance and safety characteristics. They believe that the manufacture or commercial availability of DGDE should not be restricted in any way.

EPA Response. While the Agency acknowledges that the PMN submitter's DGDE may hold safety advantages over some substances for which it is intended to substitute, the extent of this advantage, and whether there is an advantage at all, depends in large part on the formulation of the substance. Consequently, the Agency has modified the proposed SNUR to apply only to DGDE with greater than 5 percent by weight of the isomer, propane, 2,2′-oxybis[1-methoxy- (CAS No. 189354–80–1). Specifically, the ''safer substitute'' qualities of DGDE are a function, as mentioned earlier and discussed in the proposed SNUR, of the percentage mix of the three isomers of which it is constituted and also of the hazard/exposure profiles of the specific potential substitutes.

IV. Applicability of SNUR to Uses Occurring Before Effective Date of the Final SNUR

EPA has decided that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of proposal rather than as of the effective date of the rule. If uses which had commenced between that date and the effective date of this rulemaking were considered ongoing, rather than new, any person could defeat the SNUR by initiating a significant new use before the effective date. This would make it difficult for EPA to establish SNUR notice requirements. Thus, persons who begin commercial manufacture, import, or processing of the substance for uses regulated under this SNUR after the proposed date of this rule will have to cease any such activity before the effective date of this rule. To resume their activities, such persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. EPA, not wishing to unnecessarily disrupt the activities of persons who begin commercial manufacture, import, or processing of a significant new use before the effective date of the SNUR, has promulgated provisions to allow such persons to comply with this proposed SNUR before it is promulgated. If a person were to meet the conditions of advance compliance under § 721.45(h), the person would be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

V. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, importers, and processors of the chemical substance. The Agency's complete economic analysis is available in the public record for this rule (OPPTS–50621B).

VI. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS–50621B (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC.

VII. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' subject to review by the Office of Management and Budget (OMB). In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special considerations of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

An agency may not conduct or sponsor, and a person is not required to respond to, an information collection request unless it displays a currently valid OMB control number. The information collection requirements related to this action have already been approved by OMB pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burdens requiring additional OMB approval. The public reporting burden for this collection of information is estimated to average 100 hours per response. The burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.), the Agency has determined that the promulgation of a SNUR does not have a significant adverse economic impact on a substantial number of small entities. The Agency's generic certification for promulgation of new SNURs appears on June 2, 1997 (62 FR 29684) (FRL–5597–1) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 28, 1997.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. By adding new § 721.3550 to subpart E to read as follows:

§ 721.3550 Dipropylene glycol dimethyl ether.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified as dipropylene glycol dimethyl ether (PMN P–93–507; CAS No. 11109–77–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. This class 2 substance is exempt from the notification requirements of this rule if it contains less than 5 percent by weight of the specific isomer, propane, 2,2′-oxybis[1-methoxy- (CAS No. 189354–80–1), which is one of the possible products of the manufacturing process for PMN P–93–507.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(1), (a)(2)(i), and (a)(3).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping requirements.* The following recordkeeping requirements specified in § 721.125 (a), (b), (c), (d), and (e) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 97–29153 Filed 11–3–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 42 and 61

[CC Docket No. 96–61; FCC 97–293]

Policy and Rules Concerning the Interstate, Interexchange Marketplace

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Order on Reconsideration (Order) released August 20, 1997 reconsiders the Second Report and Order in this docket (61 FR 59340 (November 22, 1996)). The Order modifies the Second Report and Order by: adopting permissive detariffing for interstate, domestic, interexchange direct-dial services; adopting permissive detariffing for the first 45 days of service to new customers that contact the local exchange carrier to choose their primary interexchange carrier; and eliminating the requirement that nondominant interexchange carriers make publicly available information concerning current rates, terms, and conditions for all of their interstate, domestic, interexchange services, except in the case of dial-around 0+ services from aggregator locations.

EFFECTIVE DATE: December 4, 1997.

FOR FURTHER INFORMATION CONTACT: Lisa Choi, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580. For additional information concerning the information collections contained in this Order contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted August 15, 1997, and released August 20, 1997. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., NW, Room 239, Washington, DC The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc97–293.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., NW, Washington, DC 20036.

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act, the Order contains a Final Regulatory Flexibility Analysis on Reconsideration which is set forth in the Order on Reconsideration. A brief description of the analysis follows. Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the Order on Reconsideration with regard to small entities. This analysis includes: (1) A succinct statement of the need for, and objectives of, the Commission's decisions in the Order on Reconsideration; (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the Commission's assessment of these issues, and a statement of any changes made in the Order on Reconsideration as a result of the comments; (3) a description of and an estimate of the number of small entities to which the Order on Reconsideration will apply; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the Order on Reconsideration, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; (5) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the Order on Reconsideration and why each one of the other significant alternatives to each of the Commission's decisions which affect small entities was rejected.

The rules adopted in this Order on Reconsideration are necessary to implement the provisions of the Telecommunications Act of 1996.

Paperwork Reduction Act

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L.104–13. 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.

OMB Control Number: 3060–0704.

Expiration Date: February 28, 1998.

Title: Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of section 254(g) of the Communications Act of 1934, as amended, CC Docket No. 96–61.

Respondents: Business or other for-profit.

Public reporting burden for the collection of information is estimated as follows: