with access to press conferences held outside of the United States, to meetings with issuer or selling security holder representatives conducted outside of the United States, or to written press-related materials released outside the United States, at or in which a present or proposed offering of securities is discussed, will not be deemed ''directed selling efforts'' if the requirements of § 230.135e are satisfied.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

8. By amending § 240.14d–1 by redesignating paragraphs (c) and (d) as paragraphs (e) and (f), and adding paragraphs (c) and (d) to read as follows:

§ 240.14d–1 Scope of and definitions applicable to regulations 14D and 14E.

* * * * *

(c) Notwithstanding paragraph (a) of this section, the requirements imposed by sections 14(d)(1) through 14(d)(7) of the Act [15 U.S.C. 78n(d)(1) through 78n(d)(7)], Regulation 14D promulgated thereunder (§§ 240.14d–1 through 240.14d–10), and §§ 240.14e–1 and 240.14e–2 shall not apply by virtue of the fact that a bidder for the securities of a foreign private issuer, as defined in § 240.3b–4, the subject company of such a tender offer, their representatives, or any other person specified in § 240.14d–9(d), provides any journalist with access to its press conferences held outside of the United States, to meetings with its representatives conducted outside of the United States, or to written press-related materials released outside the United States, at or in which a present or proposed tender offer is discussed, if:

(1) Access is provided to both U.S. and foreign journalists; and

(2) With respect to any written press-related materials released by the bidder or its representatives that discuss a present or proposed tender offer for equity securities registered under Section 12 of the Act [15 U.S.C. 78*l*], the written press-related materials must state that these written press-related materials are not an extension of a tender offer in the United States for a class of equity securities of the subject company. If the bidder intends to extend the tender offer in the United States at some future time, a statement regarding this intention, and that the procedural and filing requirements of the Williams Act will be satisfied at that time, also must be included in these written press-related materials. No means to tender securities, or coupons that could be returned to indicate interest in the tender offer, may be provided as part of, or attached to, these written press-related materials.

(d) For the purpose of § 240.14d–1(c), a bidder may presume that a target company qualifies as a foreign private issuer if the target company is a foreign issuer and files registration statements or reports on the disclosure forms specifically designated for foreign private issuers, claims the exemption from registration under the Act pursuant to § 240.12g3–2(b), or is not reporting in the United States.

* * * * *

Dated: October 10, 1997.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–27523 Filed 10–16–97; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Part 702

RIN 1215–AB17

Longshore Act Civil Money Penalties Adjustment

AGENCY: Office of Workers' Compensation Program, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: On July 2, 1997, the Department of Labor published a proposal to amend various provisions of the regulations implementing the Longshore and Harbor Workers' Compensation Act (LHWCA). More specifically, the amendments, which are now being published in final with only minor word changes in §§ 702.204 and 702.236, will increase the maximum civil penalties that may be assessed under the LHWCA as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Debt Collection Improvement Act of 1996 (DCIA).

EFFECTIVE DATE: The rule is effective on November 17, 1997.

FOR FURTHER INFORMATION CONTACT: Joseph F. Olimpio, Director for Longshore and Harbor Workers' Compensation, Employment Standards Administration, Room C–4315, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone (202) 219–8721.

SUPPLEMENTARY INFORMATION: The LHWCA authorizes the assessment of a civil money penalty in three situations: (1) Where an employer fails to file a report within sixteen days of the final payment of compensation, it shall be assessed a $100.00 civil penalty (LHWCA, section 14(g)); (2) where an employer, insurance carrier, or self-insured employer knowingly and willfully fails to file any report required by section 30, or knowingly or willfully makes a false statement or misrepresentation in any required report, the employer, insurance carrier, or self-insured employer shall be assessed a civil penalty not to exceed $10,000.00 (LHWCA, section 30(e)); and (3) where an employer is found to have discriminated against an employee because the employee had claimed or attempted to claim compensation, or has testified or is about to testify in proceedings under the LHWCA, the employer shall be liable for a civil penalty of not less than $1,000.00 or more than $5,000.00 (LHWCA, section 49). The DCIA, amending the FCPIAA, requires each agency to issue regulations adjusting the amount of civil money penalties they may levy. The DCIA requires that the civil money penalties be adjusted by a cost-of-living increase equal to the percentage, if any, by which the Department of Labor's Consumer Price Index for all-urban customers (CPI) for June of the calendar year preceding the adjustment exceeds the June CPI for the calendar year in which the civil penalty amount was last set or adjusted. Due to inflation since the LHWCA civil money penalties were last set or adjusted, the increase will, in every case, be the maximum 10% initially permitted under the DCIA. The adjusted civil penalties will apply only to violations occurring after the regulations become effective.

The Department did not receive any comments concerning the substance of its proposal. It did, however, receive a letter from the Chief Counsel of the Office of Advocacy at the Small Business Administration requesting clarification on whether the expected increase in the amount to be collected under the revised regulations is $2,500.00 in the aggregate, or $2,500.00 per case. Under the revised rules, the Department expects to collect an additional $2,500.00 for all cases in

which civil money penalties are assessed. This estimate is based on an analysis of the penalties collected in 1995 and 1996. During that period the total civil penalties collected for all cases was $50,000.00, or an average of $25,000.00 for each year. Each year penalties were collected from an average of 206 cases, so that the average penalty in each case was $121.36. Thus, assuming the maximum 10 percent increase is collected in each case under the final rule, the average increase for each individual case is estimated to be $12.14.

Executive Order 12866

The Department has determined that this regulatory action is not a ''significant'' rule within the meaning of Executive Order 12866, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of 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

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires each agency to perform an initial regulatory flexibility analysis for all proposed rules unless the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Small entities include small businesses, organizations, and governmental jurisdictions. This rule does no more than mechanically increase certain statutory civil money penalties to account for inflation, pursuant to specific directions set forth in the FCPIAA, as amended. The statute specifies the procedure for calculating the adjusted civil money penalties and does not allow the Department to vary the calculation to minimize the effect on small entities. Moreover, as noted above, the total additional amount collected from all projected cases will not exceed $2,500.00. Therefore, the Assistant Secretary hereby certifies that the rule will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1985, as well as E.O. 12875, this rules does not include any federal mandate that may result in increased expenditures by State, local or tribal government, or increased expenditures by the private sector of more than $100 million.

Paperwork Reduction Act

The rule does not contain any collection of information requirements.

Submission to Congress and the General Accounting Office

In accordance with the Small Business Regulatory Enforcement Act of 1996, the Department will submit to each House of the Congress and to the Comptroller General a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will note that this rule does not constitute a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 20 CFR Part 702

Administrative practice and procedure, Claims, Insurance, Longshoremen, Vocational rehabilitation, and Workers' Compensation.

For the reasons set forth in the preamble, part 702 of chapter VI of title 20, Code of Federal Regulations, is amended as follows:

PART 702—ADMINISTRATION AND PROCEDURE

1. The authority citation for part 702 is revised to read as follows:

Authority: 5 U.S.C. 301, 8171 *et seq.*, Reorganization Plan No. 6 of 1950, 15 FR 3174, 3 CFR 1949–1953, Comp., p. 1004, 64 Stat. 1263; 28 U.S.C. 2461, 33 U.S.C. 930, 36 D.C. Code 501 *et seq.*, 42 U.S.C. 1651 *et seq.*, 43 U.S.C. 1331; Secretary's Order 5–96, 62 FR 107.

2. Section 702.204 is revised to read as follows:

§ 702.204 Employer's report; penalty for failure to furnish and or falsifying.

Any employer, insurance carrier, or self-insured employer who knowingly and willfully fails or refuses to send any report required by § 702.201, or who knowingly or willfully makes a false statement or misrepresentation in any report, shall be subject to a civil penalty not to exceed $10,000.00 for each such failure, refusal, false statement, or misrepresentation. *Provided, however,* that for any violations occurring on or after November 17, 1997 the maximum civil penalty may not exceed $11,000.00. The district director has the authority and responsibility for assessing a civil penalty under this section.

3. Section 702.236 is revised to read as follows:

§ 702.236 Penalty for failure to report termination of payments.

Any employer failing to notify the district director that the final payment of compensation has been made as required by § 702.235 shall be assessed a civil penalty in the amount of $100.00. *Provided, however,* that for any violation occurring on or after November 17, 1997 the civil penalty will be $110.00. The district director has the authority and responsibility for assessing a civil penalty under this section.

4. Paragraph (a) of § 702.271 is revised to read as follows:

§ 702.271 Discrimination against employees who bring proceedings, prohibition and penalty.

(a)(1) No employer or its duly authorized agent may discharge or in any manner discriminate against an employee as to his/her employment because that employee: (i) Has claimed or attempted to claim compensation under this Act; or (ii) has testified or is about to testify in a proceeding under this Act. To discharge or refuse to employ a person who has been adjudicated to have filed a fraudulent claim for compensation or otherwise made a false statement or misrepresentation under section 31(a)(1) of the Act, 33 U.S.C. 931(a)(1), is not a violation of this section.

(2) Any employer who violates this section shall be liable to a penalty of not less that $1,000.00 or more than $5,000.00 to be paid (by the employer alone, and not by a carrier) to the district director for deposit in the special fund described in section 44 of the Act, 33 U.S.C. 944; and shall restore the employee to his or her employment along with all wages lost due to the discrimination unless the employee has ceased to be qualified to perform the duties of employment. *Provided however,* that for any violation occurring on or after November 17, 1997 the employer shall be liable to a penalty of not less than $1,100.00 or more than $5,500.00.

* * * * *

Signed at Washington, D.C., this 14th day of October 1997.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

Shelby Hallmark,

Acting Director, Office of Workers' Compensation Programs.

[FR Doc. 97–27593 Filed 10–16–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 93F–0111]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of Nylon 6/66 copolymers as components of nonfood-contact layers of multilayer food packaging used at temperatures that do not exceed 212 °F. This action is in response to a petition filed by Allied-Signal, Inc.

DATES: The regulation is effective October 17, 1997; written objections and requests for a hearing by November 17, 1997.

ADDRESS: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 3, 1993 (58 FR 26325), FDA announced that a food additive petition (FAP 3B4369) had been filed by Allied-Signal, Inc., c/o 1100 G St. NW., Washington, DC 20001 (presently c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001). The petition proposed to amend the food additive regulations in § 177.1395 *Laminate structures for use at temperatures between 120 °F and 250 °F* (21 CFR 177.1395) to provide for the safe use of Nylon 6/66 copolymers complying with 21 CFR 177.1500(b), item 4.2, as components of nonfood-contact layers of multilayer food packaging used at temperatures that do not exceed 100 °C (212 °F).

In reviewing the environmental assessment (EA), the agency found that the petitioner's proposed regulation was much broader than the proposed use covered in the EA. Whereas the analysis in the EA considered only the use of Nylon 6/66 copolymers in laminate films, the petitioner proposed the use of these copolymers in laminate structures, which includes the use in laminate films. In a subsequent communication with the agency, the petitioner agreed that the proposed regulation should be narrowed to state specifically that the intended use of Nylon 6/66 copolymers is in laminate films. Therefore, this regulation limits the use of these copolymers to laminate films, which is consistent with the proposed use covered in the EA.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe, that the additive will have the intended technical effect, and therefore, that the regulations in § 177.1395 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before November 17, 1997, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.1395 is amended in the table in paragraph (b)(4) by revising the entry for ''Nylon 6/66 resins complying with § 177.1500(b), item 4.2 * * *'' to read as follows:

§ 177.1395 Laminate structures for use at temperatures between 120 °F and 250 °F.

* * * * *

(b) * * *

(4) * * *