

transactions in currency by persons other than exempt persons. A bank that continues for the period permitted by paragraph (d)(7)(ii) of this section to treat a person described in paragraph (d)(2) as exempt from the reporting requirements of section 103.22(a) on a basis other than as provided in this paragraph (d) shall remain subject to the rules governing an exemption on such other basis and to the penalties for failing to comply with the rules governing such other exemption.

(8) *Obligation to file suspicious activity reports, etc.* Nothing in this paragraph (d) relieves a bank of the obligation, or alters in any way such bank's obligation, to file a report required by section 103.21 with respect to any transaction, including any transaction in currency, or relieves a bank of any reporting or recordkeeping obligation imposed by this Part (except the obligation to report transactions in currency pursuant to this section to the extent provided in this paragraph (d)).

(9) *Revocation.* The status of any person as an exempt person under this paragraph (d) may be revoked by FinCEN by written notice, which may be provided by publication in the **Federal Register** in appropriate situations, on such terms as are specified in such notice. Without any action on the part of the Treasury Department and subject to the limitation on liability contained in paragraph (d)(7)(iii) of this section:

(i) The status of an entity as an exempt person under paragraph (d)(2)(iv) ceases once such entity ceases to be listed on the applicable stock exchange; and

(ii) The status of a subsidiary as an exempt person under paragraph (d)(2)(v) ceases once such subsidiary ceases to have at least 51 per cent of its common stock owned by a listed entity.

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Dated: August 27, 1997.

Stanley E. Morris,

Director, Financial Crimes Enforcement Network.

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DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Danger Zones, Chesapeake Bay, Point Lookout to Cedar Point, Maryland

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the Navy's proposal to amend the danger zone regulations, which establish an aerial firing range and target areas in the waters of the Chesapeake Bay. The purpose of the proposed amendments is to redesignate the aerial firing range as an aerial and surface firing range and to increase the Navy's use of the range from "Monday through Saturday, except holidays" to continuous use. The existing restricted area at the Hannibal Target encompasses a water area with a radius of 600 feet. The proposed change will increase the radius of the restricted area to 1,000 feet, prohibit entry into the area at all times and prohibit the public from climbing on the targets. These proposed changes are necessary to protect the public from hazardous conditions which may exist as a result of the Navy's use of this area. Other editorial amendments are made to reflect changes in the Navy's organization.

DATES: Comments should be submitted by October 8, 1997.

ADDRESSES: Send comments to: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Elinsky at (410) 962-4503 or Mr. Ralph Eppard at (202) 761-1783.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps proposes to amend the regulations in 33 CFR Part 334.200. The Commanding Officer of the U.S. Naval Air Station, Patuxent River, Maryland has requested that the Corps amend the danger zone and restricted area regulations by redesignating the existing "aerial firing range" as an "aerial and surface firing range" and to increase the Navy's use of the range from "Monday through Saturday, except national holidays" to continuous use. The Navy also proposed to enlarge the existing restricted area at the Hannibal Target from a water area with a radius of 600 feet to a radius of 1,000 feet, and entry into the area is prohibited at all times. The restricted area is presently closed during daylight hours except to vessels authorized entry by the Navy Command. We are also adding a prohibition on climbing on the targets. These proposed changes are necessary to protect the public from hazardous conditions which may exist as a result of the Navy's use of this area. Enforcement of these regulations is being changed from the Commander of

the Naval Air Test Center to the Commanding Officer of the Naval Air Station.

Procedural Requirements

(a) *Review under Executive Order 12866.* This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply.

(b) *Review under the Regulatory Flexibility Act.* This proposed final rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have significant economic impact on a substantial number of small businesses (i.e., small businesses and small Government jurisdictions). It has been determined that the amendments to this danger zone would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, the Corps certifies that this proposal if adopted, will have no significant economic impact on small entities and preparation of a regulatory flexibility analysis is not warranted.

(c) *Review under the National Environmental Policy Act.* An environmental assessment has been prepared for this action. We have concluded that the amendments proposed herein will not have a significant impact to the human environment and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the Baltimore District Office. Please contact Mr. Steve Elinsky at (410) 962-4503 for further information.

(d) *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Government will not be significantly and uniquely affected by this rulemaking.

(e) *Review under the Paperwork Reduction Act.* No additional information or record keeping requirements are imposed by this rulemaking. Accordingly no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.)

List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger Zones.

In consideration of the above, the Corps is proposing to amend Part 334 of Title 33 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 226; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Section 334.200 is amended by revising the heading, revising the last sentence in paragraph (a)(1), revising paragraphs (b)(2) and (b)(3) and (c), to read as follows:

§ 334.200 Chesapeake Bay, Point Lookout to Cedar Point; aerial and surface firing range areas, U.S. Naval Air Station, Patuxent River, Maryland, danger zones.

(a) * * *

(1) * * * Aerial and surface firing and dropping of nonexplosive ordnance will be conducted throughout the year.

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(b) *Target areas.* * * *

(2) A circular area with a radius of 1,000 yards having its center at latitude 38°02'18", longitude 76°09'26", identified as Hannibal Target.

(3) *The regulations.* Nonexplosive projectiles and bombs will be dropped at frequent intervals in the target areas. Hooper and Hannibal target areas shall be closed to navigation at all times, except for vessels engaged in operational and maintenance operations as directed by the Commanding Officer of the U.S. Naval Air Station, Patuxent River, Maryland. No person in the water, vessel or other craft shall enter or remain in the closed areas or climb upon the targets, except with prior written approval of the Commanding Officer of the U.S. Naval Air Station, Patuxent River, Maryland.

(c) The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station, Patuxent River, Maryland, and such agencies as he/she may designate.

Dated: August 29, 1997

Robert W. Burkhardt,

Colonel, Colonel of Engineers, Executive Director of Civil Works.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 292

RIN 0596-AB39

National Recreation Areas; Smith River National Recreational Area

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking sets forth the procedures by which the Forest Service proposes to regulate mineral operations on National Forest System lands within the Smith River National Recreation Area. Required by statute, this proposed rule would supplement existing Forest Service mineral regulations. The intended effect is to allow for mineral operations in a manner consistent with the purposes for which Congress established the Smith River National Recreation Area.

DATES: Comments must be received in writing by November 7, 1997.

ADDRESSES: Send written comments to Director, Minerals and Geology Management Staff, MAIL STOP 1126, Forest Service, USDA, PO Box 96090, Washington, DC 20090-6090. All comments, including names and addresses when provided, will be placed in the record and are made available for public inspection and copying.

The public may inspect comments received on this proposed rule in the office of the Director, Fourth floor, Central Wing, Auditors Building, 201 Fourteenth Street SW., Washington, DC, between the hours of 8:30 am and 4:30 pm. Those wishing to inspect comments are encouraged to call (202) 205-1535 ahead of time to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Sam Hotchkiss, Minerals and Geology Management Staff, (202) 205-1535.

SUPPLEMENTARY INFORMATION: The Smith River National Recreation Area (SRNRA) was established by the Smith River National Recreation Area Act of 1990 (the Act) (16 U.S.C. 460bbb *et seq.*). The purposes of the Act are to ensure, " * * * the preservation, protection, enhancement, and interpretation for present and future generations of the Smith River Watershed's outstanding wild and scenic rivers, ecological diversity, and recreation opportunities while providing for the wise use and sustained productivity of its natural resources * * *." In order to meet the purposes

of the Act, Congress directed the Forest Service to administer the SRNRA to, among other things, provide for a broad range of recreation uses and improve fisheries and water quality. Subject to valid existing rights, Congress prohibited locatable mineral operations, prohibited mineral leasing (including leasing of geothermal resources), and limited the extraction of mineral materials within the SRNRA to situations where the material extracted is used for construction and maintenance of roads and other facilities within the SRNRA and in certain areas specifically excluded from the SRNRA by the Act.

The SRNRA consists of approximately 300,000 acres of National Forest System lands in the Six Rivers National Forest in northern California. The Act divided the SRNRA into eight distinct management areas and specified a management emphasis for each. There are also four areas within the exterior boundary of the SRNRA that are expressly excluded from the provisions of the Act.

One of the eight management areas established by the Act is the Siskiyou Wilderness, most of which was established on September 26, 1984. The Gasquet-Orleans Corridor was added to the Siskiyou Wilderness by the Act in 1990. The Act specified that the Siskiyou Wilderness be managed pursuant to the provisions of the Wilderness Act. In accordance with section 4(d)(3) of the Wilderness Act, the federal lands within the Siskiyou Wilderness (excluding the Gasquet-Orleans Corridor addition) were withdrawn from the operation of the mining and mineral leasing laws, subject to valid existing rights, as of September 26, 1984.

The Act also redesignated the following rivers or river segments and some of their tributaries as components of the National Wild and Scenic Rivers System: (1) The Smith River; (2) the Middle Fork of the Smith River; (3) the North Fork of the Smith River; (4) the Siskiyou Fork of the Smith River; and (5) the South Fork of the Smith River. These same rivers and most of the designated tributaries had previously been designated components of the Wild and Scenic Rivers System on January 19, 1981, pursuant to section 2(a)(ii) of the Wild and Scenic Rivers Act. The Act designated as wild segments two tributaries which had not been designated on January 19, 1981—Peridotite Creek, tributary to the North Fork of the Smith River; and Harrington Creek, tributary to the South Fork of the Smith River which is within the Siskiyou Wilderness. The Act also