hearing will be published in the **Federal Register**. Notices will also be mailed to all interested persons receiving copies of the proposed general permit.

Appeal of Permit: Within 120 days following the service of notice of EPA's final permit decision under 40 CFR 124.15, any interested person may appeal the general permit in the Federal Court of Appeal in accordance with section 509(b)(1) of the Clean Water Act. Persons affected by a general permit may not challenge the conditions of the permit as a right of further EPA proceedings. Instead, they may either challenge the permit in court or apply for an individual NPDES permit and then request a formal hearing on the issuance or denial of an individual permit.

Administrative Record: The complete administrative record for the draft general permit is available for public review; contact Florence Carroll at the telephone number below in the EPA Region 10. Copies of the draft general NPDES permit and fact sheet are available upon request from the Region 10 Public Information Center at the following telephone number: 1–800–424–4EPA(4372)if calling from Idaho, Oregon, and Washington and 1–206–553–1200 if calling from Alaska and all other states.

ADDRESSES: Public comments should be sent to: Environmental Protection Agency Region 10, NPDES Compliance Unit (OW–133), Attn: Florence Carroll, 1200 Sixth Avenue, Seattle, Washington, 98101.

FOR FURTHER INFORMATION CONTACT: Florence Carroll, of EPA Region 10, at the address listed above or telephone (206) 553–1760.

Regulatory Flexibility Act: After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that this general NPDES permit will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: December 5, 1997.

Roger K. Mochnick,

Assistant Director, Office of Water.

[FR Doc. 97–32921 Filed 12–17–97; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

December 12, 1997.

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, Public Law 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. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0806.

Expiration Date: 05/31/98.

Title: Universal Service—Schools and Libraries Universal Service Program.

Form No.: FCC Forms 470 and 471.

Respondents: Business or other for profit.

Estimated Annual Burden: 50,000 respondents; 12 hours per response (avg.); 600,000 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: On May 8, 1997, the Commission adopted rules in CC Docket 96–45 providing discounts on all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. The following forms will be used to implement these requirements and obligations: a. *FCC Form 470 ''Description of Services Requested and Certification.''* Schools and libraries ordering telecommunications services, Internet access, and internal connections under the universal service discount program must submit a description of the services desired to the Administrator. Schools and libraries may use the same description they use to meet the requirement that they generally face to solicit competitive bids. The Administrator will then post a description of the services sought on a website for all potential competing service providers to see and respond to as if they were requests for proposals (RFPs). 47 CFR 54.504(b)(2), 47 CFR 54.504(b)(3). Pursuant to section 254(h) of the 1996 Act, schools and libraries must certify under oath that: (1) The school or library is an eligible entity under section 254(h)(4); (2) the services requested will be used solely for educational purposes; (3) the services will not be sold, resold, or transferred in consideration for money or any other thing of value; and (4) if the services are being purchased as part of an aggregated purchase with other entities, the identities of all co-purchasers and the portion of the services being purchased by the school or library. 47 CFR 54.504(b)(2). For schools ordering telecommunications services at the individual school level (i.e. primarily non-public schools), the person ordering such services should certify to the Administrator the percentage of students eligible in that school for the national school lunch program (or other comparable indicator of economic disadvantage ultimately selected by the Commission). This requirement arises in the context of determining which schools are eligible for the greater discounts being offered to economically disadvantaged schools. For schools ordering telecommunications services at the school district level, the person ordering such services for the school district should certify to the Administrator the number of students in each of its schools eligible for the national school lunch program (or other comparable indicator of economic disadvantage). Schools and libraries must also certify that they have developed a technology plan that has been approved by an independent entity or the Administrator. The technology plan should demonstrate that they will be able to deploy any necessary hardware, software, and wiring, and to undertake any necessary teacher training required to use the services ordered pursuant to the section 254(h) discount effectively. 47 CFR 54.504(b)(2). (No. of respondents: 50,000; hours per response: 6 hours; total annual burden: 300,000). b. *FCC Form 471 ''Services Ordered and Certification.''* Schools and libraries that have ordered telecommunications services, Internet access, and internal connections under the universal service discount program must file FCC Form 471 with the Administrator. This form requires schools and libraries to indicate whether funds are being requested for an existing contract, a master contract or whether it wishes to terminate service. Form 471 requires schools and libraries to list all services that have been ordered and the corresponding discount to which it is entitled. The school or library must also estimate its funding needs for the current funding year and for the following funding year. 47 CFR 54.504(b)(2). All schools and libraries planning to order services eligible for

universal service discounts must file FCC Forms 470 and 471. The purpose of this information is to help determine which schools are eligible for the greater discounts. Schools and libraries must certify to the Administrator that they have developed an approved technology plan via Form 470. Copies of the forms may be obtained via e-mail from: <washtemp@neca.org>. Obligation to respond: Required to obtain benefits.

OMB Control No.: 3060–0807.

Expiration Date: 05/31/98.

Title: 47 CFR 51.803 and Supplemental Procedures for Petitions Pursuant to Section 252(e) of the Communications Act of 1934, as amended.

Form No.: N/A.

Respondents: Business or other for profit.

Estimated Annual Burden: 50 respondents; 40.8 hours per response (avg.); 2040 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: Any interested party seeking preemption of a state commission's jurisdiction based on the state commission's failure to act shall notify the Commission as follows: (1) File with the Secretary of the Commission a detailed petition, supported by an affidavit, that states with specificity the basis for any claim that it has failed to act; and (2) serve the state commission and other parties to the proceeding on the same day that the party serves the petition on the Commission. Within 15 days of the filing of the petition, the state commission and parties to the proceeding may file a response to the petition. See 47 U.S.C. 252 and CFR 51.803. In a Public Notice (DA 97–2540), the Commission sets out procedures for filing petitions for preemption pursuant to section 252(e)(5) of the Communications Act of 1934, as amended. Section 252(e)(5) provides that ''[i]f a State commission fails to act to carry out its responsibility under this section in any proceeding or other matter under this section, then the Commission shall issue an order preempting the State commission's jurisdiction of that proceeding or matter within 90 days after being notified (or taking notice) of such failure, and shall assume the responsibility of the State commission under this section with respect to the proceeding or matter and act for the State commission.'' (1) *Filing of Petitions for Preemption.* Each party seeking preemption should caption its preemption petition, ''Petition of [Petitioner's Name] pursuant to Section 252(e)(5) of the Communications Act (the Act).'' In addition, on the date of the petition's filing, the petitioner should serve a copy of the petition by hand delivery on the Common Carrier Bureau, and send a copy to the Commission's contractor for public service records duplication. Section 51.803(a)(2) of the Commission's rules requires each party seeking preemption pursuant to section 252(e)(5) to ''ensure that the state commission and the other parties to the proceeding or matter for which preemption is sought are served with the petition * * * on the same date that the petitioning party serves the petition on the Commission.'' Therefore, each section 252(e)(5) petitioner should state in its certificate of service the steps it is taking to comply with this requirement (e.g., hand delivery or overnight mail). Petitions seeking preemption must be supported by affidavit and state with specificity the basis for the petition and any information that supports the claim that the state has failed to act. See 47 CFR 51.803. Each petitioner should append to its petition the full text of any State commission decision regarding the proceeding or other matter giving rise to the petition as well as the relevant portions of any transcripts, letters, or other documents on which the petitioner relies. Each petitioner should also provide a chronology of that proceeding or matter that lists, along with any other relevant dates, the date the petitioner requested interconnection, services, or network elements pursuant to section 251 of the Act, the dates of any requests for mediation or arbitration pursuant to section 252(a)(2) or (b)(1), and the dates of any arbitration decisions in connection with the proceeding or matter. (*No. of respondents:* 50; *hours per response:* 40 hours; *total annual burden:* 2000). b. *Submission of Written Comments by Interested Third Parties.* Interested third parties may file comments on a preemption petition in accordance with a public notice to be issued by the Commission. (*No. of respondents:* 2; *hours per response:* 20 hours; *total annual burden:* 40 hours). All of the requirements would be used to ensure that petitioners have complied with their obligations under the Communications Act of 1934, as amended. Obligation to respond: Mandatory.

OMB Control No.: 3060–0791.

Expiration Date: 11/30/2000.

Title: Accounting for Judgments and Other Costs Associated with Litigation, CC Docket No. 93–240.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 1 respondents; 36 hours per response (avg.); 36 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In CC Docket No. 93–240, the Commission adopted accounting rules that would: require carriers to account for adverse federal antitrust judgments and post-judgment settlements of federal antitrust claims below the line in Account 7370, a nonoperating account for special charges. With regard to settlements of such lawsuits, there will be a presumption that carriers can recover the portion of the settlement that represents the avoidable costs of litigation, provided that the carrier makes a required showing. To receive recognition of its avoided costs of litigation, a carrier must demonstrate, in a request for special relief, the avoided costs of litigation by showing the amount corresponding to the additional litigation expenses discounted to present value, that the carrier reasonably estimates it would have paid if it had not settled. Settlement costs in excess of the avoided costs of litigation are presumed not recoverable unless a carrier rebuts that presumption by showing the basic factors that indicated the carrier to settle and demonstrating that ratepayers benefited from the settlement. A carrier requesting recovery of the avoided costs of litigation must accompany its request with clear and convincing evidence that, without the settlement, it would have incurred the expenses it estimates. The evidence will vary according to the circumstances. Among the data a carrier may provide are any avoidable cost estimates provided by the law firm representing the carrier, an estimate of attorney hours needed to complete the case along with the hourly rates for the attorneys involved, information regarding the discovery remaining to be completed, the amount of trial time scheduled by the judge, and information regarding the number of witnesses or documents that would have been introduced at trial, including any pretrial statements filed with the court, costs of expert witnesses, travel time, saved in-house counsel replacement costs, and any other material the carrier considers relevant. The avoided costs of litigation of a pre-judgment settlement would include the anticipated costs of litigating until a judgment. The avoided cost of litigation of a post-judgment settlement would anticipate a successful appeal in the particular case. A fundamental

requirement of Title II of the Communications Act of 1934, as amended, is that ''all charges for and in connection with interstate communication service, shall be just and reasonable.'' This provision safeguards consumers against rates that are unreasonably high and guarantees carriers that they will not be required to charge rates that are so low as to be confiscatory. Carriers under the Commission's jurisdiction must be allowed to recover the reasonable costs of providing service to ratepayers, including reasonable and prudent expenses and a fair return on investment. Obligation to respond: Mandatory.

OMB Control No.: 3060–0760.

Expiration Date: 05/31/98.

Title: Access Charge Reform, CC Docket No. 96–262 (First Report and Order); Second Order on Reconsideration and Memorandum Opinion and Order; and Third Report and Order.

Form No.: N/A.

Respondents: Business or other for profit.

Estimated Annual Burden: 14 respondents; 129,001 hours per response (avg); 1,806,018 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $33,000.

Frequency of Response: On occasion; one-time requirement.

Description: In CC Docket No. 96–262, the Commission adopted a Third Report and Order. In the Third Report and Order, FCC adopts, consistent with principles of cost causation and economic efficiency, that where price cap LECs use general purpose computers and other general support facilities (GSF) to provide nonregulated billing and collection services to interexchange carriers, such GSF costs should not be allocated to these LECs' regulated access and interexchange categories but, instead, should be allocated to their nonregulated billing and collection categories. In the Third Report and Order, the Commission requires affected price cap LECs to make certain exogenous adjustments to their respective price cap indices (PCIs) and related basket indices. LECs affected by this Order are those price cap LECs that use regulated assets to provide nonregulated billing and collection services to interexchange carriers. For the purposes of estimating the information collection burdens for the Third Report and Order, we assume all price cap LECs are affected by the Order. Such LECs must determine the amount of GSF costs that they allocated to their respective access and interexchange categories during 1996 and then calculate the amount of such costs that would have been allocated to those categories during that year if the rule changes adopted in the Third Report and Order had been in effect at that time. Once that difference is determined, each affected price cap LEC is required to make an exogenous adjustment to its PCIs and related basket indices to prevent the earlier misallocation of these costs from continuing to inflate the rates charges for regulated services. Separate from the possible tariff filing burden described below, we estimate that it would take each of these price cap LECs four hours to complete the steps necessary to determine the amount of the exogenous price cap index (PCI) and related basket adjustments required by the Third Report and Order. Because we assume this particular burden applies to all 14 price cap LECs, we estimate the total burden to be 56 hours. Under the Third Report and Order, affected price cap LECs are required to make tariff revision filings on or before December 17, 1997, to implement these exogenous price cap adjustments. Because most of these 14 price cap LECs have not yet made such filings, there should be little or no additional tariff filing burden associated with these LECs' compliance with the Third Report and Order. For the four price cap LECs that have already made access reform tariff filings under other orders, we estimate that there will be an additional tariff filing burden of 1272 hours for these LECs as a group. Incremental burden associated with the Third Report and Order in this proceeding is as follows: *No. of respondents:* 14; *hours per response:* 94.8; *total annual burden:* 1328. *Obligation to respond:* Mandatory.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 97–33044 Filed 12–17–97; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Alternative Dispute Resolution

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Policy statement.

SUMMARY: The FDIC has adopted a Statement of Policy to further its commitment to the use of Alternative Dispute Resolution for resolving appropriate disputes in a timely and cost efficient manner and to comply with the spirit of the Administrative Dispute Resolution Act of 1996, Pub. L. 104–320.

EFFECTIVE DATE: December 9, 1997.

FOR FURTHER INFORMATION CONTACT: James D. Hudson, Counsel (202) 736–0581, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The Board of Directors of the FDIC has adopted a Statement of Policy on Alternative Dispute Resolution. The text of the Policy Statement follows:

Statement of Policy on Alternative Dispute Resolution

The Federal Deposit Insurance Corporation (FDIC) has been and continues to be committed to the use of Alternative Dispute Resolution (ADR) for resolving appropriate disputes in a more timely, less costly manner than litigation or administrative adjudication. The FDIC hereby adopts this policy to reiterate its commitment to ADR, to express its full support for ADR and to set forth a framework for the continuing and expanding use of ADR. The Corporation views ADR not as an end in itself, but rather, as an additional tool to accomplish its business efficiently, economically and productively. To that end, the FDIC believes that its ADR policy should be dynamic and continually developing.

The FDIC fully supports the cost-effective use of ADR, including negotiation, mediation, early neutral evaluation, neutral expert fact-finding, mini-trials and other hybrid forms of ADR in appropriate instances. The purpose of this policy is to use ADR in appropriate instances to resolve disputes at the earliest stage possible, by the fastest and least expensive method possible and at the lowest possible organizational level consistent with applicable delegations of authority.

The Deputy General Counsel for Corporate Operations (or his/her designee) serves as the Dispute Resolution Specialist for the Corporation. In addition, an ADR Steering Committee, composed of the Dispute Resolution Specialist (or his/her designee) and representatives from each Division and Office, was established by the Board of Directors in 1994 to coordinate and encourage appropriate