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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

GENERAL ACCOUNTING OFFICE

4 CFR Part 21

General Accounting Office; Administrative Practice and Procedure, Bid Protest Regulations, Government Contracts

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: The General Accounting Office (GAO) is amending its Bid Protest Regulations after receiving and considering the comments on the proposed rule published on January 31, 1995. The final rule implements the Federal Acquisition Streamlining Act of 1994 (FASA) and conforms GAO's current regulation to the practice that has evolved at GAO since April 1991, when GAO last revised part 21. The final rule will improve the overall efficiency and effectiveness of GAO's bid protest process by streamlining the process, by reducing the costs of pursuing protests at GAO for all parties, and by permitting GAO to resolve protests as expeditiously as possible. The final rule reflects the requirement in FASA that the implementing regulation be concise and easily understood by vendors and government officials. The final rule shortens the regulation, even though several provisions implementing FASA are added.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Michael R. Golden (Acting Associate General Counsel) or Linda S. Lebowitz (Senior Attorney), 202–512–9732.

SUPPLEMENTARY INFORMATION:

Effective Dates

Protests filed at GAO prior to the effective date of this final rule will be considered under the previous rule published at 56 FR 3759 on April 1, 1991. That previous rule will also be used to consider (1) protests filed on or after the effective date of this rule which supplement or amend a protest filed at GAO prior to the effective date of this rule and (2) claims and requests for reconsideration filed on or after the effective date of this rule which concern a protest which was considered under the previous rule.

Background

On January 31, 1995, GAO published a proposed rule (60 FR 5871) in which it proposed to revise its Bid Protest Regulations. The supplementary information included with the proposed rule explained that the proposed revision to GAO's regulation implemented the statutory changes contained in the Federal Acquisition Streamlining Act of 1994 (FASA), Pub. L. 103–355, 108 Stat. 3243, dated October 13, 1994. The proposed rule also was based on GAO's experience with the previous rule, including the use of protective orders and hearings, which was published at 56 FR 3759 on April 1, 1991. The proposed rule conformed GAO's regulation to the practice that had evolved at GAO since April 1991.

In revising its regulation, GAO has been guided by the statutory mandate in sec. 10002(e) of FASA that the implementing regulation be concise and easily understood by vendors and government officials, and by the principle that GAO's bid protest process remain as uncomplicated and informal as possible, consistent with the goal of providing expeditious and meaningful relief to vendors wrongfully excluded from procurements. More specifically, GAO's final rule will streamline the process, reduce the costs of pursuing protests at GAO for all parties, and permit GAO to resolve protests as expeditiously as possible. GAO's regulation is shortened overall, even though several new provisions implementing FASA are added. Redundancies are eliminated and language changes reflect an effort to make the regulation clearer and more readable.

Summary of Comments

Interested persons were invited to submit comments on GAO's proposed rule by April 3, 1995. We received written comments from 11 Federal agencies, 2 bar associations, 4 law firms, 1 industry association, and 2 members of the public. In adopting this final rule, we have carefully considered all comments received. The commenters generally were supportive of our efforts to streamline the bid protest process and to provide expeditious and meaningful relief to vendors wrongfully excluded from procurements. In this regard, the commenters suggested further language changes consistent with these goals. We have adopted many of these suggestions in the final rule to improve the efficiency of the process.

A discussion of the more significant comments concerning GAO's proposed rule, and our responses to these comments, are set forth below.

Section 21.0—Definitions

One commenter recommended that we expand the definition of ''intervenor'' in § 21.0(b) to include entities which participated in a procurement which were not selected for award. It was suggested that these entities be considered ''intervenors'' in spite of their decision not to file a protest. Because these entities can file a protest in their own right, we do not believe that expansion of the definition of ''intervenor'' is warranted. Also, under § 21.3(i), GAO may permit, or even request, the submission of statements by entities which do not choose to, or cannot, participate as a matter of right in a protest. For example, it has been our practice to allow submissions from trade associations and other participants in a procurement.

Section 21.1—Filing a Protest

One commenter, in supporting our efforts to make the final rule more ''user-friendly,'' suggested that we further revise the language in § 21.1(c), which lists the elements of a protest filing, to include certain additional elements. We basically adopted this suggestion by adding language to require a protester to establish in its protest its interested party status and the timeliness of its protest. Moreover, we have added a new paragraph (d) to this section (and accordingly, have redesignated subsequent paragraphs) which provides that in addition, protesters may request in their protests a protective order, specific documents relevant to the protest grounds, and a hearing. Further, we have revised the language in redesignated paragraph (i) of this section to provide that protests will not be dismissed if a protester fails

to request in its initial protest filing a protective order, specific documents relevant to the protest grounds, or a hearing. We believe these revisions will significantly simplify a protester's preparation of its protest.

In response to a commenter's concern that the agency does not always receive a complete copy of a protest and all attachments, we have added language to redesignated paragraph (e) of § 21.1 to make it clear that the protester is obligated to furnish the agency with a complete copy of its protest, including all attachments.

With respect to redesignated paragraph (g) of § 21.1, several commenters argued that the requirement for the simultaneous submission at GAO of a redacted version of a protest (omitting confidential information), along with the full, unredacted protest, would be unduly burdensome. Accordingly, we have revised the language in this section to require that a redacted version of the protest be filed with GAO within 1 day after the filing of the unredacted protest.

Section 21.2—Time for Filing

In the proposed rule, consistent with the requirements of FASA, we have converted our timeliness rules from ''working days'' to ''calendar days.'' Accordingly, a protester may file a protest (which does not involve an alleged solicitation impropriety) not later than 14 calendar days (as opposed to 10 working days) after the basis of protest is known or should have been known, whichever is earlier.

Section 1402(b) of FASA requires an agency which receives notice of a protest from GAO within 10 days after the date of contract award or within 5 days after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required to immediately direct the contractor to suspend contract performance. According to one commenter, Congress intended to provide meaningful relief to an unsuccessful offeror which filed a protest within 5 calendar days after a required debriefing, thus obviating the unsuccessful offeror's need to file a ''defensive'' protest prior to receiving all information to which it is entitled pursuant to a statutorily required debriefing.

In light of the 14-calendar-day rule for filing timely protests, the commenter argued that if a protest is based on information discovered before a required debriefing, the protester cannot wait to file its protest until after it is debriefed since, at that point, the 14-calendar-day period for filing a timely protest may have expired, although the protest may still be timely for the purpose of requiring the agency to suspend contract performance. For this reason, the commenter suggested that we change our timeliness rules to provide that a protest, other than one based on an alleged solicitation impropriety, be considered timely if it is filed within 14 calendar days after the protester knew (or should have known, if that is earlier) the basis of protest, or if it is filed within 5 calendar days after the required debriefing, whichever is later.

While we believe that this recommendation should be given further consideration, we decline to adopt this suggestion in the final rule because such a significant change to our longstanding timeliness rules should be published for comment prior to implementation. We plan to evaluate the protest practice which evolves in response to the implementation of the new debriefing requirements of FASA. If experience shows that a revision to our timeliness rules would be beneficial to the bid protest system, we will consider further rulemaking.

Section 21.3—Notice of Protest, Submission of Agency Report, and Time for Filing of Comments on Report

In response to a suggestion from a commenter, we have added language to § 21.3(a) to require that all protest communications be sent by means reasonably calculated to effect timely delivery. We believe this change will improve the efficiency of the bid protest process.

In response to suggestions from several commenters, we also have added language to clarify § 21.3(b) and to specifically acknowledge, consistent with our current practice, that an intervenor, as well as an agency, may file a request for dismissal of a protest prior to submission of the agency report.

Several commenters expressed concern regarding our implementation of the protest file requirement contained in sec. 1015 and 1065 of FASA. It was the consensus of these commenters that requiring an agency to file a protest file within 20 days of a request for such a file in every one of the large number of protests filed with our Office would represent an undue burden, in particular because of the need to redact the documents in the protest file. These commenters pointed out that many protests are dismissed (or withdrawn) within the first 20 days after filing, and that in those cases, the time and effort devoted to preparing a protest file would be wasted. In addition, some of these commenters stated that they would be forced to litigate every protest, even where summary dismissal is appropriate, because they would be compelled to devote their limited resources to preparing a protest file rather than to drafting requests for summary dismissal.

In response to the concerns expressed, we have decided not to adopt the protest file requirement at this time. While we continue to believe that filing a protest file early in the bid protest process will permit a more expeditious resolution of protests and offer other system efficiencies, in view of the concern that the requirement for early preparation of protest material is unduly burdensome, we have elected at this time not to implement a mandatory protest file requirement as part of our bid protest procedures.

In any event, we note that the agencies have a statutory obligation to implement a protest file procedure. Rather than our Office implementing a protest file requirement at this time, we think it is appropriate that the protest file requirement be implemented, in the first instance, in the Federal Acquisition Regulation (FAR). However, it remains our intention, in appropriate cases, to encourage agencies to voluntarily provide a protest file early in the bid protest process to ensure prompt development and resolution of protests, and to avoid the need for GAO to invoke the express option in roll-over situations (*i.e.*, those cases where GAO closes an initial protest without deciding the merits of the protest grounds originally raised because a subsequently filed protest, with new or related protest grounds, potentially renders a decision on the initial protest grounds meaningless). In this regard, in response to suggestions from several commenters, we have clarified the language in § 21.10(a) by expressly stating that GAO may invoke the express option on its own initiative. We plan to closely evaluate the impact of such voluntary use of the protest file and, if the results prove to be of benefit to the process, we will consider formally incorporating the protest file requirement into our procedures.

In response to a commenter's concern that the language in § 21.3(c) permitting an agency to request relevant documents from a protester will allow for ''wide-open'' document requests, we have clarified the language in this section to limit these requests to ''appropriate cases.''

To conform our regulation to current practice, we have revised the language in § 21.3(e) to provide for granting an agency's requests for extensions of time for submission of agency reports ''on a

case-by-case basis,'' rather than granting these requests ''sparingly,'' the language which is used in our current regulation. (For consistency, we also have revised the language in § 21.3(h) to provide for granting a protester's requests for extensions of time for submission of comments ''on a case-by-case basis,'' rather than granting these requests ''sparingly,'' the language which is used in our current regulation.)

Section 21.5—Protest Issues Not for Consideration

Several commenters questioned our language change in § 21.5(b)(2) which provides that we will review the refusal by the Small Business Administration to issue a certificate of competency because of ''a failure to consider vital information bearing on the firm's responsibility.'' We added this language to reflect our current case law. *See COSTAR*, B–240980, Dec. 20, 1990, 90–2 CPD ¶ 509; *American Industrial Contractors, Inc.*, B–236410.2, Dec. 15, 1989, 89–2 CPD ¶ 557.

Section 21.6—Withholding of Award and Suspension of Contract Performance

The information provided in § 21.6 is significantly modified. This section in the proposed rule repeated in substance the requirements for the withholding of award and the suspension of contract performance which are contained in 48 CFR part 33. These requirements are to be carried out by the agencies, not our Office, and therefore we refer readers to the relevant statutory and regulatory provisions addressing these requirements.

Section 21.7—Hearings

With regard to paragraphs (g) and (h) of § 21.7, several commenters requested clarification of the requirement for agencies to file consolidated post-hearing comments on the hearing and agency report, and clarification of the requirement to reference relevant hearing testimony and admissions. We have adopted the language recommended by the commenters.

Section 21.8—Remedies

Several commenters suggested that we address how we will implement the fee limitation provisions contained in sec. 1403 of FASA. We have added language to § 21.8(f)(2) referencing the statutory language of FASA. The agencies will adjudicate, in the first instance, claims for costs consistent with the statutory fee limitation provisions. If a protester and agency cannot reach agreement on a claim for costs within a reasonable time, we may, upon request of the protester, recommend the amount of costs the agency should pay in accordance with the statutory fee limitation provisions.

Regarding the limitation on attorneys' fees, issues involving, for example, a request for higher fees based on the cost of living or a special factor are more appropriately resolved on a case-by-case basis. We expect to provide necessary guidance to parties through our decisions. Concerning the consultant and expert witness fee limitation, FASA limits the payment of these fees to ''the highest rate of compensation * * * paid by the Federal Government.'' While there is some difference of opinion among the commenters on whether Congress intended to cap fees at the highest rate fixed by the Classification Act Schedules 15, *see* 5 U.S.C. 3109, we believe that the proposed FAR implementation, which limits consultant and expert witness fees to the highest rate fixed by 5 U.S.C. 3109, is appropriate and consistent with the statutory language. We are unaware of any legislative history which suggests that this implementation is contrary to congressional intent.

Section 21.10—Express Option, Accelerated Schedule, and Summary Decision

Section 21.10 has been clarified to confirm that GAO may resolve any protest using a flexible, accelerated schedule. In addition, for any protest, GAO may issue a summary decision. We anticipate that a request for a summary decision will be made as soon as practicable after the protest is filed, thus permitting GAO to expedite the decision-making process in order to minimize the disruption to the procurement process.

Section 21.12—Distribution of Decisions

As stated in § 21.12, we have established an electronic distribution system to facilitate expedited access to decisions. The telephone number for obtaining information regarding access to this electronic distribution system is 202–512–5282. In addition, the telephone number for GAO's case status line is 202–512–5436. We encourage parties requiring copies of decisions or case status information to use these telephone numbers. We are also changing the format of bid protest decisions. In order to provide a more uniform format and to facilitate distribution through electronic systems, the decisions themselves will not have an original signature, but the typed designation ''Comptroller General of the United States.''

Section 21.13—Nonstatutory Protests

One commenter expressed concern with the language of § 21.13 regarding an agency's agreement to have its protests decided by GAO. While we believe that a language change is not required, we point out that the language in this section is intended to permit agencies to agree, in advance, that our Office decide a class of cases or a particular case. Once a protest is filed, however, we do not anticipate that an agency will revoke an agreement to have the pending protest decided by our Office, and, in fact, in the past no agency has revoked such an agreement.

List of Subjects in 4 CFR Part 21

Administrative practice and procedure, Bid protest regulations, Government contracts.

For the reasons set out in the preamble, title 4, chapter I, subchapter B, of the Code of Federal Regulations is amended as follows:

1. Part 21 is revised to read as follows:

PART 21—BID PROTEST REGULATIONS

Sec.
21.0 Definitions.
21.1 Filing a protest.
21.2 Time for filing.
21.3 Notice of protest, submission of agency report, and time for filing of comments on report.
21.4 Protective orders.
21.5 Protest issues not for consideration.
21.6 Withholding of award and suspension of contract performance.
21.7 Hearings.
21.8 Remedies.
21.9 Time for decision by GAO.
21.10 Express option, accelerated schedule, and summary decision.
21.11 Effect of judicial proceedings.
21.12 Distribution of decisions.
21.13 Nonstatutory protests.
21.14 Request for reconsideration.

Authority: 31 U.S.C. 3551–3556.

§ 21.0 Definitions.

(a) *Interested party* means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

(b) *Intervenor* means an awardee if the award has been made or, if no award has been made, all bidders or offerors who appear to have a substantial prospect of receiving an award if the protest is denied.

(c) *Federal agency* means any executive department or independent establishment in the executive branch, including any wholly owned government corporation, and any establishment in the legislative or judicial branch, except the Senate, the

House of Representatives and the Architect of the Capitol and any activities under his direction.

(d) *Contracting agency* means a Federal agency which has awarded or proposes to award a contract under a protested procurement.

(e) *Days* are calendar days. In computing a period of time for the purpose of this part, the day from which the period begins to run is not counted. When the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, when the General Accounting Office (GAO), or another Federal agency where a submission is due, is closed for all or part of the last day, the period extends to the next day on which the agency is open.

(f) *Adverse agency action* is any action or inaction by a contracting agency which is prejudicial to the position taken in a protest filed with the agency, including a decision on the merits of a protest; the opening of bids or receipt of proposals, the award of a contract, or the rejection of a bid despite a pending protest; or contracting agency acquiescence in continued and substantial contract performance.

(g) A document is *filed* on a particular day when it is received by GAO by 5:30 p.m., eastern time, on that day. A document may be filed by hand delivery, mail, or commercial carrier; parties wishing to file a document by facsimile transmission or other electronic means must ensure that the necessary equipment is operational at GAO's Procurement Law Control Group.

§ 21.1 Filing a protest.

(a) An interested party may protest a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services; the cancellation of such a solicitation or other request; an award or proposed award of such a contract; and a termination of such a contract, if the protest alleges that the termination was based on improprieties in the award of the contract.

(b) Protests must be in writing and addressed as follows: General Counsel, General Accounting Office, 441 G Street, NW., Washington, DC 20548, Attention: Procurement Law Control Group.

(c) A protest filed with GAO shall:

(1) Include the name, address, and telephone and facsimile numbers of the protester,

(2) Be signed by the protester or its representative,

(3) Identify the contracting agency and the solicitation and/or contract number,

(4) Set forth a detailed statement of the legal and factual grounds of protest including copies of relevant documents,

(5) Set forth all information establishing that the protester is an interested party for the purpose of filing a protest,

(6) Set forth all information establishing the timeliness of the protest,

(7) Specifically request a ruling by the Comptroller General of the United States, and

(8) State the form of relief requested.

(d) In addition, a protest filed with GAO may:

(1) Request a protective order,

(2) Request specific documents relevant to the protest grounds, and

(3) Request a hearing.

(e) The protester shall furnish a complete copy of the protest, including all attachments, to the individual or location designated by the contracting agency in the solicitation for receipt of protests, or if there is no designation, to the contracting officer. The designated individual or location (or, if applicable, the contracting officer) must receive a complete copy of the protest and all attachments no later than 1 day after the protest is filed with GAO. The protest document must indicate that a complete copy of the protest and all attachments are being furnished within 1 day to the appropriate individual or location.

(f) No formal briefs or other technical forms of pleading or motion are required. Protest submissions should be concise and logically arranged, and should clearly state legally sufficient grounds of protest. Protests of different procurements should be separately filed.

(g) Unless precluded by law, GAO will not withhold material submitted by a protester from any party outside the government. If the protester believes that the protest contains information which should be withheld, a statement advising of this fact must be on the front page of the submission. This information must be identified wherever it appears, and the protester must file, within 1 day after the filing of its protest with GAO, a redacted copy of the protest which omits the information.

(h) Parties who intend to file documents containing classified information should notify GAO in advance to obtain advice regarding procedures for filing and handling the information.

(i) A protest may be dismissed for failure to comply with any of the requirements of this section, except for the items in paragraph (d) of this section. In addition, a protest shall not be dismissed for failure to comply with paragraph (e) of this section where the contracting officer has actual knowledge of the basis of protest, or the agency, in the preparation of its report, was not prejudiced by the protester's noncompliance.

§ 21.2 Time for filing.

(a)(1) Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the time set for receipt of initial proposals shall be filed prior to bid opening or the time set for receipt of initial proposals. In procurements where proposals are requested, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated into the solicitation must be protested not later than the next closing time for receipt of proposals following the incorporation.

(2) In cases other than those covered in paragraph (a)(1) of this section, protests shall be filed not later than 14 days after the basis of protest is known or should have been known, whichever is earlier.

(3) If a timely agency-level protest was previously filed, any subsequent protest to GAO filed within 14 days of actual or constructive knowledge of initial adverse agency action will be considered, provided the agency-level protest was filed in accordance with paragraphs (a)(1) and (a)(2) of this section, unless the contracting agency imposes a more stringent time for filing, in which case the agency's time for filing will control. In cases where an alleged impropriety in a solicitation is timely protested to a contracting agency, any subsequent protest to GAO will be considered timely if filed within the 14-day period provided by this paragraph, even if filed after bid opening or the closing time for receipt of proposals.

(b) Protests untimely on their face may be dismissed. A protester shall include in its protest all information establishing the timeliness of the protest; a protester will not be permitted to introduce for the first time in a request for reconsideration information necessary to establish that the protest was timely.

(c) GAO, for good cause shown, or where it determines that a protest raises issues significant to the procurement system, may consider an untimely protest.

§ 21.3 Notice of protest, submission of agency report, and time for filing of comments on report.

(a) GAO shall notify the contracting agency by telephone within 1 day after the filing of a protest, and, unless the protest is dismissed under this part,

shall promptly send a written confirmation to the contracting agency and an acknowledgment to the protester. The contracting agency shall immediately give notice of the protest to the contractor if award has been made or, if no award has been made, to all bidders or offerors who appear to have a reasonable prospect of receiving an award. The contracting agency shall furnish copies of the protest submissions to those parties, except where disclosure of the information is prohibited by law, with instructions to communicate further directly with GAO. All parties shall furnish copies of all protest communications to the contracting agency and to other participating parties. All protest communications shall be sent by means reasonably calculated to effect timely delivery.

(b) A contracting agency or intervenor which believes that the protest or specific protest allegations should be dismissed before submission of an agency report should file a request for dismissal as soon as practicable.

(c) The contracting agency shall file a report on the protest with GAO within 35 days after the telephone notice of the protest from GAO. The report shall include the contracting officer's statement of the relevant facts, a memorandum of law, and an index and a copy of all relevant documents including, as appropriate: The protest; the bid or proposal submitted by the protester; the bid or proposal of the firm which is being considered for award, or whose bid or proposal is being protested; all evaluation documents; the solicitation, including the specifications or portions relevant to the protest; the abstract of bids or offers or relevant portions; and any other relevant documents. The contracting agency shall provide any additional documents requested in the protest or explain why it is not required to produce the documents. In appropriate cases, the contracting agency may request that the protester produce relevant documents that are not in the agency's possession.

(d) Subject to any protective order issued in the protest pursuant to § 21.4, the contracting agency shall simultaneously furnish a copy of the report to the protester and any intervenors. The copy of the report filed with GAO shall list the parties who have been furnished copies of the report and shall identify in an index any documents, or portions of documents, withheld from any party and the reason for the withholding. Where a protester does not have counsel admitted to a protective order and documents are withheld from the protester in accordance with this part, the agency shall provide documents adequate to inform the protester of the basis of the agency's position.

(e) The contracting agency may request an extension of time for the submission of the agency report. Extensions will be granted on a case-by-case basis.

(f) The protester may request additional documents when their existence or relevance first becomes evident. Except when authorized by GAO, any request for additional documents must be filed with GAO and the contracting agency not later than 2 days after their existence or relevance is known or should have been known, whichever is earlier. The contracting agency shall provide the requested documents and an index to GAO and the other parties within 5 days or explain why it is not required to produce the documents.

(g) Upon the request of a party, GAO will decide whether the contracting agency must provide any withheld documents and whether this should be done under a protective order. When withheld documents are provided, the protester's comments on the agency report shall be filed within 10 days after its receipt of the documents, unless otherwise specified by GAO.

(h) Comments on the agency report shall be filed with GAO within 14 days after receipt of the report, with a copy provided to the contracting agency and other participating parties. The protest shall be dismissed unless the protester files comments or a written statement requesting that the case be decided on the existing record, or requests an extension of time within the 14-day period. Unless otherwise advised by the protester, GAO will assume the protester received the agency report by the due date specified in the acknowledgment of protest furnished by GAO. Upon a showing that the specific circumstances of a protest require a period longer than 14 days for the submission of comments, GAO will set a new date for the submission of comments. Extensions will be granted on a case-by-case basis.

(i) GAO may permit or request the submission of additional statements by the parties and by other parties not participating in the protest as may be necessary for the fair resolution of the protest.

§ 21.4 Protective orders.

(a) At the request of a party or on its own initiative, GAO may issue a protective order controlling the treatment of protected information. Such information may include proprietary, confidential, or source-selection-sensitive material, as well as other information the release of which could result in a competitive advantage to one or more firms. The protective order shall establish procedures for application for access to protected information, identification and safeguarding of that information, and submission of redacted copies of documents omitting protected information. Because a protective order serves to facilitate the pursuit of a protest by a protester through counsel, it is, in the first instance, the responsibility of protester's counsel to request that a protective order be issued and to submit timely applications for admission under that order.

(b) If no protective order has been issued, the agency may withhold from the parties those portions of its report which would ordinarily be subject to a protective order. GAO will review in camera all information not released to the parties.

(c) After a protective order has been issued, counsel or consultants retained by counsel appearing on behalf of a party may apply for admission under the order by submitting an application to GAO, with copies furnished simultaneously to all parties. The application shall establish that the applicant is not involved in competitive decisionmaking for any firm that could gain a competitive advantage from access to the protected information and that there will be no significant risk of inadvertent disclosure of protected information. Objections to an applicant's admission shall be raised within 2 days after receipt of the application, although GAO may consider objections raised after that time.

(d) Any violation of the terms of a protective order may result in the imposition of sanctions as GAO deems appropriate, including referral to appropriate bar associations or other disciplinary bodies and restricting the individual's practice before GAO.

§ 21.5 Protest issues not for consideration.

GAO shall summarily dismiss a protest or specific protest allegations that do not state a valid basis for protest, are untimely (unless considered pursuant to § 21.2(c)), or are not properly before GAO. A protest or specific protest allegations may be dismissed any time sufficient information is obtained by GAO warranting dismissal. Where an entire protest is dismissed, no agency report shall be filed; where specific protest allegations are dismissed, an agency

report shall be filed on the remaining allegations. Among the protest bases which shall be dismissed are the following:

(a) *Contract administration.* The administration of an existing contract is within the discretion of the contracting agency. Disputes between a contractor and the agency are resolved pursuant to the disputes clause of the contract and the Contract Disputes Act of 1978. 41 U.S.C. 601–613.

(b) *Small Business Administration issues.*—(1) *Small business size standards and standard industrial classification.* Challenges of established size standards or the size status of particular firms, and challenges of the selected standard industrial classification may be reviewed solely by the Small Business Administration. 15 U.S.C. 637(b)(6).

(2) *Small Business Certificate of Competency Program.* Any referral made to the Small Business Administration pursuant to sec. 8(b)(7) of the Small Business Act, or any issuance of, or refusal to issue, a certificate of competency under that section will not be reviewed by GAO absent a showing of possible bad faith on the part of government officials or a failure to consider vital information bearing on the firm's responsibility. 15 U.S.C. 637(b)(7).

(3) *Procurements under sec. 8(a) of the Small Business Act.* Under that section, since contracts are entered into with the Small Business Administration at the contracting officer's discretion and on such terms as are agreed upon by the procuring agency and the Small Business Administration, the decision to place or not to place a procurement under the 8(a) program is not subject to review absent a showing of possible bad faith on the part of government officials or that regulations may have been violated. 15 U.S.C. 637(a).

(c) *Affirmative determination of responsibility by the contracting officer.* Because the determination that a bidder or offeror is capable of performing a contract is based in large measure on subjective judgments which generally are not readily susceptible of reasoned review, an affirmative determination of responsibility will not be reviewed absent a showing of possible bad faith on the part of government officials or that definitive responsibility criteria in the solicitation were not met.

(d) *Procurement protested to the General Services Administration Board of Contract Appeals.* Interested parties may protest a procurement or proposed procurement of automated data processing equipment and services to the General Services Administration Board of Contract Appeals. After a protest to the Board, the same procurement generally may not be the subject of a protest to GAO. 40 U.S.C. 759(f).

(e) Protests not filed either in GAO or the contracting agency within the time limits set forth in § 21.2.

(f) Protests which lack a detailed statement of the legal and factual grounds of protest as required by § 21.1(c)(4), or which fail to clearly state legally sufficient grounds of protest as required by § 21.1(f).

(g) *Procurements by agencies other than Federal agencies as defined by sec. 3 of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 472.* Protests of procurements or proposed procurements by agencies such as the U.S. Postal Service, the Federal Deposit Insurance Corporation, and nonappropriated fund activities are beyond GAO's bid protest jurisdiction as established in 31 U.S.C. 3551–3556.

(h) *Subcontract protests.* GAO will not consider a protest of the award or proposed award of a subcontract except where the agency awarding the prime contract has requested in writing that subcontract protests be decided pursuant to § 21.13.

§ 21.6 Withholding of award and suspension of contract performance.

Where a protest is filed with GAO, the contracting agency may be required to withhold award and to suspend contract performance. The requirements for the withholding of award and the suspension of contract performance are set forth in 31 U.S.C. 3553(c) and (d) and are implemented by 48 CFR part 33.

§ 21.7 Hearings.

(a) At the request of a party or on its own initiative, GAO may conduct a hearing in connection with a protest. The request shall set forth the reasons why a hearing is needed.

(b) Prior to the hearing, GAO may hold a pre-hearing conference to discuss and resolve matters such as the procedures to be followed, the issues to be considered, and the witnesses who will testify.

(c) Hearings generally will be conducted as soon as practicable after receipt by the parties of the agency report and relevant documents. Although hearings ordinarily will be conducted at GAO in Washington, DC, hearings may, at the discretion of GAO, be conducted at other locations.

(d) All parties participating in the protest shall be invited to attend the hearing. Others may be permitted to attend as observers and may participate as allowed by GAO's hearing official. In order to prevent the improper disclosure of protected information at the hearing, GAO's hearing official may restrict attendance during all or part of the proceeding.

(e) Hearings shall normally be recorded and/or transcribed. If a recording and/or transcript is made, any party may obtain copies at its own expense.

(f) If a witness whose attendance has been requested by GAO fails to attend the hearing or fails to answer a relevant question, GAO may draw an inference unfavorable to the party for whom the witness would have testified.

(g) If a hearing is held, no separate comments on the agency report should be submitted unless specifically requested by GAO. Each party shall file with GAO, within 7 days after the hearing was held or as specified by GAO, a single document expressing any comments on both the hearing and agency report, with copies furnished to the other parties. By the due date, if the protester has not filed comments or a written statement requesting that the case be decided on the existing record, GAO shall dismiss the protest.

(h) In post-hearing comments, the parties should reference all testimony and admissions in the hearing record that they consider relevant, providing specific citations to the testimony and admissions referenced.

§ 21.8 Remedies.

(a) If GAO determines that a solicitation, cancellation of a solicitation, termination of a contract, proposed award, or award does not comply with statute or regulation, it shall recommend that the contracting agency implement any combination of the following remedies:

(1) Refrain from exercising options under the contract;

(2) Terminate the contract;

(3) Recompete the contract;

(4) Issue a new solicitation;

(5) Award a contract consistent with statute and regulation; or

(6) Such other recommendation(s) as GAO determines necessary to promote compliance.

(b) In determining the appropriate recommendation(s), GAO shall, except as specified in paragraph (c) of this section, consider all circumstances surrounding the procurement or proposed procurement including the seriousness of the procurement deficiency, the degree of prejudice to other parties or to the integrity of the competitive procurement system, the good faith of the parties, the extent of performance, the cost to the government, the urgency of the

procurement, and the impact of the recommendation(s) on the contracting agency's mission.

(c) If the head of the procuring activity determines that performance of the contract notwithstanding a pending protest is in the government's best interest, GAO shall make its recommendation(s) under paragraph (a) of this section without regard to any cost or disruption from terminating, recompeting, or reawarding the contract.

(d) If GAO determines that a solicitation, proposed award, or award does not comply with statute or regulation, it may recommend that the contracting agency pay the protester the costs of:

(1) Filing and pursuing the protest, including attorneys' fees and consultant and expert witness fees; and

(2) Bid and proposal preparation.

(e) If the contracting agency decides to take corrective action in response to a protest, GAO may recommend that the agency pay the protester the costs of filing and pursuing the protest, including attorneys' fees and consultant and expert witness fees. The protester shall file any request that GAO recommend that costs be paid within 14 days after being advised that the contracting agency has decided to take corrective action. The protester shall furnish a copy of its request to the contracting agency, which may file a response within 14 days after receipt of the request, with a copy furnished to the protester.

(f)(1) If GAO recommends that the contracting agency pay the protester the costs of filing and pursuing the protest and/or of bid or proposal preparation, the protester and the agency shall attempt to reach agreement on the amount of costs. The protester shall file its claim for costs, detailing and certifying the time expended and costs incurred, with the contracting agency within 90 days after receipt of GAO's recommendation that the agency pay the protester its costs. Failure to file the claim within that time may result in forfeiture of the protester's right to recover its costs.

(2) The contracting agency shall issue a decision on the claim for costs as soon as practicable after the claim is filed. If the protester and the contracting agency cannot reach agreement within a reasonable time, GAO may, upon request of the protester, recommend the amount of costs the agency should pay in accordance with 31 U.S.C. 3554(c). In such cases, GAO may also recommend that the contracting agency pay the protester the costs of pursuing the claim for costs before GAO.

(3) The contracting agency shall notify GAO within 60 days after GAO recommends the amount of costs the agency should pay the protester of the action taken by the agency in response to the recommendation.

§ 21.9 Time for decision by GAO.

(a) GAO shall issue a decision on a protest within 125 days after it is filed.

(b) In protests where GAO uses the express option procedures in § 21.10, GAO shall issue a decision on a protest within 65 days after it is filed.

(c) GAO, to the maximum extent practicable, shall resolve a timely supplemental protest adding one or more new grounds to an existing protest, within the time limit established in paragraph (a) of this section for decision on the initial protest. If an amended protest cannot be resolved within that time limit, GAO may resolve the amended protest using the express option procedures in § 21.10.

§ 21.10 Express option, accelerated schedule, and summary decision.

(a) At the request of a party or on its own initiative, GAO may decide a protest using an express option.

(b) The express option will be adopted at the discretion of GAO and only in those cases suitable for resolution within 65 days.

(c) Requests for the express option shall be in writing and received in GAO no later than 3 days after the protest or supplemental protest is filed. GAO will promptly notify the parties whether the case will be handled using the express option.

(d) When the express option is used, the following schedule applies instead of those deadlines in § 21.3 and § 21.7:

(1) The contracting agency shall file a complete report with GAO and the parties within 20 days after it receives notice from GAO that the express option will be used.

(2) Comments on the agency report shall be filed with GAO and the other parties within 7 days after receipt of the report.

(3) If a hearing is held, no separate comments on the agency report under paragraph (d)(2) of this section should be submitted unless specifically requested by GAO. Consolidated comments on the agency report and hearing shall be filed within 7 days after the hearing was held or as specified by GAO.

(4) Where circumstances demonstrate that a case is no longer suitable for resolution using the express option, GAO shall establish a new schedule for submissions by the parties.

(e) At the request of a party or on its own initiative, GAO may resolve any protest using an accelerated schedule and/or may issue a summary decision for any protest.

§ 21.11 Effect of judicial proceedings.

(a) A protester must immediately advise GAO of any court proceeding which involves the subject matter of a pending protest and must file with GAO copies of all relevant court documents.

(b) GAO will dismiss any protest where the matter involved is the subject of litigation before a court of competent jurisdiction, or where the matter involved has been decided on the merits by a court of competent jurisdiction. GAO may, at the request of a court, issue an advisory opinion on a bid protest issue that is before the court. In these cases, unless a different schedule is established, the times provided in this part for filing the agency report (§ 21.3(c)), filing comments on the report (§ 21.3(h)), holding a hearing and filing comments (§ 21.7), and issuing a decision (§ 21.9) shall apply.

§ 21.12 Distribution of decisions.

(a) Unless it contains protected information, a copy of a decision shall be provided to the protester, any intervenors, the head of the contracting activity responsible for the protested procurement, and the senior procurement executive of each Federal agency involved; a copy shall also be made available to the public. A copy of a decision containing protected information shall be provided only to the contracting agency and to individuals admitted to any protective order issued in the protest. A public version omitting the protected information shall be prepared wherever possible.

(b) Decisions are available from GAO by electronic means.

§ 21.13 Nonstatutory protests.

(a) GAO will consider protests concerning awards of subcontracts by or for a Federal agency, sales by a Federal agency, or procurements by agencies of the government other than Federal agencies as defined in § 21.0(c) if the agency involved has agreed in writing to have protests decided by GAO.

(b) The provisions of this part shall apply to nonstatutory protests except for the provision of § 21.8(d) pertaining to recommendations for the payment of costs. The provision for the withholding of award and the suspension of contract performance, 31 U.S.C. 3553 (c) and (d), also does not apply to nonstatutory protests.

§ 21.14 Request for reconsideration.

(a) The protester, any intervenor, and any Federal agency involved in the protest may request reconsideration of a bid protest decision. GAO will not consider a request for reconsideration that does not contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.

(b) A request for reconsideration of a bid protest decision shall be filed, with copies to the parties who participated in the protest, not later than 14 days after the basis for reconsideration is known or should have been known, whichever is earlier.

(c) GAO will summarily dismiss any request for reconsideration that fails to state a valid basis for reconsideration or is untimely. The filing of a request for reconsideration does not require the withholding of award and the suspension of contract performance under 31 U.S.C. 3553(c) and (d).

Robert P. Murphy,

General Counsel.

[FR Doc. 95–19747 Filed 8–9–95; 8:45 am]

BILLING CODE 1610–01–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AG76

Prevailing Rate Systems; Abolishment of Atlanta, Georgia, Special Wage Schedules for Printing Positions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to abolish the Federal Wage System special wage schedule for printing positions in the Atlanta, Georgia, wage area. Printing and lithographic employees in Atlanta, Georgia, will now be paid rates from the regular Atlanta, Georgia, wage schedule.

EFFECTIVE DATE: September 11, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606–2848.

SUPPLEMENTARY INFORMATION: On May 17, 1995, OPM published an interim rule to abolish the Federal Wage System special wage schedule for printing positions in the Atlanta, Georgia, wage area. The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the interim rule is being adopted as a final rule.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on May 17, 1995 (60 FR 26341), is adopted as final without any changes.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95–19749 Filed 8–9–95; 8:45 am]

BILLING CODE 6325–01–M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practice and Procedure; Realignment of Regional Offices

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (the Board) announces the realignment of the geographical jurisdiction of certain regional and field offices and the approved hearing locations for all of its offices. The realignment affects the Atlanta, Philadelphia, San Francisco and Washington, DC. Regional Offices and the Denver, New York, and St. Louis Field Offices.

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION CONTACT: Darrell L. Netherton, Senior Executive for Regional Administration, (202) 653–7980.

SUPPLEMENTARY INFORMATION: The Board announces the realignment of the geographical jurisdiction of certain regional and field offices and the approved hearing locations for all of its offices. As a result, the Board will be more responsive to the needs of appellant and agency clients while maximizing the use of its financial and human resources.

Appeals and related matters will continue to be filed with the regional or field office having geographic jurisdiction. Accordingly, appellants, agencies and other interested parties should carefully review the regional and field office jurisdictional boundary changes in Appendix II and the changes in the approved hearing locations in Appendix III.

The Board is publishing this rule as a final rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

PART 1201—[AMENDED]

Accordingly, the Board amends 5 CFR part 1201 as follows:

The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204 and 7701 unless otherwise noted.

Appendices II and III to part 1201 are revised to read as follows:

Appendix II to Part 1201—Appropriate Regional or Field Office for Filing Appeals

All submissions shall be addressed to the Regional Director, if submitted to a regional office, or the Chief Administrative Judge, if submitted to a field office, Merit Systems Protection Board, at the addresses listed below, according to geographic region of the employing agency or as required by § 1201.4(d) of this part. The facsimile numbers listed below are TDD-capable; however, calls will be answered by voice before being connected to the TDD. Address of Appropriate Regional or Field Office and Area Served:

1. Atlanta Regional Office
   401 Peachtree Street NW., 10th floor
   Atlanta, Georgia 30308–3519
   Facsimile No.: (404) 730–2767
   (Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee, east of the Tennessee River)
2. Chicago Regional Office
   230 South Dearborn Street, 31st floor
   Chicago, Illinois 60604–1669
   Facsimile No.: (312) 886–4231
   (Illinois—all locations north of Springfield, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)
3. St. Louis Field Office
   911 Washington Avenue, Suite 410
   St. Louis, Missouri 63101–1203
   Facsimile No.: (314) 425–4294
   (Illinois—Springfield and all locations south of Springfield, Iowa, Kansas City, Kansas, Kentucky, Missouri, and Tennessee west of the Tennessee River)
4. Dallas Regional Office
   1100 Commerce Street, Room 6F20
   Dallas, Texas 75242–9979
   Facsimile No.: (214) 767–0102
   (Arkansas, Louisiana, Oklahoma, and Texas)
5. Denver Field Office
   730 Simms Street, Suite 301
   PO Box 25025
   Denver, Colorado 80225–0025
   Facsimile No.: (303) 231–5205
   (Arizona, Colorado, Kansas—except Kansas City, Montana, Nebraska, New Mexico,

North Dakota, South Dakota, Utah, and Wyoming)
6. Philadelphia Regional Office
U.S. Customhouse, Room 501
Second and Chestnut Streets
Philadelphia, Pennsylvania 19106–2987
Facsimile No.: (215) 597–3456
(Delaware, New Jersey—except for the counties of Bergen, Essex, Hudson and Union, Maryland—except the counties of Montgomery and Prince Georges, Pennsylvania, and West Virginia)
7. Boston Field Office
99 Summer Street, Suite 1810
Boston, Massachusetts 02110–1200
Facsimile No.: (617) 424–5708
(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont)
8. New York Field Office
26 Federal Plaza, Room 3137–A
New York, New York 10278–0022
Facsimile No.: (212) 264–1417
(New Jersey—counties of Bergen, Essex, Hudson and Union, New York, Puerto Rico, and Virgin Islands)
9. San Francisco Regional Office
525 Market Street, Room 2800
San Francisco, California 94105–2736
Facsimile No.: (415) 744–3194
(California and Nevada)
10. Seattle Field Office
915 Second Avenue, Suite 1840
Seattle, Washington 98174–1056
Facsimile No.: (206) 220–7982
(Alaska, Hawaii, Idaho, Oregon, Washington, and Pacific overseas areas)
11. Washington Regional Office
5203 Leesburg Pike, Suite 1109
Falls Church, Virginia 22041–3473
Facsimile No.: (703) 756–7112
(Maryland—counties of Montgomery and Prince Georges, North Carolina, Virginia, Washington, DC, and all overseas areas not otherwise covered)

Appendix III to Part 1201—Approved Hearing Locations by Regional Office Appeals

Atlanta Regional Office

Atlanta, Georgia
Augusta, Georgia
Macon, Georgia
Savannah, Georgia
Birmingham, Alabama
Huntsville, Alabama
Mobile, Alabama
Montgomery, Alabama
Jacksonville, Florida
Miami, Florida
Orlando, Florida
Pensacola, Florida
Tallahassee, Florida
Tampa/St. Petersburg, Florida
Jackson, Mississippi
Columbia, South Carolina
Charleston, South Carolina
Knoxville, Tennessee
Nashville, Tennessee

Chicago Regional Office

Chicago, Illinois
Davenport, Iowa/Rock Island, Illinois
Indianapolis, Indiana
Detroit, Michigan
Minneapolis/St. Paul, Minnesota
Cleveland, Ohio
Cincinnati, Ohio
Columbus, Ohio
Dayton, Ohio
Milwaukee, Wisconsin

St. Louis Field Office

St. Louis, Missouri
Kansas City, Missouri
Springfield, Missouri
Des Moines, Iowa
Lexington, Kentucky
Louisville, Kentucky
Memphis, Tennessee

Dallas Regional Office

Dallas, Texas
Corpus Christi, Texas
El Paso, Texas
Houston, Texas
San Antonio, Texas
Temple, Texas
Texarkana, Texas
Little Rock, Arkansas
Alexandria, Louisiana
New Orleans, Louisiana
Oklahoma City, Oklahoma
Tulsa, Oklahoma

Denver Field Office

Denver, Colorado
Grand Junction, Colorado
Pueblo, Colorado
Phoenix, Arizona
Tucson, Arizona
Wichita, Kansas
Billings, Montana
Great Falls, Montana
Missoula, Montana
Omaha, Nebraska
Albuquerque, New Mexico
Bismarck, North Dakota
Fargo, North Dakota
Rapid City, South Dakota
Sioux Falls, South Dakota
Salt Lake City, Utah
Casper, Wyoming

Philadelphia Regional Office

Philadelphia, Pennsylvania
Harrisburg, Pennsylvania
Pittsburgh, Pennsylvania
Wilkes-Barre, Pennsylvania
Baltimore, Maryland
Trenton, New Jersey
Dover, Delaware
Charleston, West Virginia
Morgantown, West Virginia

Boston Field Office

Boston, Massachusetts
Hartford, Connecticut
New Haven, Connecticut
Bangor, Maine
Portland, Maine
Manchester, New Hampshire
Portsmouth, New Hampshire
Providence, Rhode Island
Burlington, Vermont

New York Field Office

New York, New York
Albany, New York
Buffalo, New York
Syracuse, New York
Newark, New Jersey
San Juan, Puerto Rico

San Francisco Regional Office

San Francisco, California
Fresno, California
Los Angeles, California
Sacramento, California
San Diego, California
Santa Barbara, California
Las Vegas, Nevada
Reno, Nevada

Seattle Field Office

Seattle, Washington
Spokane, Washington
Richland, Kennewick, and Pasco, Washington
Anchorage, Alaska
Honolulu, Hawaii
Boise, Idaho
Pocatello, Idaho
Medford, Oregon
Portland, Oregon

Washington Regional Office

Bailey's Crossroads, Fall Church, Virginia
Norfolk, Virginia
Richmond, Virginia
Roanoke, Virginia
Asheville, North Carolina
Charlotte, North Carolina
Raleigh, North Carolina
Wilmington, North Carolina
Washington, DC

Dated: August 4, 1995.

Shannon McCarthy,

Deputy Clerk of the Board.

[FR Doc. 95–19729 Filed 8–9–95; 8:45 am]

BILLING CODE 7400–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Docket No. FV95–929–2IFR]

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenses and establishes an assessment rate for the Cranberry Marketing Committee (Committee) under Marketing Order No. 929 for the 1995–96 fiscal year. The Committee is responsible for local administration of the marketing order which regulates the handling of cranberries grown in 10 States. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer the program.

Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning September 1, 1995, through August 31, 1996. Comments received by September 11, 1995, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523–S, Washington, DC 20090–6456, Fax # (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kathleen M. Finn, Marketing Specialists, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2522–S, Washington, DC 20090–6456; telephone (202) 720–1509, Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order No. 929 (7 CFR part 929), as amended, regulating the handling of cranberries grown in 10 States, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, cranberries grown in 10 States are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable cranberries during the 1995–96 fiscal year beginning September 1, 1995, through August 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 30 handlers of cranberries who are subject to regulation under the cranberry marketing order and 1,050 producers of cranberries in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of cranberry producers and handlers may be classified as small entities.

The cranberry marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable cranberries handled from the beginning of such year. The budget of expenses for the 1995–96 fiscal year was prepared by the Committee and submitted to the Department for approval. The Committee consists of producers and a non-industry member. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of cranberries. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The recommended budget and rate of assessment are usually acted upon by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committee will have funds to pay its expenses.

The Committee conducted a mail vote and recommended 1995–96 marketing order expenditures of $201,336 and an assessment rate of $0.03 cents per 100-pound barrel of cranberries. In comparison, 1994–95 marketing year budgeted expenditures were $164,690. The 1995–96 marketing year budgeted expenditures of $210,336 are $36,646 more than the previous fiscal year. The increase is due to the funding of two new research projects for the 1995–96 season. The assessment rate will remain unchanged from the previous fiscal year.

Assessment income for 1995–96 is estimated to total $136,320 based on anticipated domestic shipments of 4,544,000 barrels of cranberries. The assessment income, plus $4,375 in interest income and a withdrawal of $60,641 from the Committee's authorized reserve fund will be adequate to cover budgeted expenses. Funds in the reserve at the end of the 1994–95 fiscal year are estimated to be $150,000. The reserve fund will be within the maximum permitted by the order of one fiscal year's expenses.

Major expense categories for the 1995–96 fiscal year include $71,345 for operating expenses, $41,000 for travel expenses, and $35,788 for research projects.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting

this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1995–96 fiscal year begins on September 1, 1995, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable cranberries handled during the fiscal year; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Note: This section will not appear in the Code of Federal Regulations.

2. A new § 929.235 is added to read as follows:

§ 929.235 Expenses and assessment rate.

Expenses of $201,336 by the Cranberry Administrative Committee are authorized, and an assessment rate of $0.03 per 100-pound barrel assessable cranberries is established for the 1995–96 fiscal year ending on August 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: August 4, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–19745 Filed 8–9–95; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 959

[FV95–959–1FR]

Onions Grown in South Texas; Changes in Bulk Bin Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule removes a requirement that polyethylene liners be used in bulk shipping bins. Such liners limit air flow inside the container and may cause the onions to decay more easily and result in a loss of product. Removal of this requirement should reduce product loss due to excessive decay and lessen the chances of receiver rejection. This rule also prohibits the use of bulk bins for shipments of onions for fresh whole use because the arrival condition of such onions is critical. Onions transported in bulk bins are not protected from damage, such as bruising, as well as those packed in smaller size cartons or bags. However, the arrival condition of onions for fresh chopping, slicing, or peeling, or other fresh use in which the form of the onion is changed is not as critical. The use of bulk bins, which are more cost effective for such shipments, may continue.

EFFECTIVE DATE: September 11, 1995.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456, telephone: (202) 690–0464; or Belinda G. Garza, McAllen Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501; telephone: (210) 682–2833, FAX (210) 682–5942.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR part 959), as amended, regulating the handling of onions grown in South Texas, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this action.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 35 handlers of South Texas onions who are subject to regulation under the order and approximately 70 producers in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of handlers and producers of South Texas onions may be classified as small entities.

At a public meeting on November 8, 1994, the South Texas Onion Committee (committee) recommended deleting a requirement that perforated polyethylene liners (poly liners) be used in the bulk bins under the authority for experimental shipments. It also recommended limiting the use of bulk bins to shipments of onions for peeling, slicing, chopping, or other fresh use in which the form of the onion is changed. Fourteen members and alternates were present, and all recommendations were unanimous.

Sweet onions normally have a high moisture content, and a poly liner, even when perforated, acts as a vapor barrier. Moisture remains inside the bin, or container, which can cause mold, bacteria, and other decay micro-organisms to develop. To avoid such a warm, damp environment, air

circulation is necessary. However, use of the poly liner blocks air movement and may cause ''sweating'' and decay of the onions. Because satisfactory arrival condition is important to onion receivers, the committee recommended that the requirement for poly liners be removed. This should lessen the chances of receiver rejections due to excessive decay.

At the meeting, the committee also recommended permitting onions for fresh peeling, chopping, or slicing to be shipped in bulk bins, as authorized by the provision for experimental shipments in the handling regulation. Although bags and cartons provide better protection during shipping, the committee does not believe that such additional protection is necessary for onions moving to processing outlets. Handlers have found that both bags and cartons are more difficult to load and unload than are bulk containers. In addition, bags and cartons are more expensive to buy and only last for one shipment, while bins can be used repeatedly. Also, bags and cartons must be disposed of at the destination, an additional cost, while bins can be returned for further use.

Therefore, subparagraph (i) of paragraph (f)(3) *Experimental shipments.* is hereby revised to remove the requirement for a poly liner and be limited to shipments for peeling, slicing, and chopping, and redesignated as (f)(3) *Peeling, slicing, and chopping.* The remaining parts of paragraph (3) *Experimental shipments.* are redesignated (f)(4) *Experimental shipments.* but are otherwise unchanged. Both paragraphs (f)(3) and (f)(4) continue to be subject to the safeguards under paragraph (g).

In accordance with the Paperwork Reduction Act of 1988 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB number 0581–0074.

A proposed rule was published in the **Federal Register** on June 12, 1995 (60 FR 30794). That rule provided that interested persons could file comments through July 12, 1995. No comments were received.

Based on available information, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is hereby amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Paragraphs (f)(4) and (f)(5) of § 959.322 are redesignated (f)(5) and (f)(6) respectively; paragraphs (f)(3)(ii) and (f)(3)(iii) are redesignated (f)(4)(i) and (f)(4)(ii) and revised; paragraph (f)(3)(i) is redesignated as (f)(3) and revised; and the introductory text of paragraphs (g) and (g)(4) are revised to read as follows:

§ 959.222 Handling regulation.

* * * * *

(f) * * *

(3) *Peeling, chopping, and slicing.* (i) Upon approval of the committee, onions for peeling, chopping, and slicing may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 63,450 cubic inches, or containers deemed similar by the committee. Such shipments shall be exempt from paragraph (c) of this section, but shall be handled in accordance with the safeguard provisions of § 959.54 and shall meet the requirements of paragraphs (a), (b), (d), and (g) of this section.

(4) *Experimental shipments.* (i) Upon approval by the committee, onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52, and 959.60, provided they are handled in accordance with the safeguard provisions of § 959.54 and paragraph (g) of this section.

(ii) Upon approval of the committee, onions may be shipped for testing in types and sizes of containers other than those specified in paragraphs (c) and (f)(2) of this section, provided that the handling of onions in such experimental containers shall be under the supervision of the committee.

* * * * *

(g) *Safeguards.* Each handler making shipments of onions for relief, charity, processing, experimental purposes, or peeling, chopping and slicing shall:

* * * * *

(4) In addition to provisions in the preceding paragraphs, each handler making shipments for processing and peeling, chopping, and slicing shall:

* * * * *

Dated: August 4, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–19777 Filed 8–9–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–130–AD; Amendment 39–9335; AD 95–15–52]

Airworthiness Directives; Boeing Model 747–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) T95–15–52 that was sent previously to all known U.S. owners and operators of certain Boeing Model 747–100 and –200 series airplanes by individual telegrams. This AD requires a revision of the Airplane Flight Manual (AFM) and Airplane Weight and Balance Supplement to restrict cargo loading to a certain level. This AD also provides for the removal of the restrictions following accomplishment of a modification of the longitudinal floor beams. This amendment is prompted by a determination that inadequate strength in the floor beams exists on certain airplanes that have been modified for cargo configurations. The actions specified by this AD are intended to prevent failure of the longitudinal floor beams, which may cause the keel beam to fail and result in rupture of the fuselage.

DATES: Effective August 25, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95–15–52, issued July 14, 1995, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before October 10, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–130–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information pertaining to this AD may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Steven C. Fox, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2777; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: On July 14, 1995, the FAA issued telegraphic AD T95–15–52, which is applicable to Model 747–100 series airplanes modified in accordance with Supplemental Type Certificate (STC) SA2322SO, SA2323SO, or SA5199NM; and Model 747–200 series airplanes modified in accordance with STC SA4227NM–D or SA5759NM.

Certain Model 747–100 and –200 series airplanes have been converted from a passenger configuration to a freighter configuration in accordance with STC's SA2322SO and SA2323SO (for Model 747–100 series airplanes) and SA4227NM–D (for Model 747–200 series airplanes). These STC's include, as part of their data packages, new Weight and Balance Supplements that specify the maximum allowable linear load per inch (commonly referred to as ''running load'') along the length of the fuselage. The Supplements increased this limit from 66.7 pounds per inch to 240 pounds per inch between Body Stations (BS) 1000 and 1480. The Supplements also define the maximum area load (expressed in pounds per square foot). The Supplement increased this limit from 100 pounds per square foot to 320 pounds per square foot between BS 1000 and BS 1480.

On January 16, 1990, the FAA issued AD 90–06–06, amendment 39–6490 (55 FR 8374, March 7, 1990), applicable to certain Boeing Model 747 series airplanes, to require structural modifications of older airplanes, including a requirement to modify the longitudinal floor beams. Recently, an operator of Model 747 airplanes applied for approval of an alternative method of compliance (AMOC) to AD 90–06–06. In reviewing the data to approve this AMOC, the FAA has found that the longitudinal floor beams between BS 1265 and BS 1480 had not been upgraded to withstand the increased running loads that would result from an airplane's conversion to freighter service. These Body Stations comprise a 215 inch-long linear portion of the fuselage over the wheel well section of the airplane.

Furthermore, the FAA finds that this same problem of inadequate strength in the floor beams exists on Model 747–100 and –200 series airplanes for which the type design has been changed to allow operation in accordance with STC's SA5199NM (for Model 747–100 series airplanes) and SA5759NM (for Model 747–200 series airplanes). These two STC's modify the weight and balance limitations of STC's SA2322SO, SA2323SO, and SA4227NM–D. However, these two STC's continue to define the maximum running load at 240 pounds per inch and the maximum area load at 320 pounds per square foot without strengthening the floor beam structure between BS 1000 and BS 1480.

The FAA has determined that a running load of 240 pounds per inch, for the freighter configuration, is above the capability of floor beam structure between BS 1265 and BS 1480. Additionally, the FAA finds that this structure, when loaded to the STC's-allowed limits is not sufficiently strong to sustain limit loads under all of the airspeed and load factor conditions, including those defined by section 25.333, ''Flight envelope,'' and section 25.341, ''Gust loads,'' of the Federal Aviation Regulations (14 CFR 25.333 and 14 CFR 25.341). Failure of the longitudinal floor beams may cause the keel beam to fail, and result in the rupture of the fuselage.

Since the unsafe condition described is likely to exist or develop on other airplanes having these STC's as part of their type design, the FAA issued Telegraphic AD T95–15–52 to require a revision to the Limitations section of the FAA-approved Airplane Flight Manual (AFM) and the Limitations section of the Airplane Weight and Balance Supplement to restrict cargo loading to a suitable level. The level established by this AD is based upon an FAA evaluation of the unmodified floor beam structure. The AD also provides for the removal of the restrictions following accomplishment of a modification of the longitudinal floor beams in accordance with a method approved by the FAA.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A Note has been included in this rule to clarify this long-standing requirement.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on July 14, 1995 to all known U.S. owners and operators of the affected Boeing Model 747–100 and –200 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped

postcard on which the following statement is made: ''Comments to Docket Number 95–NM–130–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–15–52 Boeing: Amendment 39–9335. Docket 95–NM–130–AD.

Applicability: Model 747–100 series airplanes modified in accordance with Supplemental Type Certificates (STC) SA2322SO, SA2323SO, or SA5199NM; and Model 747–200 series airplanes modified in accordance with STC's SA4227NM–D or SA5759NM; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the longitudinal floor beams and keel beam and the subsequent rupture of the fuselage, accomplish the following:

(a) Within 24 clock hours (not flight hours) after the effective date of this AD, revise the Limitations section of the FAA-approved Airplane Flight Manual (AFM) and the Limitations section of the Airplane Weight and Balance Supplement (Model 747–100 or –200 series airplanes) to include the following information. This may be accomplished by inserting a copy of this AD in the AFM.

''1.1 MAIN CARGO DECK LIMITS (ADDITION):

Each of the following payload limits for pallet cargo apply to the main cargo deck floor between Body Stations 1265 and 1480.

Note: These limits take precedence over any other payload limits that may appear elsewhere in this or in any other document.

1. Do not exceed a linear load of 96.0 pounds per inch between Body Stations 1265 and 1480.

2. The maximum local floor loading in any area located between Body Stations 1265 and 1480 shall not exceed 150 pounds per square foot.

3. The cargo pallets that are located entirely or partially between Body Stations 1265 and 1480 are restricted as follows:

A. Pallets that are 96.0 inches in width and 125.0 inches in length shall not exceed a 1.0 g loading of 6,000 pounds.

B. Pallets that are 88.0 inches in width and 125.0 inches in length shall not exceed a 1.0 g loading of 5,500 pounds.

C. Pallets that are 88.0 inches in width and 108.0 inches in length shall not exceed a 1.0 g loading of 4,800 pounds.''

(b) Accomplishment of a modification of the longitudinal floor beams in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, constitutes terminating action for the limitation requirements of paragraph (a) of this AD. The AFM limitation and Weight and Balance Supplement limitation may be removed following accomplishment of such a modification.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) This amendment becomes effective on August 25, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95–15–52, issued on July 14, 1995, which contained the requirements of this amendment.

Issued in Renton, Washington, on August 3, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–19653 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–116–AD; Amendment 39–9331; AD 95–17–02]

Airworthiness Directives; Fokker Model F28 Mk 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mk 0100 series airplanes, that requires the installation of modified Passenger Service Unit (PSU) panel lenses, a one-time installation inspection to detect corrosion or deterioration of the PSU connectors, correction of discrepancies, and application of sealant. This amendment is prompted by reports that ''No Smoking'' and ''Fasten Seat Belt'' signs installed in certain overhead PSU's are not readable from passengers' and flight attendants' seats. This amendment is also prompted by reports of smoke in the passenger cabin caused by overheating of the PSU connectors. The actions specified by this AD are intended to ensure that warning signs are readable to passengers and flight attendants, and to eliminate a potential fire hazard.

DATES: Effective September 11, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mk 0100 series airplanes was published in the **Federal Register** on March 30, 1995 (60 FR 16390). That action proposed to require the installation of modified Passenger Service Unit (PSU) panel lenses. That action also proposed to require a one-time post-installation inspection to detect corrosion or deterioration of the PSU connectors, and correction of discrepancies, and application of sealant.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposal.

One commenter requests that the proposed action be issued as two separate AD's: one to require replacement of the lenses, and the other to require the one-time inspection for corrosion. As justification for this request, the commenter points out that each of these requirements affects a different group of airplanes, and the respective service bulletins recommend different compliance times for accomplishing each of the actions. Further, this commenter, a U.S. operator, states that the proposed requirement to inspect airplanes immediately after the installation of the new panel lenses would ground airplanes on which the installation had been accomplished prior to the effective date of the final rule. For example, this operator states that it has already accomplished the proposed installation of new lenses on 23 of its affected airplanes; however, because the compliance time for the inspection [required by proposed paragraph (b)] would be ''prior to further flight after accomplishing the installation [of the new panel lenses],'' this operator would be required to immediately conduct the corrosion inspection of these airplanes. This situation would effectively ground this operator's airplanes until the inspection was conducted. By separating the proposal into two AD's, each with an appropriate and separate compliance time, operators would be alleviated from having to ground airplanes in order to immediately inspect airplanes that have had the new lenses installed at a previous time.

The FAA does not concur with the commenter's request that the action be issued as two separate rules. The FAA combined the two actions into one proposed rule since both of the referenced service bulletins applied to the same item (the PSU). By requiring both actions to be conducted concurrently, it was the FAA's intent to save the affected operators from the expenses associated with having to access the PSU twice; that is, one time for the lens installation and another time for the inspection. Because of such costs, the FAA did not anticipate that operators would want to conduct these two actions independently. However, the FAA now recognizes the problems that operators could encounter when trying to comply with the proposed requirements as currently written. In light of the information provided by the commenter, the FAA finds no reason why the two actions cannot be conducted at separate times. Accordingly, the FAA has retained both actions in this single final rule, but has revised the final rule to provide for a compliance time of 9 months for the accomplishment of both actions. Additionally, the final rule has been revised to indicate that only affected airplanes (i.e., those listed in the effectivity listing of the respective service bulletin) will be required to accomplish each of the actions.

This same commenter requests that the proposed compliance time for the corrosion inspection be extended since there may be a problem in obtaining parts for necessary repairs. Specifically, this commenter points out that a portion of the repair procedures would require installation of gaskets in two electrical receptacles in the PSU. The commenter states that the manufacturer of these gaskets has not yet ordered the raw stock in order to fabricate the gaskets and does not have a projected date for the fabrication of the gaskets; therefore, that manufacturer cannot offer a delivery schedule for the parts required for the repair. This situation would put affected operators at a disadvantage when attempting to comply with the repair requirements of the proposed rule.

The FAA does not concur that an extension of the compliance time for inspection is warranted. The FAA has contacted the manufacturer of the gaskets to determine if a parts availability problem would exist with respect to meeting the compliance time of this rulemaking action. The manufacturer advised that the gaskets come as part of a kit, and it currently has 600 of these kits on hand. It can provide additional kits upon request within 9 weeks of receiving an order. Based on this information, the FAA finds that ample repair parts will be available to operators within the 9-month compliance time of this final rule; therefore, an extension of the compliance time is not appropriate.

This same commenter requests that proposed paragraph (c) be clarified. The commenter points out that, as currently written, paragraph (c) would prohibit the installation of any PSU with the part numbers (P/N) ''10–1178–( )'' or ''10–1571–( )'' on any affected airplane. The notation ''–( )'' in this case indicates that any number(s) could be added as the last ''dash number'' of these P/N's, but regardless of that dash number, the part could not be installed. The commenter points out that this is misleading. The commenter states that some of the modified PSU's that would be required to be installed by paragraph (a) do not have totally different part numbers; some retain the first six numbers of the original P/N, but have different ''dash numbers'' added to the end of it. For example, P/N 10–1178–40 is an unmodified part that cannot be installed; its modified counterpart is P/N 10–1178–59 and is permitted to be installed. As is evident in this example, the first six numbers of both of these P/N's are the same; only the last two ''dash numbers'' are different. However, as paragraph (c) is proposed, neither of these parts would be permitted to be installed on an airplane, since that paragraph states that all P/N's with ''10–1178–'' as the first six numbers cannot be installed.

The FAA concurs that clarification is necessary. The FAA has revised the final rule to call out the specific part numbers of those parts that are not eligible for installation, and to specify the location where these parts may not be installed.

This same commenter considers that the economic information provided in the preamble to the proposal is understated, and that the associated costs are much greater than what the

FAA described. The FAA concurs that the economic information should be updated to provide a more accurate accounting of associated costs. The FAA based its previous analysis on the best data that were available at the time the proposal was developed. Since that time, the FAA has obtained more accurate figures and has revised the economic impact information, below, accordingly.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 83 airplanes of U.S. registry will be affected by this AD.

Installation of the modified PSU panel lenses requires approximately 22 work hours per airplane to accomplish, at an average labor cost of $60 per work hour. Required parts are estimated to cost $1,126 per airplane. Based on these figures, the total cost impact of the installation requirement of this AD on U.S. operators is estimated to be $203,018, or $2,446 per airplane.

The one-time inspection for corrosion requires approximately 5 work hours per airplane to accomplish, at an average labor cost of $60 per work hour. Based on these figures, the total cost impact of the inspection requirement of this AD on U.S. operators is estimated to be $24,900, or $300 per airplane.

Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $227,918, or $2,746 per airplane. This total cost impact figure is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that the installation of modified PSU panel lenses has been accomplished on at least 23 of the affected airplanes; therefore, the future total cost impact of this AD is now $171,660.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–17–02 Fokker: Amendment 39–9331. Docket 94–NM–116–AD.

Applicability: Model F28 Mk 0100 series airplanes; equipped with Grimes Aerospace Passenger Service Units having part number (P/N) 10–1178–( ) or P/N 10–1571–( ); certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To ensure that warning signs are readable to passengers and flight attendants, and to eliminate a potential fire hazard, accomplish the following:

(a) For airplanes listed in Fokker Service Bulletin SBF100–25–061, dated March 8, 1994 (as corrected by Fokker Service Bulletin Change Notification SBF100–25–061/02, dated June 20, 1994): Within 9 months after the effective date of this AD, install modified Passenger Service Unit (PSU) panel lenses in accordance with that service bulletin.

(b) For airplanes listed in Fokker Service Bulletin SBF100–25–068, dated March 31, 1994: Within 9 months after the effective date of this AD, perform a one-time inspection to detect corrosion and/or deterioration of the PSU connector, in accordance with that service bulletin. Prior to further flight, correct any discrepancies detected and apply sealant in accordance with the service bulletin.

(c) As of the effective date of this AD, no person shall install on any airplane a Grimes Aerospace PSU having the following part numbers (P/N):

(1) For PSU's located in the passenger compartment, except for the PSU panels at the last but one aft position on the left- and right-hand row (i.e., all except the second to the last row): P/N 10–1178–31 through –42, inclusive, must not be installed.

(2) For PSU's located in the passenger compartment at the last but one position at the left- and right-hand row (i.e., the second to the last row) only: P/N 10–1178–( ) must not be installed.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Aircraft Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The installation shall be done in accordance with Fokker Service Bulletin SBF100–25–061, dated March 8, 1994 (as corrected by Fokker Service Bulletin Change Notification SBF100–25–061/02, dated June 20, 1994). The inspection and correction of discrepancies shall be done in accordance with Fokker Service Bulletin SBF100–25–068, dated March 31, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR

part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on September 11, 1995.

Issued in Renton, Washington, on July 28, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–19121 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–132–AD; Amendment 39–9332; AD 95–17–03]

Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Lockheed Model L–1011 series airplanes, that currently requires a visual inspection to detect cracks of the forward or aft side of the aft pressure bulkhead, and repair, if necessary. This amendment requires various inspections to detect cracks or other discrepancies of the aft pressure bulkhead, and repair, if necessary. This amendment is prompted by a recent report of in-flight loss of cabin pressure on a Model L–1011–385 series airplane due to a rupture of the aft pressure bulkhead as a result of fatigue-related cracking. The actions specified in this AD are intended to prevent such fatigue cracking, which could result in rupture of the aft pressure bulkhead and subsequent depressurization of the cabin.

DATES: Effective August 25, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 25, 1995.

Comments for inclusion in the Rules Docket must be received on or before October 25, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–132–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas B. Peters, Aerospace Engineer, Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7367; fax (404) 305–7348.

SUPPLEMENTARY INFORMATION: On January 16, 1990, the FAA issued AD 90–03–11, amendment 39–6492 (55 FR 2639, January 26, 1990), applicable to all Lockheed Model L–1011 series airplanes, to require a one-time visual inspection to detect cracks of the forward or aft side of the aft pressure bulkhead, and repair, if necessary. That action was prompted by a report of loss of cabin pressure in the aft pressure bulkhead, which resulted in a rupture of a single gore panel. The actions required by that AD are intended to prevent structural failure of the aft pressure bulkhead.

Since the issuance of that AD, the FAA has received a report of loss of cabin pressure on a Model L–1011–385 series airplane, which occurred while the airplane was cruising at 31,000 feet. Investigation revealed a 4-inch long crack that was oriented in a circumferential direction in the gore panel of the aft pressure bulkhead located at the inner edge of the 6-inch doubler. The crack ruptured rapidly until it was stopped by the anti-tear strap. The cause of the cracking has been attributed to fatigue. The airplane had accumulated 35,810 total flight hours and 19,688 total flight cycles. Fatigue-related cracking in the aft pressure bulkhead, if not detected and corrected in a timely manner, could result in rupture of the aft pressure bulkhead and subsequent depressurization of the cabin.

This recent incident is similar to the incident that occurred in 1989, which prompted the issuance of AD 90–30–11 to require a one-time visual inspection to detect cracks of the aft pressure bulkhead. The FAA finds that repetitive non-destructive inspections of the affected airplanes are necessary in order to ensure that the unsafe condition presented by fatigue cracking is corrected, and to provide an acceptable level of safety.

The FAA has reviewed and approved Lockheed L–1011 Service Bulletin 093–53–258, dated February 20, 1990, which describes procedures for:

1. Performing a visual inspection to detect cracks or other discrepancies (including oil can buckles) of the upper gore panels from either the forward side or the aft side of the aft pressure bulkhead;

2. Performing an eddy current inspection to detect cracks of the aft left-hand side and the forward right-hand side of the aft pressure bulkhead; and

3. Repair of gore panels, if any crack or discrepancy is detected.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 90–03–11 to require repetitive inspections to detect cracks or other discrepancies (including oil can buckles) of the upper gore panels from either the forward side or the aft side of the aft pressure bulkhead, and various follow-on inspections. This AD also requires an eddy current inspection to detect cracks of the aft left-hand side and the forward right-hand side of the aft pressure bulkhead. The actions would be required to be accomplished in accordance with the service bulletin described previously. If any crack or discrepancy is detected, a repair would be required to be accomplished in accordance with a method approved by the FAA.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be

considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–132–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6492 (55 FR 2639, January 26, 1990), and by adding a new airworthiness directive (AD), amendment 39–9332, to read as follows:

95–17–03 Lockheed Aeronautical System Company: Amendment 39–9332. Docket 95–NM–132–AD. Supersedes AD 90–03–11, Amendment 39–6492.

Applicability: All Model L–1011–385 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously. To prevent fatigue-related cracking in the aft pressure bulkhead, which could result in rupture of the aft pressure bulkhead and subsequent depressurization of the cabin, accomplish the following:

(a) Prior to the accumulation of 12,000 total landings, or within 30 days after the effective date of this AD, whichever occurs later; unless previously accomplished within the last 2,500 flight cycles; accomplish either paragraph (a)(1) or (a)(2) of this AD in accordance with Lockheed L–1011 Service Bulletin 093–53–258, dated February 20, 1990.

(1) Perform a visual inspection to detect cracks or other discrepancies (including oil can buckles) of the upper gore panels from either the forward side or the aft side of the aft pressure bulkhead, in accordance with paragraph 2.B. of the Accomplishment Instructions of the service bulletin. Within 90 days after accomplishing that visual inspection, perform an eddy current inspection to detect cracks of the aft left-hand side and the forward right-hand side of the aft pressure bulkhead, in accordance with paragraph 2.C. of the Accomplishment Instructions of the service bulletin. Repeat the eddy current inspection thereafter at intervals not to exceed 2,500 flight cycles; or

(2) Perform an eddy current inspection to detect cracks of the aft left-hand side and the forward right-hand side of the aft pressure bulkhead, in accordance with the service bulletin. Repeat the eddy current inspection thereafter at intervals not to exceed 2,500 flight cycles.

(b) If any crack or discrepancy is detected during any inspection required by this AD, prior to further flight, repair in accordance with Figure 4 of Lockheed L–1011 Service Bulletin 093–53–258, dated February 20, 1990; or in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections shall be done in accordance with Lockheed L–1011 Service Bulletin 093–53–258, dated February 20, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 25, 1995.

Issued in Renton, Washington, on July 28, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–19119 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 81–ANE–03; Amendment 39–9327; AD 95–16–07]

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney JT8D series turbofan engines, that currently requires initial and repetitive inspections of 9th through 12th stage high pressure compressor (HPC) disks at the tierod holes. This amendment eliminates an optional on-wing ultrasonic inspection of the 10th stage high pressure compressor (HPC) disk. This amendment is prompted by a report of an uncontained failure of a 10th stage HPC disk that was previously inspected using the on-wing ultrasonic inspection method. The actions specified by this AD are intended to prevent uncontained fractures of 9th through 12th stage HPC disks and engine failure.

DATES: Effective September 11, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, Technical Publications Department, M/S 132–30, 400 Main Street, East Hartford, CT 06108. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark A. Rumizen, Aerospace Engineer Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7137; fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: On February 7, 1984, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 81–08–02 R2, Amendment No. 39–4817 (49 FR 7361; February 29, 1984), to require initial and repetitive inspections of 9th through 12th stage high pressure compressor (HPC) disks at the tierod holes in Pratt & Whitney (PW) JT8D series turbofan engines. That action was prompted by cracks in the tierod holes in HPC disks that resulted in engine failures. That condition, if not corrected, can result in uncontained fractures of 9th through 12th stage HPC disks and engine failure.

On August 30, 1984, the FAA issued a correction to AD 81–08–02 R2, Amendment 39–4817 (49 FR 35618; September 11, 1984), to include an engine model that had been inadvertently omitted from the AD.

Since issuance of AD 81–08–02 R2, the FAA received a report of an uncontained fracture of a 10th stage HPC disk. This disk had been subjected to three previous on-wing ultrasonic inspections prior to fracture. This method has since been determined as inadequate for detecting tierod hole cracking.

On May 8, 1989, the FAA issued a notice of proposed rulemaking (NPRM) that was published in the **Federal Register** (54 FR 22306; May 23, 1989), that would have amended the existing AD by eliminating the optional on-wing ultrasonic inspection of the 10th stage HPC disk, and by including an engine model inadvertently omitted.

Since the issuance of that NPRM, the FAA has determined that the reference to the inadvertently omitted engine model was unnecessary, as the FAA had remedied this discrepancy in the August 30, 1984, correction. Also, the FAA now utilizes a revised format that supersedes existing AD's by publishing a complete document rather than only amending applicable paragraphs of the compliance section. Since the FAA changed the format of the proposed rule, the FAA determined that it was desirable to reopen the comment period to provide additional opportunity for public comment.

A Supplementary NPRM was published in the **Federal Register** on December 19, 1994 (59 FR 65281). That action reprints the corrected AD compliance section text in its entirety for clarity.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

The commenter states no objection to adoption of the proposed rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 200 engines that are affected by this AD, and the FAA has determined that eliminating the optional on-wing ultrasonic inspection will have negligible economic impact, since most operators use uninstalled tenth stage disk inspections.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–4817 (49 FR 35618, September 11, 1984) and by adding a new airworthiness directive, Amendment 39–9327, to read as follows:

95–16–07 Pratt & Whitney: Amendment 39–9327. Docket 81–ANE–03. Supersedes AD 81–08–02 R2, Amendment 39–4817.

Applicability: Pratt & Whitney (PW) JT8D–1, –1A, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR turbofan engines with 9th through 12th stage high pressure compressor (HPC) disks specified in

Tables I through V and Table VIII of PW Alert Service Bulletin (ASB) No. 4723, Revision 12, dated March 8, 1990, installed. These engines are installed on but not limited to Boeing 727 series and 737 series, and McDonnell Douglas DC–9 series aircraft.

Note: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously in accordance with PW ASB No. 4723, Revision 9, dated July 13, 1983; Revision 10, dated September 15, 1986; or Revision 11, dated October 30, 1987. All inspections subsequent to the effective date of this AD must be accomplished in accordance with the methods and intervals identified in PW ASB No. 4723, Revision 12, dated March 8, 1990, except as is specified in paragraph (d) of this AD.

To prevent uncontained fractures of 9th through 12th stage HPC disks and engine failure, accomplish the following:

(a) Initially inspect 9th through 12th stage HPC disks at the tierod holes in accordance with Tables I through V and Table VIII of PW ASB No. 4273, Revision 12, dated March 8, 1990.

(b) Thereafter, inspect 9th through 12th stage HPC disks at the tierod holes in accordance with Tables I through V and Table VIII of PW ASB No. 4723, Revision 12, dated March 8, 1990. Disks initially inspected prior to the first inspection limit must be reinspected before reaching the specified reinspection interval, or before reaching the first inspection limit, whichever is later. In no case shall the established life limits of the disks be exceeded.

(c) Remove cracked disks from service prior to further flight, and replace with a serviceable part. Disks may be returned to service if repaired in accordance with Paragraph 7 of PW ASB No. 4723, Revision 12, dated March 8, 1990.

(d) For 10th stage HPC disks that were last inspected in accordance with the on-wing ultrasonic inspection procedure specified in AD 81–08–02 R2 prior to the effective date of this AD, inspect as follows:

(1) Perform a magnetic particle inspection or eddy current inspection in accordance with the procedure defined in Paragraph 6 and Appendix B of PW ASB No. 4723, Revision 12, dated March 8, 1990, no later than 750 cycles in service (CIS) since the last on-wing inspection.

(2) Accomplish all subsequent inspections in accordance with the methods and intervals specified in PW ASB No. 4723, Revision 12, dated March 8, 1990.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative method of compliance with this AD, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(g) The actions required by this AD shall be done in accordance with the following ASB:

Document No.	Pages	Rev.	Date
PW ASB No. 4723	1	12	Mar. 8, 1990.
	2–8	10	Sept. 15, 1986.
	9–10	11	Oct. 30, 1987.
	11–25	10	Sept. 15, 1986.
Appendix A	A–1	10	Sept. 15, 1986.
	A–2		
Appendix B	B–1—B–9	7	Feb. 16, 1981.
	B–10	8	July 9, 1982.
	B–11—B–12	7	Feb. 16, 1981.
Total pages: 38.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, Technical Publications Department, M/S 132–30, 400 Main Street, East Hartford, CT 06108. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on September 11, 1995.

Issued in Burlington, Massachusetts, on July 26, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–19232 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

RIN 2900–AH00

Delegation of Subpoena Authority and Description of Means of Service

AGENCY: Department of Veterans Affairs.

ACTION: Interim Final Rule with Request for Comments.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations concerning authority of VA officials to issue subpoenas: (1) by revoking the delegation of authority to the Inspector General and subordinate officials, and (2) by adding a delegation of authority to the Under Secretary for Health and certain subordinate officials. The regulations are also amended by specifying means of service for VA subpoenas. These amendments are intended to make the Department's delegations of subpoena power consistent with legal authority and to ensure that VA has the means to obtain information necessary to determine whether individuals are entitled to income-based benefits.

DATES: This interim final rule is effective on August 10, 1995. Comments must be received on or before October 10, 1995.

ADDRESSES: Mail written comments concerning these proposed regulations to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420; or hand deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC

20001. Comments should indicate that they are submitted in response to ''RIN 2900–AH00.'' All written comments will be available for public inspection in the Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC 20001, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Barry M. Tapp, Deputy Assistant General Counsel (023A), Office of General Counsel, Department of Veterans Affairs, (202) 273–6334.

SUPPLEMENTARY INFORMATION: This document amends 38 C.F.R. § 2.1 to revoke delegations of authority to the Inspector General and subordinate officials for issuing subpoenas, and to provide delegations to the Under Secretary for Health and certain subordinates to issue subpoenas, and to specify means of service for VA subpoenas.

Revoking Current Inspector General Authority To Subpoena

Title 38 U.S.C. § 5711 authorizes the Secretary of Veterans Affairs and those employees to whom the Secretary delegates such authority to issue subpoenas for, and compel the attendance of, witnesses within a radius of 100 miles from the place of hearing and to require the production of documents. (38 U.S.C. § 5713 authorizes Federal district courts to enforce VA subpoenas.)

The Secretary delegated subpoena authority to, among others, the Inspector General, Deputy Inspector General, Assistant Inspector General for Investigation, and Deputy Assistant Inspector General for Investigation. No subpoenas have been issued pursuant to this delegation and the delegations to the Inspector General and subordinates of that office are revoked by this document.

The Inspector General Act of 1978 (the Act) established the Office of Inspector General in the VA. The Act mandated the duties of the Office, specifically giving the Inspector General investigative powers. The Act limited the subpoena authority of Inspector Generals to requiring the production of documents. The Act also established the Inspector General as an official independent of the control of agency heads. In a leading case on the authority of Inspector Generals established under the Act, the United States Court of Appeals for the District of Columbia Circuit held that ''[i]f the agency head may delegate his subpoena authority to the agency's inspector general, . . . the congressional scheme is disrupted,'' making such delegations inconsistent with the Act's uniform distribution of power to its Inspector Generals. *United States* v. *Iannone*, 610 F.2d. 943, 947 (D.C. Cir. 1979). Accordingly, there is no authority for the delegation of subpoena power to the Inspector General and subordinates.

Delegating Authority to the Under Secretary for Health

Federal law authorizes the Secretary to operate income matching programs with other agencies to verify the income of VA beneficiaries so that VA may obtain information necessary to determine whether individuals are entitled to income-based benefits. 38 U.S.C. § 5317. The Secretary has delegated authority to the Under Secretary for Health to operate VA's income matching program. The Director, Income Verification Match Center, and the Associate Director for Operations have program responsibility for this program.

VA may not act on adverse information from income matching programs unless the data are independently verified. But sources for verifying information are not obligated to disclose the data merely at VA's request. Consequently, the Under Secretary for Health, the Director, Income Verification Match Center, and the Associate Director for Operations, Income Verification Match Center, are hereby delegated authority to issue subpoenas, compel the attendance of witnesses, and require the production of evidence.

Means of Service

This document also adds means of serving subpoenas issued by designated VA officials. In this regard, the regulations are amended to add the following:

Subpoenas issued pursuant to this section may be served by registered or certified mail, return receipt requested, addressed to the witness only. Personal service by any VA employee or other authorized person may be made where authorized in writing by the issuing official.

Administrative Procedure Act

This interim final rule constitutes rules of agency organization, procedure, or practice. Accordingly, pursuant to 5 U.S.C. 553, we are dispensing with prior notice and comment and with a 30-day delay of the effective date.

Regulatory Flexibility Act

The Secretary certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. §§ 601–612. This amendment will affect only individuals and will not directly affect any small entities. Therefore, pursuant to 5 U.S.C. § 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

There are no programs listed in the Catalog of Federal Domestic Assistance which will be directly affected by this rule.

Executive Order 12866

This regulatory action has been reviewed by the Office of Management and Budget under Executive Order 12866.

List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies), Veterans Affairs Department.

Approved: June 20, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 2 is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501, unless otherwise noted.

2. Section 2.1 is revised to read as follows:

§ 2.1 Delegation of authority to employees to issue subpoenas, etc.

(a) *Authority to issue subpoenas.* Employees occupying or acting in the positions designated in paragraph (b) of this section shall have the power to issue subpoenas for (by countersigning VA Form 2–4003) and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents, and other evidence. Issuing officials shall use discretion when exercising this power.

(b) *Designated positions.* The positions designated pursuant to paragraph (a) of this section are: General Counsel, Deputy General Counsel, Chairman, Board of Veterans' Appeals, Heads of Regional Offices and Centers having insurance or regional office activities, Under Secretary for Health (for income matching programs), Director, Income Verification Match

Center (for income matching programs), and the Associate Director for Operations, Income Verification Match Center (for income matching programs).

(c) *Means of service.* Subpoenas issued pursuant to this section may be served by registered or certified mail, return receipt requested, addressed to the witness only. Personal service by any VA employee or other authorized person may be made where authorized in writing by the issuing official.

(d) *Fees and mileage; district courts of the United States.* Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction in which the inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Authority: 38 U.S.C.A. §§ 501, 5711)

[FR Doc. 95–19807 Filed 8–9–95; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA56–1–7086a; FRL–5252–9]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Reasonably Available Control Technology for Stroehmann Bakeries, Inc., Lycoming and Bradford Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from two Stroehmann Bakeries, Inc. (Stroehmann) facilities located in Sayre Borough, Bradford County and Old Lycoming Township, Lycoming County. These facilities are located in areas designated ''not classified/attainment'' for ozone which are part of the ozone transport region (OTR). The SIP revision requires Stroehmann to install and operate catalytic oxidation units on the bakery ovens associated with the production of yeast-based products. The intended effect of this action is to approve the SIP revision as constituting RACT for the Stroehmann facilities located in Sayre Borough and Old Lycoming Township. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective October 10, 1995 unless notice is received on or before September 11, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597–0545.

SUPPLEMENTARY INFORMATION: On February 24, 1995, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of State Plan Approvals issued by the Pennsylvania Department of Environmental Resources (DER) on February 9, 1995, identified as PA–41–0001 and PA–08–0001 and State Operating Permits issued February 9, 1995, identified as OP–41–0001A and OP–08–0001A for the Stroehmann facilities located in Old Lycoming Township and Sayre Borough, respectively.

Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT in ozone nonattainment areas classified as moderate or above for all major VOC and NO_X sources by no later than May 31, 1995. In addition, moderate ozone nonattainment area requirements, including RACT as specified in section 182(b)(2) and 182(f), apply throughout the ozone transport region (OTR) established by the CAA.

On February 24, 1995, the Pennsylvania DER submitted Plan Approvals PA–41–0001 and PA–08–0001 and Operating Permits OP–41–0001A and OP–08–0001A as revisions to its State Implementation Plan (SIP) for the control of VOC and NO_X emissions from two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, respectively. These counties are located in areas classified as ''not classified/attainment'' for ozone. However, these areas are also part of the OTR and, pursuant to section 184 of the CAA, must meet the requirements of a moderate ozone nonattainment area, including the requirement that major sources implement RACT. The definition of major source for an area classified as ''not classified/attainment'' in the OTR is any source having the potential to emit 50 tons per year of volatile organic compounds (VOCs) or 100 tons per year of oxides of nitrogen (NO_X).

Summary of SIP Revision

The Stroehmann facility located in Sayre Borough, Bradford County produces bread and donuts in three production lines and generates potential VOC emissions of 313 tons/year. The Stroehmann facility in Old Lycoming Township, Lycoming County produces buns and rolls in two baking lines and generates potential VOC emissions of 144.3 tons per year. Sources of VOC emissions are the same at both Stroehmann facilities and include the prebake areas, baking ovens, combustion sources, ink jet printers, parts cleaning/maintenance activities, and painting operations. Neither facility is a major source of NO_X.

The most significant source of VOCs are the baking ovens associated with production lines where yeast-based breads, rolls and buns are produced. Pennsylvania DER determined that RACT for the baking ovens involved in the production of yeast-based breads, rolls and buns at the Sayre Borough and Old Lycoming Township facilities is the installation and operation of catalytic oxidation units to achieve a minimum 95% VOC removal efficiency and operate at a minimum operating temperature of 600°F.

RACT for the prebake areas was determined to be no additional control due to the technical infeasibility of capturing emissions from these areas. The remaining VOC sources generate emissions at de minimis levels and are not subject to further control. For these sources, the operating permits impose limits on their potential to emit at the de minimis levels of 3 pounds per hour, 15 pounds per day and 2.7 tons per year.

For more information on Pennsylvania's RACT determination and the specific provisions of the Plan Approvals and Operating Permits for these two facilities, please refer to the Technical Support Document (TSD) prepared for this notice. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA's review of this material indicates that Pennsylvania's Plan Approvals requiring the installation of catalytic oxidation units on the baking ovens associated with yeast-based production lines constitutes RACT for the Sayre Borough and Old Lycoming Township facilities. In addition, EPA agrees with Pennsylvania's conclusions regarding no further control as RACT for the prebake areas and the limits imposed by the operating permits limiting emissions from the combustion sources, ink jet printers, parts cleaning/maintenance activities, and painting operations at de minimis levels.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 10, 1995 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on October 10, 1995.

Final Action

EPA is approving Pennsylvania's SIP revision for the Stroehmann facilities located in Sayre Borough and Old Lycoming Township which was submitted on February 24, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 10, 1995. Filing a petition for reconsideration by the Administrator of this final rule to approve the SIP revision for the Stroehmann facilities in Pennsylvania does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 22, 1995.

James W. Newsom,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(101) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(101) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources regarding RACT requirements for two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, submitted on February 24, 1995.

(i) Incorporation by reference.

(A) Letter of February 24, 1995 from the Pennsylvania Department of Environmental Resources submitting a revision to the State Implementation Plan.

(B) Plan Approval Nos. PA–41–0001 and PA–08–0001 and Operating Permit Nos. OP–41–0001A and OP–08–0001A, issued and effective February 9, 1995.

(ii) Additional material.

(A) Remainder of the State Implementation Plan revision request submitted by the Pennsylvania Department of Environmental Resources on February 24, 1995, pertaining to the Plan Approvals and Operating Permits listed above.

[FR Doc. 95–19742 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[GEN Docket No. 91–1; FCC 95–309]

Television Closed-Caption Decoding Circuitry

AGENCY: Federal Communications Commission.

ACTION: Final rule; Order.

SUMMARY: This order deletes the requirement for television receivers to incorporate closed-caption decoder circuitry that is compatible with a cable television copy protection system developed by Eidak Corporation. This change was requested by the Consumer Electronics Group of the Electronic Industries Association. This action will relieve electronics manufacturers and consumers of the burden involved in incorporating special circuitry in television receivers for a technology that is not used by cable systems.

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 776–1627.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in GEN Docket No. 91–1, adopted July 25, 1995, and released August 3, 1995.

The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Paperwork Reduction

This action will not modify the information collection requirements contained in the current regulations.

Summary of the Order

1. The Commission is granting a request by the Consumer Electronics Group of the Electronic Industries Association (EIA) for partial relief of the Commission's closed-caption decoder circuitry requirements for television receivers. Specifically, this action deletes the requirement that television receivers, manufactured after January 1, 1995, incorporate closed-caption decoder circuitry that is compatible with a cable television copy protection system developed by Eidak Corporation. This action will relieve electronics manufacturers and consumers of the burden involved in incorporating special circuitry in television receivers for a technology that is not used by cable systems.

2. 47 CFR 15.119 requires that all television broadcast receivers with screen sizes equal to, or greater, 33 cm (13 inches) that were manufactured or imported on or after July 1, 1993 must be capable of receiving and displaying closed-captions. These rules also specify technical standards for the reception and display of such captioning. Previously, in the *Memorandum Order and Opinion* in this proceeding, 57 FR 19093, May 4, 1992, the Commission observed that existing closed-caption decoders may not function when the television signals are processed by some security systems designed to prevent unauthorized reception of cable service. It therefore adopted an additional requirement that the closed-caption circuitry of television receivers must function properly when receiving signals from all commonly known and used cable security systems designed and marketed prior to April 5, 1991.

3.Shortly prior to April 5, 1991, Eidak designed and marketed a copy protection system that was intended to prevent the video taping of certain programs carried by cable television systems or broadcast stations. The Eidak system dynamically changes the number of lines and the timing of the television picture. While these changes are not readily apparent to television viewers, video tape recorders, dependent on accurate and consistent timing, cannot copy Eidak-protected material. However, the Eidak system also interferes with the ability of existing closed-caption decoders to locate line 21 of the television broadcast signal, the line on which closed-caption information is carried. Thus, existing closed-caption decoders do not function properly when closed-caption information is processed by the Eidak system. For this reason, television receiver manufacturers would need to develop and incorporate in their products special circuitry that is only necessary for compatibility with Eidak-processed signals. Recognizing that the Eidak system was not widely used, the Commission provided television receiver manufacturers with additional time, until January 1, 1995, to incorporate Eidak compatibility within their closed-caption circuitry.

4. On September 29, 1994, EIA submitted a *Petition for Rule Making* and a *Petition for Partial Waiver* requesting relief from § 15.119(l) as it applies to Eidak's copy protection system. In these petitions, EIA states that no cable systems are using the Eidak technology. EIA further states that Eidak's copy protection system is a technology that has never been, is not now, and is not ever likely to be used by a cable system. EIA asks that the Commission either amend or waive § 15.119(l) with respect to the Eidak systems to relieve manufacturers and purchasers of television receivers of the expense and burden that is no longer necessary. On October 13, 1994, the Commission issued a Public Notice requesting comments on the EIA petitions. All of the commenting parties support EIA's request for relief.

5. Prior to receipt of the petitions from EIA, the Commission, on June 6, 1994, contacted the current holder of the rights to the Eidak technology, Mr. Richard Leghorn, to determine whether or not this technology was being employed by cable systems. In response, we were informed by Mr. Leghorn that ''there are no cable systems using the Eidak technology.'' Mr. Leghorn indicated that the Eidak copy protection capability currently is incorporated in a cable satellite network with equipment in cable head-ends and in ''a pay-per-view Colorado test site jointly operated by TCI, AT&T and U.S. West.'' He added that ''it would be unfortunate if the option which the industry has to avail [itself] of Eidak's copy protection capabilities were to be removed by deletion of the requirements of § 15.119(l) of the Commission's rules.''

6. We generally agree with Mr. Leghorn that maintaining regulations that require closed-caption reception to be compatible with copy protection systems is beneficial to consumers. However, we note that the Eidak system had not been implemented or used as an actual cable security system prior to April 5, 1991. Now, four years after the implementation of the closed-caption decoding requirements, the Eidak system has still not been widely implemented by cable systems or other industries. In view of the fact that the Eidak system has not achieved any significant acceptance by the cable industry, we now find that it is not necessary to require that the closed-caption circuitry of TV receivers be capable of functioning when receiving signals encoded with the Eidak technology.

7. Accordingly, it is ordered, that the provisions of § 15.119(l) of the regulations for providing closed-caption compatibility do not apply to the Eidak system. This action provides the relief sought in the *Petition for Partial Waiver* and the *Petition for Rule Making* filed by the Electronic Industries Association. The authority for this action is contained in sections 4(i), 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 302, 303(r). In accordance with 5 USC 553(b), a Notice of Proposed Rule Making is unnecessary since this action is an interpretation of the existing regulations.

List of Subjects in 47 CFR Part 15

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–19702 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 93–295; RM–8362]

Radio Broadcasting Services; San Clemente, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document deletes FM Channel 285A at San Clemente, California, in response to a Commission directive, based upon the unavailability of a transmitter site on non-military property for use by a fully spaced station at that community. *See* 58 FR 65155, December 13, 1993. With this action, the proceeding is terminated.

EFFECTIVE DATE: September 18, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 93–295, adopted July 26, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 285A at San Clemente.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19751 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 390

[FHWA Docket No. MC–93–17]

RIN 2125–AD14

Federal Motor Carrier Safety Regulations; General; Intermodal Transportation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; petitions for reconsideration of effective date; final determination.

SUMMARY: Several petitioners requested an extension of the effective date of, and certain exemptions from, the final rule implementing the Intermodal Safe Container Transportation Act of 1992. On May 25, 1995 (60 FR 27700), the FHWA requested comments on the major issues raised by these petitioners. The FHWA has determined that a further extension is warranted and, therefore, is extending the effective date of the final rule until September 1, 1996 to allow the intermodal transportation industry sufficient time to comply by means of electronic data interchange and to allow the FHWA, the intermodal transportation industry, and other parties enough time to inform affected domestic and foreign entities of their responsibilities.

EFFECTIVE DATE: September 1, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Peter C. Chandler, Office of Motor Carrier Research and Standards, HCS–10, (202) 366–5763; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1994, the FHWA published a final rule which implemented the requirements of the Intermodal Safe Container Transportation Act of 1992 (the Act) (Pub. L. 102–548, 106 Stat. 3646, partly codified at 49 U.S.C. 5901–5907 (formerly 49 U.S.C. 501 and 508)). The original effective date of the final rule was June 27, 1995. The final rule requires any person who presents a container or trailer with a gross cargo weight of more than 4,536 kilograms or 10,000 pounds to an initial carrier for intermodal transportation to provide a certification to such carrier. Motor carriers are prohibited from accepting a loaded container or trailer prior to receiving a tangible certification. Motor carriers, rail carriers, water carriers, ocean common carriers, and intermediaries that receive a certification in the course of intermodal transportation must forward the certification to a subsequent carrier transporting the loaded container or trailer. The objective of the final rule is to reduce the number of overweight motor vehicles transporting intermodal containers or trailers by improving communication between shippers and motor carriers.

Petitions

During April and May 1995, the FHWA received letters from several companies and industry groups petitioning for an extension of the effective date of the final rule. Among those requesting an extension were APL Land Transport Services, Inc.; the European Shippers' Councils; ''K'' Line America, Inc.; the Intermodal Safe Container Coalition (Coalition); the National Industrial Transportation League; the Steamship Association of Southern California; and, Warren & Associates, a law firm representing two freight conferences.

On May 16, 1995 (60 FR 26001), the FHWA administratively extended the June 27, 1995, effective date until September 27, 1995, to allow the agency sufficient time to consider public comment on whether a further extension was warranted. On May 25, 1995 (60 FR 27700), the FHWA requested comments on whether an extension of the effective date of the final rule beyond September 27, 1995, was necessary. As a part of the second publication, the FHWA requested comments on a petition filed by the American Trucking Associations, Inc. (ATA) to exempt three types of motor carrier operations from the rule.

General Discussion of the Comments

Forty-six comments were received in response to the May 25, 1995, publication. Of these, twenty-two were from companies connected with intermodal transportation, nineteen from industry associations, two from individuals, and one each from a safety organization, a public association, and a port.

Comments Regarding Effective Date

Three parties supported a further extension, but recommended no specific effective date. One party recommended an effective date one year after publication of the final determination of the petitions. Seven parties supported a January 1, 1996, effective date. Seventeen parties supported a May 1, 1996, effective date. One party supported an effective date in the spring of 1996. Five parties supported a June 1, 1996, effective date. One party supported a September 1, 1996, effective date. Of the parties who supported a specific date, three stated that an additional extension may be necessary. Two parties opposed a further extension.

Electronic Data Interchange

The intermodal transportation industry relies heavily on electronic data interchange (EDI). In order to forward certifications by EDI, the intermodal transportation industry, in particular rail and water carriers, need to complete the following steps: The development of standards; preliminary analysis and design; computer programming; field testing and coordination; training; and final computer programming. The Union Pacific System and the Coalition commented that the American National Standards Institute and the Intermodal Association of North America have incorporated the necessary changes in their EDI Standard 3050 to accommodate a certification. The Coalition commented that EDI standard 3050 will be available in July, 1995, but Union Pacific and the Coalition stated that this standard will not become effective for the railroad industry until September 1, 1995. Union Pacific and the Association of American Railroads (AAR) explained further that railroads must be able to receive information via this standard by this date, but are not required to be able to send information via this standard until September 1, 1996. The Coalition and the AAR stated that one year from the effective date of a new standard is normally allowed for full implementation because of the complexity of the process. The Coalition explained that any company using a standard previous to EDI standard 3050 must modify the previous standard to accommodate a certification. Burlington Northern Railroad commented that programming the new or modified EDI standard will take until May, 1996 and that testing the standard and assisting their customers in the transition to the standard will take until September, 1996.

Based on the information submitted by the commenters, the FHWA has determined that a further extension of the effective date of the final rule is warranted. The FHWA extends the effective date of the final rule until September 1, 1996 to allow the intermodal transportation industry sufficient time to complete the necessary steps to achieve compliance with the final rule through the use of EDI.

Education

Several commenters to the May 25, 1995, publication asserted that a further extension of the effective date is necessary to provide sufficient time to educate affected parties in their responsibilities. Some commenters stated that there is a widespread lack of knowledge of the Act and the implementation of regulations outside the United States and expressed concern about the difficult task of educating foreign entities. Some commenters also made suggestions about the FHWA's educational efforts. Several stressed that the agency should make educational materials available prior to the effective date. The FHWA agrees that additional time is needed to educate affected domestic and foreign entities in order to avoid large disruptions in trade and commerce which may result from inadvertent failures to comply with the rule. The extension of the effective date until September 1, 1996, will enable the FHWA and cooperating entities to distribute educational materials and will also provide the intermodal transportation industry additional time to familiarize appropriate parties with their responsibilities.

Educational pamphlets, in English, which provide an overview of the final rule are now available for distribution. Individuals and companies interested in obtaining the pamphlet should contact the local FHWA Office of Motor Carriers in their area. The pamphlet will also be available in German, French, Spanish, Japanese, and Mandarin Chinese in the near future. Pamphlets will be provided to various associations for domestic and international distribution. In addition, the Department of State will assist the FHWA with the international distribution of the pamphlets. The FHWA will also request the assistance of various embassies with this task.

Petition for Exemptions by the American Trucking Associations, Inc.

On April 7, 1995, the ATA filed a petition to exempt three types of motor carrier operations from the final rule. In response to the May 25, 1995, publication, the ATA and the National Industrial Transportation League (NITL) modified the third exemption requested and stated that they would also submit by August 1, 1995, a joint petition requesting further changes to the rule. In view of these developments, the FHWA will defer until a later time any discussion of the ATA and ATA/NITL petitions, as well as the comments already submitted on the ATA's petition for three exemptions.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has previously determined that the final rule implementing the Intermodal Safe Container Transportation Act of 1992 is a significant regulatory action within the meaning of Executive Order 12866 and significant under Department of Transportation regulatory policies and

procedures because it affects intermodal transportation and attracts substantial public interest. As such, the final rule was reviewed by the Office of Management and Budget and the Office of the Secretary of Transportation before being published. This present action only extends the effective date of the final rule and provides clarification of the rule. It is anticipated that the economic impact of this action will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities. Based upon this evaluation, as well as for the reasons set forth in the previous paragraph, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. Nothing in this action directly preempts any State law or regulation.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

The information collection requirements contained in the December 29, 1994, final rule have been approved by the Office of Management and Budget in accordance with the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and assigned the control number of 2125–0557 which expires on June 30, 1997. This action does not affect the recordkeeping requirements previously established.

National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 390

Highway safety, Highways and roads, Intermodal transportation, Motor carriers, Recordkeeping requirements.

Authority: 49 U.S.C. 5901–5907, 31132, 31136, 31502 and 31504; 49 CFR 1.48.

Issued on August 3, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95–19719 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 671, 672, 675, 676, and 677

[Docket No. 950508130–5171–02; I.D. 050195A]

RIN 0648–AH62

Limited Access Management of Federal Fisheries In and Off Alaska; Groundfish and Crab Fisheries Moratorium

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS by this final rule imposes a temporary moratorium on the entry of new vessels into the groundfish fisheries under Federal jurisdiction in the Bering Sea and Aleutian Islands (BSAI) management area, the crab fisheries under Federal jurisdiction in the BSAI Area, and the groundfish fisheries under Federal jurisdiction in the Gulf of Alaska (GOA). This action curtails increases in fishing capacity and provides industry stability while the North Pacific Fishery Management Council (Council) and NMFS prepare, review, and, if approved, implement a comprehensive management plan for these fisheries. This action is intended to promote the conservation and management objectives of the Council and the Magnuson Fishery Conservation and Management Act (Magnuson Act).

EFFECTIVE DATES: Effective September 11, 1995 through December 31, 1998, except for the amendments to §§ 671.4, 672.4, and 675.4, and §§ 676.3 and 676.4, which will become effective on January 1, 1996, through December 31, 1998; and the amendments to Figure 1 to part 677, § 677.4, and §§ 671.2, and 671.3, which are effective September 11, 1995.

ADDRESSES: Copies of the Fishery Management Plan (FMP) amendments and the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) for the moratorium may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Send comments regarding the paperwork burden or any other aspect of the collection-of-information requirements contained in this rule, including suggestions for reducing the burden, to Ronald Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel, and to the Office of Management and Budget (OMB), Paperwork Reduction Project (0648–0206), Washington, D.C. 20503 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Jay Ginter, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Domestic groundfish fisheries in the exclusive economic zone (EEZ) of the BSAI and the GOA are managed by NMFS under the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, and the Fishery Management Plan for Groundfish of the Gulf of Alaska, respectively. The commercial harvest of king and Tanner crabs is managed under the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area. These FMPs were prepared by the Council under the Magnuson Act. The FMP for the GOA groundfish fisheries is implemented primarily by regulations at 50 CFR part 672. The FMP for the BSAI groundfish fisheries is implemented primarily by regulations at 50 CFR part 675. The FMP for the king and Tanner crab fisheries in the BSAI is implemented by regulations at 50 CFR part 671 and by Alaska Administrative Code regulations at title 5, chapters 34 and 35. Other Federal regulations that also affect the

groundfish and crab fisheries are set out at 50 CFR parts 620, 676, and 677.

This action implements revisions of Amendment 23 to the BSAI groundfish FMP, Amendment 28 to the GOA groundfish FMP, and Amendment 4 to the BSAI crab FMP, which were approved by NMFS on June 29, 1995, under section 304(b)(3) of the Magnuson Act. These revised amendments address fishery management problems caused by excess harvesting capacity or overcapitalization by establishing temporary entry controls until more permanent controls on harvesting capacity can be implemented. The problems and issues these amendments address are discussed in the EA/RIR/FRFA and the notice of proposed rulemaking (60 FR 25677, May 12, 1995). A general description of the moratorium and these implementing regulations follows.

Vessel Moratorium

The moratorium limits access to the groundfish and BSAI Area crab resources off Alaska to vessels whose owners have been issued a moratorium permit for the vessel by NMFS or that are within a vessel category specified as exempt from the moratorium permit requirements in § 676.3(b). A moratorium permit is required in addition to any other permits required by Federal or State regulations. NMFS has revised its permit application and issuance process so that an integrated application may be used to apply for annual Federal groundfish permits and the Federal moratorium permit for groundfish and crab vessels. Part 677 is amended to remove and reserve Figure 1—the Fisheries Permit Application and Fisheries Processor Permit Application (Form FPP–1). That form will be revised for use as an integrated permit application.

1. Vessels Affected by the Moratorium

Any vessel that is not exempt and that catches and retains any species of king and Tanner crabs in a commercial fishery governed by the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area and its implementing regulations at 50 CFR part 671 (''moratorium crab species'') is required to have on board a moratorium permit issued for that vessel. Any vessel that is not exempt and that conducts directed fishing for any groundfish species in a commercial fishery governed by the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, and the Fishery Management Plan for Groundfish of the Gulf of Alaska and their respective implementing regulations at 50 CFR parts 672 and 675, except for sablefish caught with fixed gear (''moratorium groundfish species''), also is required to have on board a moratorium permit issued for that vessel.

Moratorium crab species and moratorium groundfish species are referred to collectively as ''moratorium species.'' The term ''directed fishing'' is defined in the groundfish FMPs' implementing regulations at 50 CFR parts 672 and 675. Basically, this term refers to the criteria by which NMFS determines which species of groundfish a vessel has been targeting when any fish are on board the vessel. A vessel that retains only incidental catches of moratorium groundfish species in the EEZ is not required to have a moratorium permit; however, it is required to have a Federal fisheries permit. A vessel without a moratorium permit in the EEZ is required to discard any catch of a moratorium groundfish species that exceeds the maximum retainable bycatch amount specified in parts 672 and 675. Crab species are prohibited species in the groundfish fishery, which means that any bycatch of crab must be immediately returned to the sea.

The Council specifically exempted certain categories of vessels from the moratorium permit requirement. The rationale for the exemptions was provided in the notice of proposed rulemaking for the initially proposed moratorium (59 FR 28827, June 3, 1994). Vessels within the following categories are not required to have moratorium permits, however, other Federal and State of Alaska permit requirements continue to apply:

- Vessels that are not used to catch fish (e.g., processor vessels, tenders, or support vessels);
- Vessels that do not catch and retain moratorium crab species or that do not conduct directed fishing for moratorium groundfish species;
- Vessels that catch and retain moratorium crab species or that conduct directed fishing for moratorium groundfish species only within State of Alaska waters;
- Vessels that conduct directed fishing for moratorium groundfish species in the GOA and that are no greater than 26 ft (7.9 m) in length overall (LOA);
- Vessels that catch and retain moratorium crab species in the BSAI Area or that conduct directed fishing for moratorium groundfish species in the BSAI management area and that are no greater than 32 ft (9.8 m) LOA;
- Vessels that are fishing for IFQ halibut, IFQ sablefish, or halibut or sablefish under the Western Alaska Community Development Quota (CDQ) program; or
- Vessels that, after the implementation of the CDQ program for pollock on November 18, 1992 (57 FR 54937, November 23, 1992), are specifically constructed and used in accordance with a Community Development Plan (CDP), are specially designed and equipped to meet specific needs that are described in the CDP, and are no greater than 125 ft (38.1 m) LOA. A vessel operating under the CDQ exemption also may be used to harvest non-CDQ species, but the exemption does not apply to a vessel if the vessel is transferred to an entity that does not have a CDP.

2. Moratorium Qualification

Generally, a vessel is qualified for a moratorium permit if it made a legal landing of any moratorium species during the qualifying period of January 1, 1988, through February 9, 1992. Exceptions to this general rule are described below.

A ''legal landing'' is defined as any amount of a moratorium species that was landed in compliance with Federal and state commercial fishing regulations in effect at the time of the landing. This definition is intended to limit landing claims to those that can be verified through required Federal and state catch or landing reports. A vessel owner who alleges that government records are in error must produce a copy of a valid state fish ticket or other report required at the time of landing as evidence that the vessel made a legal landing of a moratorium species from January 1, 1988, through February 9, 1992.

If the owner presents acceptable evidence of a legal landing of a moratorium species that the vessel made from January 1, 1988, through February 9, 1992, the vessel is qualified for a moratorium permit, unless that vessel is exempt from the moratorium permit requirements as described above. For example, a vessel that is less than or equal to 26 ft (7.9 m) LOA and that conducts directed fishing for groundfish in the GOA is exempt from the moratorium permit requirements. It is not qualified for a moratorium permit even if it made a legal landing of moratorium species from January 1, 1988, through February 9, 1992. Likewise, a vessel that made legal landings only of halibut and/or sablefish caught with fixed gear from January 1, 1988, through February 9, 1992, is not qualified for a moratorium permit since halibut is not a groundfish species and sablefish caught with fixed gear is not a moratorium groundfish species.

A moratorium permit will be issued to the owner of a qualified vessel after submission and approval of a completed application for a moratorium permit for that vessel. Moratorium qualification is a prerequisite for issuance of a moratorium permit. Moratorium qualification stays with the vessel, unless it is transferred by the vessel's owner (see transferability discussion below). NMFS will maintain a database of vessels that have moratorium qualification according to Federal or state catch or landings reports. Generally, a moratorium permit will be valid through December 31, 1998, unless the moratorium qualification on which it is based is transferred, or until the permit is revoked or suspended under 15 CFR part 904 (Civil Procedures). A moratorium permit based on the moratorium qualification of a vessel that was lost or destroyed before January 1, 1996, will be valid only through December 31, 1997, but may be renewed if the vessel makes a legal landing of a moratorium species in 1996 or 1997 (see transferability discussion below).

If a vessel has moratorium qualification, a moratorium permit will be issued for it provided it is not an exempt vessel, and provided the vessel's LOA does not exceed its ''maximum LOA.'' A vessel's maximum LOA is the greatest LOA that the vessel, or its replacement, may have and remain qualified for a moratorium permit. A vessel's maximum LOA is based on the LOA of the original qualifying vessel on June 24, 1992. If the original qualifying LOA of a vessel is equal to or greater than 125 ft (38.1 m), the maximum LOA is the original qualifying LOA. If the original qualifying LOA of a vessel is less than 125 ft (38.1 m) LOA, the maximum LOA is 1.2 times the original qualifying LOA or 125 ft (38.1 m), whichever is less. This limited length increase allowance, known as the ''20 percent rule,'' is intended to allow an owner of a small vessel to improve the vessel's stability by widening and lengthening its hull. Although increasing a small vessel's length under the 20 percent rule could improve the vessel's safety, it also could increase the vessel's fishing capacity. The Council recognized this possibility and allowed vessel length increases only for vessels less than 125 ft (38.1 m) LOA. The Council made this decision on June 24, 1992, to discourage owners of large vessels from increasing their vessels' length substantially between that date and the implementation date of the moratorium.

Vessels under reconstruction on June 24, 1992, are a special case, and the maximum LOA of such vessel is the vessel's LOA on the date reconstruction is completed. This special case is discussed in more detail below. Any vessel that exceeds its maximum LOA is not eligible for a moratorium permit and any moratorium permit already issued will be invalidated.

NMFS will use the existing definition of LOA in 50 CFR parts 672 and 675 for purposes of implementing the maximum LOA limitation. This definition refers to the length of a vessel ''rounded to the nearest foot.'' NMFS will use standard arithmetic rounding in determining the LOA of a vessel for purposes of the moratorium. For example, a vessel that is 124 feet 7 inches in length would have an LOA of 125 feet (38.1 m), a vessel that is 125 feet 5 inches in length would have an LOA of 125 feet (38.1 m), and a vessel that is 125 feet 6 inches in length would have an LOA of 126 feet (38.4 m).

3. Crossovers

The Council's original moratorium proposal (59 FR 28827, June 3, 1994) would have allowed a vessel that qualified for a moratorium permit because of a legal landing, for example, of a moratorium crab species during the qualifying period, to cross over to moratorium groundfish species fisheries even if it had no previous landing history in a groundfish fishery. However, the Council decided at its meeting in December 1994 to propose limiting crossovers. Under the revised proposal, which this final rule adopts, a vessel that made a legal landing from January 1, 1988, through February 9, 1992, in either a groundfish or crab fishery, but not both, can cross over as a new vessel in the fishery in which it did not make a legal landing in the qualifying period provided:

1. It uses in the new fishery only the same fishing gear type that it used to qualify for the moratorium in the other fishery; or

2. It made a legal landing in the crossover fishery during the period February 10, 1992, through December 11, 1994, and it uses only the same fishing gear type that it used during that period.

Example 1. A vessel that made a legal landing in the BSAI Area crab fisheries from January 1, 1988, through February 9, 1992, would be eligible for a moratorium permit to operate in that fishery and in the BSAI management area or GOA groundfish fisheries using pot gear where that gear is authorized. The only legal fishing gear in the BSAI Area crab fisheries is pot gear. Therefore, if the vessel crosses over into the groundfish fisheries it is limited to using pot gear.

Example 2. A vessel that made a legal landing in the BSAI management area or GOA groundfish fisheries from January 1, 1988, through February 9, 1992, is eligible for a moratorium permit to operate in that fishery using any authorized fishing gear for groundfish. The same vessel also made a legal landing in the BSAI Area crab fishery from February 10, 1992, through December 11, 1994. Therefore, this vessel also is eligible for a moratorium permit to operate in the BSAI Area crab fishery, and it may move between fisheries using any authorized gear.

Example 3. A vessel that made a legal landing in the BSAI Area crab fisheries from January 1, 1988, through February 9, 1992, is eligible for a moratorium permit to operate in that fishery and in the BSAI management area or GOA groundfish fisheries using pot gear where that gear is authorized. The same vessel also made a legal landing in the groundfish fisheries using hook-and-line gear from February 10, 1992, through December 11, 1994. Therefore, this vessel is eligible for a moratorium permit to operate in the groundfish fisheries using pot gear and hook-and-line gear. However, unless the vessel made a legal landing in the groundfish fisheries using trawl gear during the period February 10, 1992, through December 11, 1994, it is not eligible to cross over into the groundfish fishery using trawl gear.

This crossover gear restriction recognizes the similarity of fishing gear used in the BSAI Area crab fisheries and some groundfish fisheries. It also recognizes that some vessels qualified in one moratorium fishery and crossed over to a new moratorium fishery after the cutoff date of February 9, 1992, based on the Council's original moratorium proposal. These vessels are allowed to continue to operate in the crossover fisheries under the moratorium, but are restricted to using the fishing gear they used in the crossover fisheries from February 10, 1992, through December 11, 1994, the date of the Council's decision to revise its original moratorium proposal.

This revision to the original proposed moratorium requires the issuance of moratorium permits with fishery-specific fishing gear type endorsements. Four fishery-specific/gear type endorsements are set forth in § 676.3(d) to cover the categories of fishing gear authorized in the Federal regulations (with respect to groundfish) and in the State of Alaska regulations (with respect to crab). These are:

1. Groundfish fisheries/trawl gear, which includes groundfish pelagic and nonpelagic trawl gears as defined at 50 CFR part 672;

2. Crab fisheries/pot gear, which includes crab pot gear as defined in the Alaska Administrative Code at title 5, chapters 34 and 35;

3. Groundfish fisheries/pot gear, which includes groundfish longline pot and pot-and-line gears as defined at 50 CFR part 672; and

4. Groundfish fisheries/hook gear, which includes groundfish hook-and-line and jig gears as defined at 50 CFR part 672.

The Director, Alaska Region, NMFS (Regional Director), will determine the appropriate fishery-specific/gear type endorsement(s) for a moratorium permit based on the permit application received, existing landings records, and the vessel's LOA. The moratorium permit will be endorsed with one or more of the fishery-specific/gear type endorsements listed above. For example, the owner of a vessel that made a legal landing of BSAI Area crabs during January 1, 1988, through February 9, 1992, will be issued a moratorium permit for the vessel endorsed to fish for groundfish and BSAI Area crab with pot gear. The owner of a vessel that made a legal landing from January 1, 1988, through February 9, 1992, of groundfish using trawl and/or hook gear but not pot gear during the qualifying period will be issued a moratorium permit for the vessel endorsed to fish for groundfish with pot, hook, and trawl gear, but the permit will not be endorsed to allow the vessel to fish for BSAI Area crabs unless it also had made a legal landing in the BSAI Area crab fishery during the period February 10, 1992, through December 11, 1994.

4. Transferability

A moratorium qualification is transferable under certain conditions. A moratorium qualification transfer must be approved by the Regional Director before a moratorium permit may be issued based on that qualification. If a vessel owner transfers the moratorium qualification of his vessel, then that vessel is no longer qualified for a moratorium permit to participate in any moratorium fishery after the effective date of the transfer. If the vessel had been issued a moratorium permit, then that permit will become invalid on the effective date of the transfer. A new moratorium permit will be issued for the vessel that the moratorium qualification was transferred to, once the transfer is approved and a permit application is submitted.

The purpose of providing for transfers of moratorium qualification is to allow a vessel owner to make limited improvements to or replace an existing vessel in the moratorium fisheries. Restrictions on transfers are necessary to limit the potential fishing capacity resulting from vessel improvements or replacements. The Regional Director will not approve a transfer of moratorium qualification to a vessel with an LOA exceeding the maximum LOA of the originally qualified vessel, and a moratorium permit will not be issued for the vessel. A moratorium permit becomes invalid if the LOA of the vessel for which it has been issued is increased to exceed the maximum LOA associated with the moratorium qualification.

Moratorium qualification is presumed to belong to the current owner of the vessel that made a legal landing of moratorium species from January 1, 1988, through February 9, 1992, unless otherwise specified in a purchase agreement or contract. The moratorium qualification of a vessel may be transferred from the owner of the vessel to another person by mutual agreement. For example, the moratorium qualification of a vessel may be retained by the vessel's owner for liquidation independently of the vessel. A vessel owner also may choose to retain the moratorium qualification of the vessel when it is sold, lost, or destroyed, so that he/she can obtain a moratorium permit for a replacement vessel. Regardless of the reason for transferring a moratorium qualification, valid documentation of the transfer is required before the transfer will be approved and a moratorium permit issued based on that moratorium qualification.

Fishery-specific/gear type endorsements cannot be separated and transferred independently of the endorsed permit. For example, a moratorium permit that authorizes a vessel to harvest moratorium species of groundfish and crab with pot gear could not be separated into a groundfish/pot permit and a crab/pot permit. Likewise, gear endorsements cannot be transferred separately from the permit. For another example, the hook endorsement on a groundfish/trawl, pot, and hook permit would not be transferrable.

A cutoff date of January 1, 1989, determines whether a qualified vessel that was lost or destroyed can transfer its moratorium qualification to a replacement vessel. The Council reasoned that a vessel owner who lost a vessel before January 1, 1989, would have replaced or salvaged the vessel before the end of the qualifying period if the owner intended to continue participation in the moratorium fisheries.

Salvage of lost or destroyed vessels: The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, is not valid for purposes of issuing a moratorium permit for that vessel unless salvage of that vessel started before June 24, 1992, and the salvaged vessel's LOA does not exceed its maximum LOA. The salvaged vessel must make a legal landing of a moratorium species within the period January 1, 1996–December 31, 1997, to maintain its qualification for a moratorium permit in 1998.

The moratorium qualification of a vessel lost or destroyed on or after January 1, 1989 is valid for purposes of issuing a moratorium permit for that vessel regardless of when salvage began provided that the vessel has not already been replaced and the LOA of the salvaged vessel does not exceed its maximum LOA.

Replacement of lost or destroyed vessels: The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, cannot be transferred to another vessel. The moratorium qualification of a vessel that was lost or destroyed on or after January 1, 1989, but before January 1, 1996, can be transferred to a replacement vessel provided the LOA of the replacement vessel does not exceed the maximum LOA of the vessel that was lost or destroyed. The vessel that was lost or destroyed will no longer be a moratorium qualified vessel. The moratorium permit of the replacement vessel will expire on December 31, 1997, unless the vessel makes a legal landing of a moratorium species on or before that date.

The moratorium qualification of a vessel that is lost or destroyed on or after January 1, 1996, may be transferred to a replacement vessel provided the LOA of the replacement vessel does not exceed the maximum LOA of the vessel that was lost or destroyed. The vessel that was lost or destroyed would no longer be a moratorium qualified vessel. In the case of multiple or sequential replacements or reconstructions of a moratorium qualified vessel, the LOA may not be increased beyond the maximum LOA of the original qualifying vessel.

Reconstruction: Vessel reconstruction is defined as a change in the LOA of the vessel from its original qualifying LOA. The moratorium qualification of a vessel is not valid for purposes of issuing a permit for that vessel if at any time on or after June 24, 1992, the LOA of the vessel is increased to exceed its

maximum LOA. If reconstruction was completed prior to June 24, 1992, and the reconstructed vessel is less than 125 feet (38.1) LOA, further increases in LOA are allowed between June 24, 1992, and the end of the moratorium subject to the 20 percent rule discussed above under ''Moratorium Qualification.'' If reconstruction was completed prior to June 24, 1992, and the reconstructed vessel is equal to or greater than 125 feet (38.1 m) LOA, the LOA of the reconstructed vessel is the maximum LOA. If reconstruction of a vessel began before June 24, 1992, and was completed after that date, the maximum LOA is the LOA of the reconstructed vessel on the date reconstruction was completed. This is the maximum LOA even if the LOA of the reconstructed vessel is less than 125 ft (38.1 m). The purpose of this exception to the 20 percent rule for vessels less than 125 ft (38.1 m) LOA is to prevent the disqualification of a vessel that was undergoing reconstruction on the date that the Council initially recommended its original moratorium proposal. The Council decided that such a vessel should be allowed to participate in the moratorium fisheries, but that it should not be allowed any additional length increases under the 20 percent rule.

Vessel reconstruction begins and ends with the start and completion of the physical modification of the vessel. For a vessel undergoing reconstruction on June 24, 1992, any increase in the LOA of the vessel resulting from that reconstruction must be documented. Acceptable documentation of the beginning and ending dates of reconstruction is limited to a notarized affidavit signed by the vessel owner and the owner/manager of the shipyard that specifies the beginning and ending dates of the reconstruction. If acceptable, the Regional Director will certify the new LOA as the maximum LOA for that vessel.

5. Administration

The final rule implements the moratorium by limiting the issuance of moratorium permits to moratorium-qualified vessels or their replacements. The Restricted Access Management Division, Alaska Region, NMFS, will administer the moratorium by maintaining a database of moratorium qualifications, receiving and reviewing permit and transfer applications, making initial determinations of eligibility, and issuing moratorium permits. This Division also will issue or renew a Federal fisheries permit to or for each vessel qualified for a moratorium permit and to each vessel for which a moratorium permit is not required but that otherwise would participate in the groundfish fisheries in the EEZ (i.e., a moratorium-exempt vessel such as a processor, support vessel, and a small vessel).

Most moratorium permits will be valid until the moratorium expires on December 31, 1998. For some salvaged vessels and some vessels that replace qualified vessels that are lost or destroyed, however, moratorium permits will expire after the first 2 years of the moratorium (i.e., on January 1, 1998). However, those moratorium permits can be renewed if the vessel makes a legal landing of a moratorium species in 1996 or 1997. The multi-year duration of a moratorium permit differs from that of a Federal fisheries permit, which is valid only for the year in which it is issued.

An application for a moratorium permit may be submitted at any time. Application forms for Federal Fisheries Permits, Federal Processor Permits, and Vessel Moratorium Permits will be integrated into a single application form. Submission of only one completed form is required for application for all three types of permits. A moratorium permit application for a vessel will be approved if the vessel's owner has a moratorium qualification and the vessel's LOA is less than or equal to the maximum LOA. If a moratorium permit is requested for a vessel that is not in the NMFS moratorium qualification database, then the applicant will be requested to provide evidence of the vessel's qualification either by demonstrating a legal landing of a moratorium species from January 1, 1998, through February 9, 1992, or a transfer of moratorium qualification. As stated above, moratorium qualification is presumed to remain with the current owner of a vessel that made a legal landing of any moratorium species from January 1, 1988, through February 9, 1992. Otherwise, a valid contract or agreement to transfer a vessel's moratorium qualification or retain it when the vessel is transferred is required to demonstrate ownership of the moratorium qualification. Determination of a vessel's maximum LOA is based on Federal or state permits or registration documents that demonstrate the original qualifying LOA of the vessel. If these documents are not available, NMFS may request the vessel owner to produce a marine survey, builder's plans, or other third-party documentation of the vessel's LOA on June 24, 1992.

An application for approval of transfer of moratorium qualification may be submitted at any time. Approval of a transfer requires the submission of a transfer agreement signed by the original owner(s) and receiver(s) of the moratorium qualification, and the submission of proof that the vessel to which the moratorium qualification would be applied for purposes of qualifying for a moratorium permit is less than or equal to the maximum LOA of the original qualifying vessel.

An initial administrative determination to deny the issuance of a moratorium permit will be explained in writing to the permit applicant, and the denial may be appealed following the procedures set forth at 50 CFR 676.25. A written appeal must be submitted to the Alaska Region, NMFS, within 60 days after the date that the determination was made. An initial administrative determination to deny an application for a permit will include a letter of authorization to the applicant authorizing the affected vessel to operate as if the application were approved pending appeal. The temporary authority granted by the letter of authorization will expire on the effective date of the final agency action on the appeal. The final agency action on the appeal, for purposes of judicial review, occurs at the end of the 60-day appeal period if no appeal were filed, or 30 days after the appellate officer's decision is issued, except as provided at 50 CFR 676.25. No appeal is provided for a denial of approval of a transfer of moratorium qualification. The maximum LOA restrictions would be too easily circumvented and the purpose of the moratorium undermined if appeals of denials of approvals of transfer were allowed. An administrative determination to deny approval of a transfer of a moratorium qualification and the issuance of a permit based on that moratorium qualification will be the final agency action for purposes of judicial review.

Changes From the Proposed Rule

The vessel moratorium implemented by this rule is described in the notice of proposed rulemaking published on May 12, 1995. The principal parts of the vessel moratorium remain as discussed in that notice. NMFS made changes regarding applications for fisheries permits and the duration of moratorium permits. NMFS also made editorial and formatting changes for clarity.

1. An application for a Federal Fisheries Permit must be submitted annually. This application provides NMFS with specific information regarding the vessel, fisheries, vessel operations, and owner. This information is necessary to maintain accurate and up-to-date records of the currently active vessels in the groundfish fisheries

and is necessary for management of the fishery. One application form is used to apply for both the Federal Fisheries Permit and the Federal Moratorium Permit and only one form needs to be submitted to apply for both in 1996.

2. Moratorium permits were proposed to be valid only for the calendar year for which they were issued, which would have required an annual renewal to confirm the validity of the vessel's qualification. Under the final rule, a moratorium permit, once issued, will remain valid for most vessels through December 31, 1998 (for some vessels through December 31, 1997, with renewal allowed for 1998 if the vessel makes a legal landing of a moratorium species in 1996 or 1997), or until the moratorium qualification on which the permit is based is transferred. The owners of most vessels with a moratorium permit are not required to provide information regarding moratorium qualification again during the temporary moratorium period.

Response to Comments

Twelve letters of comment were received on the proposed rule before the end of the comment period. The following paragraphs summarize and respond to those comments.

Comment 1: The proposed cutoff date for determining the replacement of a moratorium-qualified vessel that was lost or destroyed should be concurrent with the beginning of the qualifying period. As proposed, the qualifying period begins January 1, 1988, but a qualified vessel lost before January 1, 1989, loses its moratorium qualification and a transfer of it would not be possible. The proposed date of January 1, 1989, appears arbitrary and capricious because it is inconsistent with the qualifying period dates. If the date of January 1, 1989, is adopted for determining the replacement of lost or destroyed vessels, then an exception should be made in cases where the purchase of the fishing rights of a sunken vessel were made before the Council took its action to establish that date.

Response: The cutoff date of January 1, 1989, for replacing or salvaging a lost or destroyed vessel has a rational basis and is not arbitrary and capricious. In recommending this date, the Council reasoned that the owner of a vessel lost or destroyed before 1989 likely would have received insurance claims and replaced the vessel or begun salvage operations within the remaining qualifying period. If this had not happened, then the vessel owner probably did not intend to continue participation in the moratorium fisheries as a vessel owner. This measure provides a means of reducing the size of the qualifying fleet by excluding lost or destroyed vessels that were not replaced or salvaged within a reasonable period of time before the end of the qualifying period on February 9, 1992. The Council recommended this date in its initial moratorium proposal (June 3, 1994, 59 FR 28827) in which the qualifying period was January 1, 1980, through February 9, 1992. The Council's revised amendment proposal changed the qualifying period to January 1, 1988, through February 9, 1992. Although the beginning of the revised qualifying period and the vessel replacement cutoff date are only 1 year apart, the rationale for the cutoff date remains appropriate and reasonable. The purchase of moratorium qualification before the Council acted in June 1992, to propose a moratorium was highly speculative. No one knew at that time what the conditions and criteria for qualification would be or whether NMFS would approve the moratorium proposal. Limiting speculative investment in fishing capacity is an objective of the moratorium. An exception to the vessel replacement cutoff date would reward such speculation.

Comment 2: Any sunken vessel that has not been replaced within 3 to 4 years of its sinking should be disqualified from transferring its moratorium qualification. Further, any vessel owner who constructs a new vessel after having one sink should have the new vessel counted as the replacement vessel to prevent him from qualifying the new vessel and selling the fishing rights of the sunk vessel separately which would bring in two new vessels.

Response: Limiting the replacement of lost or destroyed vessels during the moratorium is reasonable; however, the moratorium is scheduled to expire in 3 years. If the Council were to determine that the moratorium should be extended, then such a measure could be included in a moratorium renewal proposal. The Council used this rationale, however, for vessels lost or destroyed during the qualifying period. The Council proposed a cutoff date, January 1, 1989, which is about 3 years before the end of the qualifying period. A qualified vessel lost or destroyed before the cutoff date, but not replaced during the qualifying period, would be disqualified from receiving a moratorium permit unless salvage operations had started before June 24, 1992. The moratorium rules provide for replacing vessels lost or destroyed on or after January 1, 1989, by transferring moratorium qualification from the lost vessel to a replacement vessel. No provision is made for replacing a lost or destroyed vessel with two vessels.

Comment 3: There was no definition of ''length overall'' in the proposed rule. The rule should clarify how NMFS intends to ascertain a vessel's current LOA.

Response: The proposed rule, at § 676.2, defined LOA as this term is defined at §§ 672.2 and 675.2. NMFS will determine maximum LOA by relying on Federal and state fishing permit data currently on file that indicate the original qualifying LOA of a vessel on June 24, 1992. Other documentation of a vessel's LOA may be requested by NMFS, especially if the maximum LOA is contested or in transfers of moratorium qualification. Such documentation may include a vessel survey, builder's plan, state or Federal registration certificate, or other reliable and probative documents. Fishing for moratorium species with a vessel that has an LOA in excess of the maximum LOA provided by the moratorium permit for that vessel is prohibited and would be a violation of the permit. Investigation of such activity will be an enforcement function.

Comment 4: If the moratorium qualification of a vessel is purchased before the effective date of the moratorium, then getting the signature of the original owner of the moratorium qualification on the transfer application should be unnecessary providing a copy of the purchase contract or bill of sale is attached to the transfer application as required.

Response: The regulations implementing the moratorium qualification transfer procedure at § 676.5(c) require, in part, a legible copy of a contract or agreement to transfer moratorium qualification signed by the affected persons and signatures of the same persons on a transfer application form. NMFS agrees that obtaining the signature of a former owner of moratorium qualification on a transfer application may be difficult if the applicant has lost contact with the former owner. In such instances, NMFS may waive the required signature of the former owner of the moratorium qualification on the transfer application if the signature(s) on the transfer contract or agreement are determined by NMFS to demonstrate sufficiently the former owner's intent to relinquish his/her interest in the moratorium qualification to the transfer applicant. A decision to waive any signature requirement on a transfer application will be made on a case-by-case basis. Section 676.5(c)(8) has been changed to provide for this discretion.

Comment 5: The revised qualification period is a marked improvement over the originally proposed qualification period because it would remove a significant number of vessels from moratorium qualification. The proposed moratorium would allow the Council and NMFS to bypass consideration of another interim license limitation system and to move directly toward an individual transferrable quota program.

Response: The Council must make the initial determination on the preferred limited access policy to follow the moratorium, if any. NMFS will review that policy recommendation, when it is submitted, for consistency with the Magnuson Act and other applicable laws.

Comment 6: The crossover provisions are too liberal. Crossover privileges would be accorded to three categories of vessels. There is no basis for permitting crossovers for the category which consists of vessels that qualified in only one fishery during the qualifying period and that any time after February 9, 1992, cross over to the other fishery using the same type of gear. This crossover provision is inconsistent with national standards 1, 4, 5, and 6, section 303(b)(6) of the Magnuson Act, and the purposes of the moratorium because it would allow hundreds of vessels to enter the groundfish fishery that did not operate in that fishery during the qualifying period or the recent past. This will contribute to overcapitalization in the groundfish fishery.

Response: The limited crossover provision on the revised moratorium proposal is far less liberal than that originally proposed. Although a vessel would be allowed to operate in certain crab or groundfish fisheries in which it had no prior fishing history, the flexibility afforded this vessel to move between fisheries is limited to using the same gear type in both fisheries. The number of vessels able to take advantage of this provision is not likely to overcapitalize seriously either fishery, relative to current capital in each fishery, during the effective period of the moratorium. Although this provision may advantage one group to the detriment of another, it is consistent with the Magnuson Act because it supports the objectives of the moratorium and the respective FMPs to allow fishermen flexibility while not significantly undermining the intent of the moratorium to control temporarily the growth of fishing effort in the affected fisheries.

Comment 7: The proposed rule does not distinguish between permits that would allow the landing of incidental catches of moratorium species while directed fishing for a non-moratorium species and permits that would allow directed fishing for a moratorium species by exempt vessels. Retention of a bycatch amount of a moratorium species while directed fishing for a non-moratorium species should be allowed to reduce discards of moratorium species.

Response: A Federal fishing permit currently is required to catch and retain any groundfish species and a State of Alaska fishing permit is required to catch and retain crab species regardless of whether the species was taken incidental to a targeted harvest of species other than groundfish or crab. These basic licensing requirements will continue under the moratorium. For example, a salmon troller who intends to retain his bycatch of a moratorium groundfish such as rockfish, would be required to have a Federal fisheries permit. Hence, bycatch amounts of a moratorium species will be retainable. The proposed rule provided for this by requiring (for groundfish) either a Federal fisheries permit or a moratorium permit. As changed in the final rule, both permits are required for vessels targeting moratorium species, but only the Federal fisheries permit is required of exempt vessels. The effect is the same, however.

Comment 8: The proposed moratorium is necessary as an interim measure to limit fishing capacity pending the establishment of an individual transferrable quota system that will lead to a much-needed reduction in fishing capacity and an end to the dangerous and destructive race for fish prevailing in the current open access system.

Response: Comment noted. At its meeting in June 1995, the Council approved license limitation as the recommended limited access system to follow the moratorium. NMFS will review that recommendation for consistency with the Magnuson Act and other applicable laws, and provide opportunity for public comment.

Comment 9: The proposed moratorium cuts out vessels that have a substantial history of participation in the crab fishery while allowing entry into that fishery, and the fixed-gear fishery for cod, a large number of vessels with no history of participation. The moratorium was designed to prevent new entrants, and not cut out past participants, while the Council developed a long-range plan. Instead, it has cut out vessels that relied on previously published control date notices. The revised moratorium ignores the primary concern of NMFS in disapproving the original proposal in that the proposed crossover provisions would allow a vessel with no prior history in a moratorium fishery to enter that fishery based on participation in a different moratorium fishery. The crossover provision would incorrectly treat a vessel entering a fishery in which it has never operated on par with a vessel resuming operations in or re-entering the same fishery. The crossover provision would unfairly expand the fishing privileges of one class of vessel while restricting opportunity for another. This ignores the ''fair and equitable'' requirement of national standard 4. Further, it ignores present participation, historical fishing practices, and the economics of the fishery in violation of section 303(b)(6) of the Magnuson Act. The analysis of the proposed moratorium ignored the fact that vessels that pioneered the Bering Sea crab fishery have exited that fishery because many crab stocks have been depressed since the 1980's.

Response: The moratorium was designed to prevent new entrants into the affected fisheries, but it also was designed to prevent the re-entry of historical vessels that had not participated in one of these fisheries within a reasonable period of time. The Council and NMFS determined that participation during the period January 1, 1988, through February 9, 1992, was a reasonable period of time for a vessel to qualify given the objective of the moratorium. Providing for historical vessels through a qualifying period that begins on January 1, 1980, as originally proposed, would have defeated the objective of the moratorium by qualifying a fleet substantially larger than that operating in any one year. This was one reason for NMFS' disapproving the original moratorium proposal. As approved, the moratorium implementing regulations would allow a vessel that ''pioneered'' the BSAI Area crab fishery in the early 1980's to re-enter that fishery if the vessel had made a legal landing in any groundfish fishery during the qualifying period with pot gear. The vessel also could re-enter the BSAI Area crab fishery if it had made a legal landing in any groundfish fishery during the qualifying period and also made a legal landing in the BSAI Area crab fishery during the period February 10, 1992, through December 11, 1994. If this vessel made no legal landings of BSAI Area crab during the period January 1, 1988 through December 11, 1994, however, then it is arguably no longer dependent on that fishery despite its early history. The allowance of certain vessels with no history in the

BSAI Area crab fishery to enter that fishery for the first time under the moratorium provides limited flexibility for vessels to move between the groundfish and BSAI Area crab fisheries. This flexibility is limited to vessels using the same type of gear in both fisheries (e.g., pot gear). This limited crossover provision is fair and equitable. Even though it provides advantages to one group to the detriment of another, it is justified in terms of the objective of the moratorium and the respective FMPs. The analysis of the proposed moratorium includes numbers of vessels that would be affected by moratorium alternatives with different qualifying periods.

Comment 10: The Alaska Board of Fisheries adopted its crab pot limitation to be consistent with the vessel lengths described in the moratorium proposed by the Council. Some vessel owners may increase the length of their vessels to carry more pots while maintaining the moratorium qualification of their vessels. The moratorium rule should address this issue and clearly state that such lengthening would not be allowed under the moratorium.

Response: The moratorium rule relies on the existing LOA definition in 50 CFR parts 672 and 675. That definition states that the LOA of a vessel means ''the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.'' If the LOA of a vessel exceeds its maximum LOA, then that vessel would be denied a moratorium permit, or if a moratorium permit were issued before the vessel length was increased to exceed its maximum LOA, then the permit would be invalidated. The moratorium regulations do not prohibit a vessel from changing its LOA from its original qualifying LOA, however, a vessel must be equal to or less than its maximum LOA to be issued or hold a valid moratorium permit.

Comment 11: There was a lack of public review and timely analysis associated with the Council's adoption of the moratorium. The time allowed for public comment on the proposed rule was too restrictive and unnecessarily abbreviated. Twenty days for public comment on an issue as significant to the fishery as is the moratorium is unreasonable, especially when the individual listed in the proposed rule notice as the contact for further information was absent from his NMFS office for all but 3 days of the 20-day public comment period. The convenience of the public seems to have been ignored. One letter requested additional time in which to comment.

Response: NMFS determined that a 20-day public comment period on the proposed rule was sufficient. The moratorium proposal was a revision of a previously published proposal (59 FR 28827, June 3, 1994) on which there was a 45-day comment period. Further, the moratorium proposal has been an issue of public interest and expression ever since the Council took its initial action on it in June 1992. Ample time has been provided for public comment on this issue to the Council and to NMFS. NMFS temporarily assigned another individual, who also was familiar with the moratorium proposed rule, to serve in the absence of the individual listed as the contact for further information. Public queries about the proposed rule to the contact phone number and address during the comment period were addressed.

Comment 12: Financial arrangements should not be disrupted by allowing moratorium qualifications to be transferred without regard to the legitimate interests of those who rely on the value of the vessel, together with its right to fish, in extending credit to the vessel owner. The mandatory requirements for an application for transfer in proposed § 676.5(c) should be amended to include consent of mortgagees of record. There is precedent in maritime law for requiring mortgagee consent before action is taken that could jeopardize the mortgagee's interest in a vessel. The addition of such a requirement could be easily administered by relying on U.S. Coast Guard records and requiring an applicant to provide a Coast Guard certificate of ownership and consent of any mortgagees of record with a transfer application.

Response: The mortgagee's interest in a vessel could be protected by including, in the mortgage agreement or contract, a requirement that the vessel owner secure the approval of the mortgagee before transferring ownership of the vessel or its moratorium qualification to another person. The regulatory burden of complying with the moratorium qualification transfer requirements will be lessened to the extent that the mortgagee's interest in the vessel can be protected without government intervention through a private agreement.

Comment 13: The proposed qualifying period neither provides for a fair and equitable allocation of fishing privileges, nor reasonably considers present participation. The qualifying period is based predominantly on economic and social factors that existed before June 1992 and ignores current economic conditions. Investments and participation that occurred in the groundfish and crab fisheries in the past 3 years were legal and reasonable, but are ignored by the qualifying period. The qualifying period should be modified to allow for present participants to be included under the moratorium.

Response: The Council and NMFS have taken present participation into account in establishing the qualifying period. The initially proposed qualifying period, January 1, 1980, through February 9, 1992, would have allowed an excessive number of vessels to qualify. After disapproval of the original moratorium proposal, the Council revised the qualifying period to January 1, 1988, through February 9, 1992. This change gave more weight to the vessels participating in the latter part of the original qualifying period. At its meeting in September 1994, the Council considered but chose not to extend the qualifying period through 1993. The Council made clear that it wanted to maintain its cutoff date of February 9, 1992, and did not want to reward persons who entered new vessels into the fisheries after that date by including them in the qualifying period. The Council and NMFS adequately notified the fishing industry that the future fishing privileges of new vessels entering the fisheries under Council authority were at risk by control date notices published September 5, 1990 (55 FR 36302), and June 21, 1993 (58 FR 33798), and the moratorium proposed rule published June 3, 1994 (59 FR 28827). The participation of a qualified vessel in a fishery that it did not participate in before February 9, 1992, was acknowledged by the Council in its revised moratorium proposal. This provision allows, for example, a vessel that qualified by participation in the groundfish fishery before February 9, 1992, and between February 10, 1992, and December 11, 1994, and that crossed over into the BSAI Area crab fishery, to continue access to the BSAI Area crab fishery during the moratorium. This crossover provision takes into account the investment in qualified vessels since February 9, 1992, but does not allow for qualification of vessels that began fishing for any moratorium species for the first time after that date.

One letter submitted after the close of the comment period stated that the vessel reconstruction provisions and the maximum length overall provisions amount to unlawful retroactive rulemaking under a recent U.S. Supreme Court decision, *Bowen* v.

Georgetown University Hospital, 488 U.S. 204 (1988). NMFS disagrees. The vessel reconstruction and length provisions are not retroactive rules and therefore are not governed by *Bowen*.

Classification

The Director, Alaska Region, NMFS, has determined that Amendment 23 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Amendment 28 to the FMP for Groundfish of the Gulf of Alaska, and Amendment 4 to the FMP for Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area are necessary for the conservation and management of the BSAI groundfish and crab fisheries and the GOA groundfish fisheries and are consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws.

The Council prepared a final regulatory flexibility analysis as part of the regulatory impact review, which indicates that this rule could have a significant economic impact on a substantial number of small entities. A summary of this determination is included in the proposed rule (60 FR 25677, May 12, 1995). A copy of the EA/RIR/FRFA may be obtained (see ADDRESSES).

This rule involves collection-of-information requirements subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) that have been approved by the Office of Management and Budget (OMB) (OMB control number 0648–0206). This approval expires April 30, 1997. The revised moratorium proposal would affect fewer vessels. Therefore, the paperwork burden would be somewhat less than originally estimated for the original collection-of-information request. The public paperwork burden for this collection is estimated to average 3.33 hours per response, including the time needed for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information that pertains to permit, appeals, and transfer applications. Send comments regarding this paperwork burden or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and to the Office of Management and Budget, Paperwork Reduction Project (0648–0206), Washington, DC, 20503 (ATTN: NOAA Desk Officer).

This action has been determined to be not significant for purposes of E.O. 12866.

List of Subjects

50 CFR Part 671

Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Parts 672, 675, and 677

Fisheries, Reporting and recordkeeping requirements.

50 CFR Part 676

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: July 31, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 671, 672, 675, 676, and 677 are amended as follows:

PART 671—KING AND TANNER CRAB FISHERIES OF THE BERING SEA AND ALEUTIAN ISLANDS

1. The authority citation for 50 CFR part 671 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Effective September 11, 1995, § 671.2 is amended by adding the definitions for ''King crab'' and ''Tanner crab'', in alphabetical order, to read as follows:

§ 671.2 Definitions.

* * * * *

King crab means red king crab, *Paralithodes camtschatica*; blue king crab, *P. platypus*; or brown (or golden) king crab, *Lithodes aequispina*; scarlet (or deep sea) king crab, *L. couesi*.

* * * * *

Tanner crab means *Chionoecetes bairdi*; snow crab, *C. opilio*; grooved Tanner crab, *C. tanneri*; triangle Tanner crab, *C. angulatus*; or any hybrid of these Tanner crab species.

3. Effective September 11, 1995, § 671.3 is added to read as follows:

§ 671.3 Relation to other laws.

(a) *Foreign fishing.* Regulations governing foreign fishing for groundfish in the Gulf of Alaska are set forth at § 611.92 of this chapter. Regulations governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands management area are set forth at § 611.93 of this chapter.

(b) *King and Tanner crab*. Regulations governing the conservation and management of king and Tanner crab also are found in the Alaska Administrative Code at title 5, chapters 34, 35, and 39.

(c) *Halibut fishing.* Regulations governing the conservation and management of Pacific halibut are set forth at part 301 of this title and part 676 of this chapter.

(d) *Domestic fishing for groundfish*. Regulations governing the conservation and management of groundfish in the EEZ of the Gulf of Alaska and in the Bering Sea and Aleutian Islands management area are set forth at parts 620, 672, 675, and 676 of this chapter.

(e) *Limited access*. Regulations governing access to commercial fishery resources are set forth at part 676 of this chapter.

(f) *Marine mammals*. Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth at § 216.24 and part 229 of this title.

(g) *Research plan*. Regulations governing elements of the North Pacific Fisheries Research Plan are set forth at part 677 of this chapter.

4. Effective January 1, 1996, through December 31, 1998, § 671.4 is revised to read as follows:

§ 671.4 Permits.

(a) All processors of Bering Sea and Aleutian Islands area king and Tanner crab must comply with the permit requirements of § 677.4 of this chapter.

(b) In addition to any other permits that may be required by Federal or state regulations, a moratorium permit may be required by part 676 of this chapter for a vessel of the United States if the vessel is used to catch and retain king or Tanner crab in the Bering Sea and Aleutian Islands Area.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

5. The authority citation for 50 CFR part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

6. Effective September 11, 1995, through December 31, 1995, § 672.3, paragraph (f) is added to read as follows:

§ 672.3 Relation to other laws.

* * * * *

(f) *Crab fishing.* Regulations governing the conservation and management of king and Tanner crab in the Bering Sea and Aleutian Islands Area are set forth at parts 671 and 676 of this chapter, and in the Alaska Administrative Code at title 5, chapters 34, 35, and 39.

7. Effective January 1, 1996, through December 31, 1998, § 672.4, paragraphs (a) and (b)(1) introductory text are revised, and paragraph (k) is added to read as follows:

§ 672.4 Permits.

(a) *General.* No vessel of the United States may be used to fish for

groundfish in the Gulf of Alaska unless the owner first obtains a Federal fisheries permit for the vessel issued under this part. The owner of such vessel must renew the Federal fisheries permit annually. Federal fisheries permits are issued without charge.

(b) *Application*. (1) The vessel permit required under paragraph (a) of this section may be obtained or renewed by submitting to the Regional Director a written application containing the following information:

* * * * *

(k) *Moratorium permit*. In addition to the Federal fisheries permit required by paragraph (a) of this section and any other permits that may be required by Federal or state regulations, a moratorium permit may be required by part 676 of this chapter for a vessel of the United States if the vessel is used to conduct directed fishing for moratorium groundfish species, as defined at § 676.2 of this chapter, in the Gulf of Alaska.

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

8. The authority citation for 50 CFR part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq*.

9. Effective September 11, 1995, through December 31, 1995, § 675.3, paragraph (f) is added to read as follows:

§ 675.3 Relation to other laws.

* * * * *

(f) *Crab fishing*. Regulations governing the conservation and management of king and Tanner crab in the Bering Sea and Aleutian Islands Area are set forth at parts 671 and 676 of this chapter, and in the Alaska Administrative Code at title 5, chapters 34, 35, and 39.

10. Effective January 1, 1996, through December 31, 1998, § 675.4, paragraphs (a) and (b)(1) introductory text are revised, and paragraph (k) is added to read as follows:

§ 675.4 Permits.

(a) *General*. No vessel of the United States may be used to fish for groundfish in the Bering Sea and Aleutian Islands management area unless the owner first obtains a Federal fisheries permit for the vessel issued under this part. The owner of such vessel must renew the Federal fisheries permit annually. Federal fisheries permits are issued without charge.

(b) *Application*. (1) The vessel permit required under paragraph (a) of this section may be obtained or renewed by submitting to the Regional Director a written application containing the following information:

* * * * *

(k) *Moratorium permit*. In addition to the Federal fisheries permit required by paragraph (a) of this section and any other permits that may be required by Federal or state regulations, a moratorium permit may be required by part 676 of this chapter for a vessel of the United States if the vessel is used to conduct directed fishing for moratorium groundfish species, as defined at § 676.2 of this chapter, in the Bering Sea and Aleutian Islands management area.

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF ALASKA

11. The authority citation for part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq*. and 1801 *et seq*.

12. Subpart A is amended by adding §§ 676.1, 676.2 676.5, and 676.6 effective September 11, 1995, through December 31, 1998 and §§ 676.3 and 676.4 are effective January 1, 1996 through December 31, 1998, to read as follows:

Subpart A—Moratorium on Entry

Sec.
676.1 Purpose and scope.
676.2 Definitions.
676.3 Moratorium permits.
676.4 Transfer of moratorium qualification; lost or destroyed vessels; reconstructed vessels.
676.5 Procedures.
676.6 Prohibitions.
676.7–676.9 [Reserved]

Subpart A—Moratorium on Entry

§ 676.1 Purpose and scope.

The sections of this subpart are effective from September 11, 1995, through December 31, 1998, unless otherwise noted. This subpart implements a moratorium on the entry of new vessels in the commercial fisheries for groundfish in the Gulf of Alaska and Bering Sea and Aleutian Islands management area and in the commercial fisheries for king and Tanner crabs in the Bering Sea and Aleutian Islands Area.

§ 676.2 Definitions.

In addition to the terms in the Magnuson Act and in parts 620, 671, 672, and 675 of this chapter, the terms in this subpart have the following meanings:

Bering Sea and Aleutian Islands Area means, with respect to moratorium crab species, the area over which the United States exercises exclusive fishery management authority as defined at part 671 of this chapter.

Bering Sea and Aleutian Islands management area means, with respect to moratorium groundfish species, the area over which the United States exercises exclusive fishery management authority as defined at part 675 of this chapter.

Catcher/processor vessel means a vessel that can be used as a catcher vessel and that can process or prepare fish to render it suitable for human consumption, industrial use, or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil, but not including heading and gutting unless additional preparation is done.

Catcher vessel means, with respect to moratorium groundfish species, a catcher vessel as defined at parts 672 and 675 of this chapter, or, with respect to moratorium crab species, a vessel that is used to catch, take, or harvest moratorium crab species that are retained on board as fresh fish product at any time.

Directed fishing means, with respect to moratorium groundfish species, directed fishing as defined at parts 672 and 675 of this chapter, or, with respect to moratorium crab species, the catching and retaining of any moratorium crab species.

Gulf of Alaska means, with respect to moratorium groundfish species, the area over which the United States exercises exclusive fishery management authority as defined at part 672 of this chapter.

Legal landing means any amount of a moratorium species that was or is landed in compliance with Federal and state commercial fishing regulations in effect at the time of the landing.

LOA means length overall as defined at parts 672 and 675 of this chapter.

Lost or destroyed vessel means a vessel that has sunk at sea or has been destroyed by fire or other accident and has been reported to the U.S. Coast Guard on U.S. Coast Guard Form 2692, Report of Marine Casualty.

Maximum LOA with respect to a vessel's eligibility for a moratorium permit means:

(1) Except for a vessel under reconstruction on June 24, 1992, if the original qualifying LOA is less than 125 ft (38.1 m) LOA, 1.2 times the original qualifying LOA or 125 ft (38.1 m), whichever is less;

(2) Except for a vessel under reconstruction on June 24, 1992, if the original qualifying LOA is equal to or greater than 125 ft (38.1 m), the original qualifying LOA; and

(3) For an original qualifying vessel under reconstruction on June 24, 1992, the LOA on the date reconstruction was completed, provided that maximum LOA is certified under § 676.4(e).

Moratorium crab species means species of king or Tanner crabs harvested in the Bering Sea and Aleutian Islands Area, the commercial fishing for which is governed by part 671 of this chapter.

Moratorium groundfish species means species of groundfish, except sablefish caught with fixed gear as defined at § 676.11, harvested in the Gulf of Alaska or harvested in the Bering Sea and Aleutian Islands management area, the commercial fishing for which is governed by parts 672 and 675 of this chapter, respectively.

Moratorium qualification means a transferable prerequisite for a moratorium permit.

Moratorium species means any moratorium crab species or moratorium groundfish species.

Original qualifying LOA means the LOA of the original qualifying vessel on June 24, 1992.

Original qualifying vessel means a vessel that made a legal landing during the qualifying period.

Person means any individual who is a citizen of the United States or any United States corporation, partnership, association, or other entity (or its successor in interest), whether or not organized or existing under the laws of any state.

Qualifying period means from January 1, 1988, through February 9, 1992.

Reconstruction means a change in the LOA of the vessel from its original qualifying LOA.

Regional Director means the Director, Alaska Region, NMFS, or an individual to whom the Regional Director has delegated authority.

§ 676.3 Moratorium permits.

This section is effective from January 1, 1996, through December 31, 1998.

(a) *General requirement*. Except as provided under paragraph (b) of this section, any vessel used to catch and retain any moratorium crab species or to conduct directed fishing for any moratorium groundfish species must have a valid moratorium permit issued for that vessel under this part on board the vessel at all times it is engaged in fishing activities. The term of the moratorium permit is for the duration of the moratorium unless otherwise specified.

(1) A moratorium permit issued under this part is valid only if:

(i) The vessel's LOA does not exceed its maximum LOA;

(ii) The vessel's moratorium qualification has not been transferred;

(iii) The permit has not been revoked or suspended under 15 CFR part 904 (Civil Procedures);

(iv) The permit is endorsed for all gear types on board the vessel; and

(v) The permit's term covers the fishing year in which the vessel is fishing.

(2) A moratorium permit must be presented for inspection upon the request of any authorized officer.

(b) *Moratorium exempt vessels*. A moratorium exempt vessel is not subject to the moratorium permit requirement of paragraph (a) of this section and is not eligible for a moratorium permit. A moratorium exempt vessel may catch and retain moratorium species provided it complies with the permit requirements of the State of Alaska with respect to moratorium crab species, Federal permit requirements at parts 672 and 675 of this chapter with respect to moratorium groundfish species, and other applicable Federal and State of Alaska regulations. A moratorium exempt vessel is a vessel in any of the following categories:

(1) Vessels other than catcher vessels or catcher/processor vessels;

(2) Catcher vessels or catcher/processor vessels less than or equal to 26 ft (7.9 m) LOA that conduct directed fishing for groundfish in the Gulf of Alaska;

(3) Catcher vessels or catcher/processor vessels less than or equal to 32 ft (9.8 m) LOA that catch and retain moratorium crab species in the Bering Sea and Aleutian Islands Area or that conduct directed fishing for moratorium groundfish species in the Bering Sea and Aleutian Islands management area;

(4) Catcher vessels or catcher/processor vessels that are fishing for IFQ halibut, IFQ sablefish, or halibut or sablefish under the Western Alaska Community Development Quota Program in accordance with regulations at subparts B and C of this part and that are not directed fishing for any moratorium species; or

(5) Catcher vessels or catcher/processor vessels less than or equal to 125 ft (38.1 m) LOA that after November 18, 1992, are specifically constructed for and used in accordance with a Community Development Plan approved under § 675.27 of this chapter, and are designed and equipped to meet specific needs that are described in the Community Development Plan.

(c) *Moratorium qualification*. A vessel has moratorium qualification if the vessel is an original qualifying vessel, is not a moratorium exempt vessel under paragraph (b) of this section, and its moratorium qualification has not been transferred. A vessel also has moratorium qualification if it receives a valid moratorium qualification through a transfer approved by the Regional Director under § 676.4 and that moratorium qualification is not subsequently transferred.

(d) *Moratorium permit endorsements*. A moratorium permit will be endorsed for one or more fishery-specific gear type(s) in accordance with the endorsement criteria of paragraph (e) of this section. A fishery-specific gear type endorsement authorizes the use by the vessel of that gear type in the specified fisheries. Fishing gear requirements for the Bering Sea and Aleutian Islands Area crab fisheries as set forth in the Alaska Administrative Code at title 5, chapters 34 and 35; and fishing gear requirements for the Gulf of Alaska and the Bering Sea and Aleutian Islands management area groundfish fisheries are set forth at parts 672 and 675 of this chapter. A moratorium permit may be endorsed for any one or a combination of the following fishing gear types:

(1) Trawl, which includes pelagic and nonpelagic trawl gear;

(2) Pot, which includes longline pot and pot-and-line gear; and

(3) Hook, which includes hook-and-line and jig gear.

(e) *Gear endorsement criteria*. For purposes of this paragraph, from January 1, 1988, through February 9, 1992, is ''period 1,'' and from February 10, 1992, through December 11, 1994, is ''period 2.'' Fishery-specific gear type endorsement(s) will be based on the following criteria:

(1) *Crab fisheries/pot gear endorsement*. A moratorium permit for a vessel may be endorsed for crab fisheries/pot gear if the vessel:

(i) Made a legal landing of a moratorium crab species in period 1;

(ii) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1, and, in period 2, made a legal landing of a moratorium crab species; or

(iii) Made a legal landing of moratorium groundfish in period 1 with pot gear.

(2) *Groundfish fisheries/trawl gear endorsement*. A moratorium permit may be endorsed for groundfish fisheries/trawl gear if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1, and, in period 2, made a legal landing of a moratorium groundfish species using trawl gear.

(3) *Groundfish fisheries/pot gear endorsement.* A moratorium permit may be endorsed for groundfish fisheries/pot gear if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1.

(4) *Groundfish fisheries/hook gear endorsement.* A moratorium permit may be endorsed for groundfish fisheries/hook gear if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1, and, in period 2, made a legal landing of a moratorium groundfish species using hook gear.

§ 676.4 Transfer of moratorium qualification; lost or destroyed vessels; reconstructed vessels.

This section is effective from January 1, 1996, through December 31, 1998.

(a) *General.* A transfer of a vessel's moratorium qualification must be approved by the Regional Director before a moratorium permit may be issued for the vessel to which the qualification is transferred. A moratorium permit is not transferrable or assignable. A fishery-specific gear type endorsement(s) is not severable from an endorsed permit. A transfer of moratorium qualification will not be approved by the Regional Director unless:

(1) A complete transfer application that satisfies all requirements specified at § 676.5 is submitted;

(2) The LOA of the vessel to which the moratorium qualification is transferred does not exceed the maximum LOA of the original qualifying vessel; and

(3) The moratorium permit associated with the moratorium qualification is not revoked or suspended.

(b) *Vessels lost or destroyed in 1988.* The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, may not be transferred to another vessel and is not valid for purposes of issuing a moratorium permit for that vessel, if salvaged, unless salvage began on or before June 24, 1992, and the LOA of the salvaged vessel does not exceed its maximum LOA. The moratorium qualification of such a vessel is not valid for purposes of issuing a moratorium permit for 1998 unless that vessel is used to make a legal landing of a moratorium species from January 1, 1996 through December 31, 1997.

(c) *Vessels lost or destroyed from 1989 through 1995.* The moratorium qualification of any vessel that was lost or destroyed on or after January 1, 1989, but before January 1, 1996, is valid for purposes of issuing a moratorium permit for that vessel, if salvaged, regardless of when salvage began provided that the vessel has not already been replaced and the LOA of the salvaged vessel does not exceed its maximum LOA. The moratorium qualification of any vessel that was lost or destroyed on or after January 1, 1989, but before January 1, 1996, may be transferred to another vessel provided the LOA of that vessel does not exceed the maximum LOA of the original qualifying vessel. The moratorium qualification of such a vessel is not valid for purposes of issuing a moratorium permit for 1998 unless that vessel is used to make a legal landing of a moratorium species from January 1, 1996 through December 31, 1997.

(d) *Vessels lost or destroyed after 1995.* The moratorium qualification of any vessel that was lost or destroyed on or after January 1, 1996, is valid for purposes of issuing a moratorium permit for that vessel, if salvaged, regardless of when salvage began provided that the vessel has not already been replaced and the LOA of the salvaged vessel does not exceed its maximum LOA. The moratorium qualification of any vessel that is lost or destroyed on or after January 1, 1996, may be transferred to another vessel providing the LOA of that vessel does not exceed the maximum LOA of the original qualifying vessel.

(e) *Reconstruction.* The moratorium qualification of a vessel is not valid for purposes of issuing a moratorium permit if, after June 23, 1992, reconstruction is initiated that results in increasing the LOA of the vessel to exceed the maximum LOA of the original qualifying vessel. For a vessel whose reconstruction began before June 24, 1992, and was completed after June 24, 1992, the maximum LOA is the LOA on the date reconstruction was completed provided the owner files an application for transfer and the Regional Director certifies that maximum LOA and approves the transfer based on information concerning the LOA of the reconstructed vessel submitted under § 676.5(d)(6).

§ 676.5 Procedures.

(a) *General.* An application for a moratorium permit may be requested from the Restricted Access Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668. Requests may be made by telephone by calling 907–586–7202 or 800–304–4846.

(b) *Application for permit.* With respect to any vessel of the United States, a moratorium permit will be issued to the owner of the vessel at the time of the permit application, and who has submitted, to the address in paragraph (a) of this section, a complete moratorium permit application that is subsequently approved by the Regional Director. A complete application for a moratorium permit must include the following information for each vessel:

(1) Name of the vessel, state registration number of the vessel and, the U.S. Coast Guard documentation number of the vessel, if any;

(2) Name(s), business address(es), and telephone and fax numbers of the owner of the vessel;

(3) Name of the managing company;

(4) Valid documentation of the vessel's moratorium qualification if requested by the Regional Director due to an absence of landings records for the vessel from January 1, 1988, through February 9, 1992;

(5) Reliable documentation of the vessel's original qualifying LOA if requested by the Regional Director, such as a vessel survey, builder's plan, state or Federal registration certificate, fishing permit records, or other reliable and probative documents that clearly identify the vessel and its LOA, and are dated before June 24, 1992;

(6) Specification of the fishing gear(s) used from January 1, 1988, through February 9, 1992, and (if necessary) the fishing gear(s) used from February 10, 1992, through December 11, 1994;

(7) Specification of the vessel as either a catcher vessel or a catcher/processor vessel;

(8) If applicable, transfer authorization if a permit request is based on transfer of moratorium qualification pursuant to paragraph (c) of this section; and

(9) Signature of the person who is the owner of the vessel or the person who is responsible for representing the vessel owner.

(c) *Moratorium permit issuance.* The owner of a vessel of the United States that has moratorium qualification will be issued a moratorium permit upon application if the vessel's LOA does not exceed its maximum LOA.

(d) *Application for approval of a moratorium qualification transfer.* An application for approval of a transfer of moratorium qualification must be completed and the transfer approved by the Regional Director before an application for a moratorium permit based on that transfer can be approved. An application for approval of a transfer and an application for a moratorium permit may be submitted

simultaneously. A complete application for approval of transfer must include the following information as applicable for each vessel involved in the transfer of moratorium qualification:

(1) Name(s), business address(es), and telephone and fax numbers of the applicant(s) (including the owners of the moratorium qualification that is to be or was transferred and the person who is to receive or received the transferred moratorium qualification);

(2) Name of the vessel whose moratorium qualification is to be or was transferred and the name of the vessel that would receive or received the transferred moratorium qualification (if any), the state registration number of each vessel and, if documented, the U.S. Coast Guard documentation number of each vessel;

(3) The original qualifying LOA of the vessel whose moratorium qualification is to be or was transferred, its current LOA, and its maximum LOA;

(4) The LOA of the vessel that would receive or received the transferred moratorium qualification and documentation of that LOA by a current vessel survey or other reliable and probative document;

(5) A legible copy of a contract or agreement specifying the vessel or person from which moratorium qualification is to be or is transferred, the date of the transfer agreement, names and signatures of all current owner(s) of the vessel whose moratorium qualification is to be or was transferred, and names and signatures of all current owner(s) of the moratorium qualification that is to be or was transferred;

(6) With regard to vessel reconstruction:

(i) A legible copy of written contracts or written agreements with the firm that performed reconstruction of the vessel and that relate to that reconstruction;

(ii) An affidavit signed by the vessel owner(s) and the owner/manager of the firm that performed the vessel reconstruction specifying the beginning and ending dates of the reconstruction; and

(iii) An affidavit signed by the vessel owner(s) specifying the LOA of the reconstructed vessel;

(7) With regard to vessels lost or destroyed, a copy of U.S. Coast Guard Form 2692, Report of Marine Casualty; and

(8) Signatures of the persons from whom moratorium qualification would be transferred or their representative, and the persons who would receive the transferred moratorium qualification or their representative, unless NMFS determines that the signatures provided under paragraph (d)(5) of this section satisfy this requirement.

(e) *Appeal*. (1) The Chief, Restricted Access Management Division, Alaska Region, NMFS, will issue an initial administrative determination to each applicant who is denied a moratorium permit by that official. An initial administrative determination may be appealed by the applicant in accordance with § 676.25. The initial administrative determination will be the final agency action if a written appeal is not received by the Chief, Restricted Access Management Division, Alaska Region, NMFS, within the period specified at § 676.25(d).

(2) An initial administrative determination that denies an application for a moratorium permit must authorize the affected vessel to catch and retain moratorium crab or moratorium groundfish species with the type of fishing gear specified on the application. The authorization expires on the effective date of the final agency action relating to the application.

(3) An administrative determination denying approval of the transfer of a moratorium qualification and/or denying the issuance of a moratorium permit based on that moratorium qualification is the final agency action for purposes of judicial review.

§ 676.6 Prohibitions.

In addition to the prohibitions specified in §§ 620.7, 672.7, 675.7, and 676.16 of this chapter, it is unlawful for any person to:

(a) Submit false or inaccurate information on a moratorium permit application or application to transfer moratorium qualification;

(b) Alter, erase, or mutilate any moratorium permit;

(c) Catch and retain a moratorium species with a vessel that has a LOA greater than the maximum LOA for the vessel;

(d) Catch and retain a moratorium species with a vessel that has received an unauthorized transfer of moratorium qualification;

(e) Catch and retain moratorium crab species or conduct directed fishing for any moratorium groundfish species with a vessel that has not been issued a valid moratorium permit, unless the vessel is lawfully conducting directed fishing for sablefish under subparts B and C of this part;

(f) Catch and retain moratorium crab species or conduct directed fishing for any moratorium groundfish species with a vessel that does not have a valid moratorium permit on board, unless the vessel is lawfully conducting directed fishing for sablefish under subparts B and C of this part; and

(g) Violate any other provision of subpart A of this part.

§§ 676.7–676.9 [Reserved]

PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN

13. The authority citation for part 677 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq*.

14. Effective September 11, 1995, Figure 1 to part 677, *Federal Processor Permit Application (Form FPP–1)*, is removed and reserved.

15. Effective September 11, 1995, § 677.4(b) introductory text is revised as follows:

§ 677.4 Permits.

* * * * *

(b) *Application*. The permit required under paragraph (a) of this section may be obtained or renewed by submitting to the Regional Director a completed Federal Processor Permit Application for each vessel or processor containing the following information:

* * * * *

[FR Doc. 95–19344 Filed 8–7–95; 10:19 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 154
Thursday, August 10, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064–AB65

Assessments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is proposing to amend its regulation on assessments in three ways. First, the FDIC proposes to delay the collection date for the first quarterly assessment payment that insured institutions must make for the first semiannual period of each year (first payment). Under the existing regulation, the collection date for this payment is December 30 of the prior year. The FDIC proposes to change the collection date to the first business day following January 1. Second, the FDIC proposes to give insured institutions the option of prepaying the first quarterly payment during the prior December. Institutions could prepay the amount of the first payment or twice that amount (an approximation of the entire amount due for the upcoming semiannual period). The FDIC's purpose in making these first two changes is to relieve certain institutions of the regulatory burden of having to make an extra assessment payment in 1995, while at the same time affording flexibility to other institutions to make such a payment if they should so desire. Third, the FDIC proposes to replace the interest rate to be applied to underpayments and overpayments of assessments with a new, more sensitive rate derived from the 3-month Treasury bill discount rate. The current standard rapidly becomes obsolete in volatile interest-rate markets; the proposed standard would be more sensitive to current market conditions.

DATES: Written comments must be received by the FDIC on or before September 11, 1995.

ADDRESSES: Written comments shall be addressed to Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. Comments may be hand delivered to Room F–402, 1776 F Street NW., Washington, D.C. 20429, on business days between 8:30 a.m. and 5:00 p.m. [Fax number: (202)898–3838; Internet address: comments@fdic.gov] Comments will be available for inspection at the FDIC's Reading Room, Room 7118, 550 17th Street NW., Washington, D.C., between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Allan Long, Assistant Director, Treasury Branch, Division of Finance (703) 516–5546; Claude A. Rollin, Senior Counsel, Legal Division (202) 898–3985; or Jules Bernard, Counsel, Legal Division, (202) 898–3731; Federal Deposit Insurance Corporation, Washington, D. C. 20429.

SUPPLEMENTARY INFORMATION:

A. Background

1. The Payment Schedule

On December 20, 1994, the FDIC adopted a new procedure for the collection of deposit insurance assessments. See 59 FR 67153 (December 29, 1994). The new procedure became effective April 1, 1995. It applies to the second semiannual assessment period of 1995 (beginning July 1, 1995) and thereafter.

The FDIC collects assessment payments on a quarterly basis, by means of FDIC-originated direct debits through the Automated Clearing House network. The collection dates for the first semiannual period (January through June) of any given year are December 30 of the prior year and March 30 of the current year. The collection dates for the second semiannual period (July through December) are June 30 and September 30.

Thirty days prior to each collection date, the FDIC provides to each institution an invoice showing the amount that the institution must pay. The FDIC prepares the invoice from data that the institution has reported in its report of condition for the previous quarter.

Under this schedule, the first quarterly payment for the first semiannual period of a given year is collected during the prior year. The procedure is as follows: The institution determines its deposits on September 30 of the prior year, uses the information to prepare its report of condition, and files the report of condition by October 30. The FDIC uses the report of condition to prepare an invoice for the institution, and provides the invoice to the institution by November 30. The FDIC collects the payment by a direct debit on December 30. If December 30 falls on a weekend or holiday, the FDIC collects the payment on the previous business day.

Before adopting the new quarterly-collection procedure, the FDIC issued it as a proposed rule, and asked for public comment. 59 FR 29965 (June 10, 1994). The FDIC received 51 comment letters.

Two respondents pointed out that the FDIC's payment schedule would result in an anomaly in 1995. Institutions would pay their full semiannual assessment for the first semiannual period in 1995 in January, in accordance with the assessment regulations then in effect. Institutions would also pay both quarterly payments for the second semiannual period in 1995 (one at the end of June; the other at the end of September). Then they would make one further payment in 1995: the first payment for 1996. In effect, they would pay assessments for 5 quarters in 1995.

These commenters asked the FDIC to move the collection date for the first payment for 1996 from December 30, 1995, to January, 1996. In response, the FDIC looked into the issue further.

As a result of its inquiry, the FDIC determined that relatively few institutions would be adversely affected, and decided to retain the December collection date. The FDIC recognized that a December 1995 collection date could present a one-time problem for some institutions. But the FDIC concluded that this situation was a by-product of the shift from a semiannual to a quarterly collection procedure, and would not involve an ''extra'' assessment payment. 59 FR 67157. The FDIC further observed that this timing issue would adversely affect only institutions that use cash-basis accounting. Finally, the FDIC pointed out that the commenters' recommended solution—moving the December collection date to January—would not cure the problem if adopted only for a single year: the problem would recur in

1996. A permanent change in the collection date would be required. *Id.*

Shortly after the new system was adopted, however, the FDIC began to receive information suggesting that more institutions would be adversely affected by the December collection date than was initially thought. Moreover, the Independent Bankers Association of America (IBAA) issued a letter to the FDIC requesting the FDIC to reconsider the issue in light of the December collection date's effect on cash-basis institutions. The FDIC's Board of Directors considers that it is appropriate to regard the IBAA's request as a ''petition for the amendment of a regulation'' within the meaning of the FDIC's policy statement ''Development and Review of FDIC Rules and Regulations,'' 2 FED. DEPOSIT INS. CORP. LAWS, REGULATIONS, RELATED ACTS 5057 (1984).

Accordingly, FDIC has decided to propose, for public comment, certain changes in the quarterly collection schedule. The proposed changes would take effect upon publication in the **Federal Register**.

2. Interest on Underpaid and Overpaid Assessments

The FDIC pays interest on amounts that insured institutions overpay on their assessments, and charges interest on amounts by which insured institutions underpay their assessments. The interest rate is the same in either case: namely, the United States Treasury Department's current value of funds rate which is issued under the Treasury Fiscal Requirements Manual (TFRM rate) and published in the **Federal Register**. See 12 CFR 327.7(b).

The TFRM rate is based on aged data, and quickly becomes obsolete in volatile interest-rate markets. For example, the rate set for January through June, 1995, was based on the average rate data from October, 1993, through September, 1994. The practical consequence was that the TFRM rate for the January-to-June period in 1995 was 3% per annum, when the actual market rate at that time was over 5% per annum.

The FDIC is proposing to replace the TFRM rate with a rate keyed to the 3-month Treasury bill discount rate. The new rate would take effect on January 1, 1996.

B. The Proposed Amendment

1. The Payment Schedule

a. Delaying the Collection Date for First Payments

The proposed rule would change the collection date for the first quarterly payment for the first semiannual period of each year (first payment). Under the present regulation, the collection date is December 30 of the prior year. The proposed rule would delay the collection date to the first business day following January 1. Accordingly, every institution would ordinarily make its first payment on that date.

No other aspect of the collection procedure would be altered: there would be no change in the amount of the assessment due, and there would be no change in the other collection dates.

The proposal is designed to protect cash-basis institutions against the adverse consequences of having to make an extra assessment payment during 1995. The remedy is necessarily a continuing one. Accordingly, the FDIC considers that it is appropriate to make the change in the collection date permanent.

The FDIC believes that the delay in the collection date confers a financial benefit to institutions, because they may earn additional interest on the funds they retain for the additional time. The FDIC does not consider that it is appropriate to give a benefit of this kind to some institutions but not others, however. Accordingly, the FDIC proposes to delay the collection date for all institutions, not just for cash-basis institutions.

The FDIC further believes that most institutions have already prepared to comply with the direct-debit procedures, and would suffer no procedural disadvantage from the proposed delay in the collection date. The FDIC would collect the January 1 payment in the same manner as under the existing regulation.

b. Prepaying First Payments

The FDIC recognizes, however, that some institutions may prefer the existing payment schedule, notwithstanding the fact that they would be making five payments during 1995. The proposed rule accommodates these institutions. Under the proposed rule, an institution would be able to elect to prepay its first payment for any year.

The FDIC would collect prepayments by electronically debiting prepaying institutions' accounts, just as the FDIC collects other quarterly assessment payments. The collection date for the prepayments would be December 30 of the prior year (or, if December 30 is not a business day, the preceding business day).

An institution could prepay either the amount of the first payment or twice that amount. The doubled amount represents an approximation of the entire amount due for the first semiannual period. The approximation is not intended to be exact. Growing institutions would ordinarily owe an additional amount on the next quarterly collection date; shrinking institutions would ordinarily receive a credit for the overpayment.

In order to elect to prepay the first payment for a given year, an institution would have to file a certification to that effect by the preceding November 1. The prepayment election would be effective with respect to the first payment for the upcoming year and for all years thereafter.

The institution would have to complete a pre-printed form supplied by the FDIC to make the certification. The FDIC's Division of Finance would make pre-printed forms available for this purpose. The institution's chief financial officer, or an officer designated by the institution's board of directors, would have to sign the form.

An institution would certify that it would pay its first assessment in accordance with the prepayment procedure. The institution would also specify whether it would prepay the invoiced amount or double that amount.

An institution could terminate its election of the prepayment option in the same way as it made the election: by certifying that it was terminating the election for an upcoming year. As in the case of the original election, the institution would have to use a pre-printed form supplied by the FDIC to make the certification, and would have to file the form by November 1 of the prior year. The institution would then revert to the regular payment schedule for the upcoming year and for all future years.

An institution that terminated an election could make a new election. An institution could even terminate one election and make a new election for the same semiannual period—*e.g.*, for the purpose of changing the amount of a prepayment—if the institution filed both certifications by the November 1 deadline.

The proposed rule does not contemplate that the FDIC would pay interest on prepaid assessments.

The FDIC believes that it is appropriate to allow the prepayment option for two reasons. The FDIC recognizes that institutions that keep their books on an accrual basis are not materially harmed by having to pay five quarters' worth of assessments in 1995. (By the same token, these institutions are not materially harmed by delaying the collection date from December to January.)

Some of these institutions may prefer to prepay some or all of their first

semiannual assessments for their own business reasons. The FDIC further recognizes that institutions may have arranged their affairs in the expectation that the first payment for 1996 will be due in 1995. The FDIC is providing the prepayment option in order to enable these institutions to avoid unnecessary disruption and financial disadvantage.

2. Interest on Underpaid and Overpaid Assessments

The FDIC is proposing to replace the interest rate that is applied to underpaid assessments and overpaid assessments. The current rate is the TFRM rate (which is now 5.00% per annum), which is compounded annually. The FDIC would replace this rate with a more market-sensitive rate: the coupon equivalent rate set on the 3-month Treasury bill at the last auction held by the U.S. Treasury Department before the start of the quarter. Interest would be compounded as of the first day of each subsequent quarter. Currently, this rate is 5.51% per annum (see below).

Under the current regulation, interest begins to run on the day after collection date and continues to run through the day on which the debt is paid. If the new collection schedule were adopted, the collection date for the first quarterly payment for 1996 would be January 2. Interest on any overpayments or underpayments due on that date would begin to run on January 3.[1]

The next collection date is March 29 (March 30 being a Saturday). The FDIC would ordinarily collect or repay the full amount of the overpayment or underpayment (plus interest) on that date by adjusting the payment then due. Accordingly, interest on the overpayment or underpayment would run through March 29.

The initial interest rate would be the rate for the quarter for which (but not generally in which) the payment would be made. The collection date for the first quarter would be January 2, which falls within that quarter. But the collection dates for the second, third, and fourth calendar quarters are March 30, June 30, and September 30, respectively; if the regularly scheduled collection date falls on a weekend or holiday, the collection date is the preceding business day. Each of these collection dates falls in the quarter preceding the quarter for which the payment is due. Nevertheless, the initial interest rates on any underpayments or overpayments of payments due on these dates would be the rates for the second, third, and fourth quarters, respectively.

This initial interest rate on an overpayment or underpayment would apply to the amount in question for the entire interval running from the day after the collection date through the end of the quarter, or until the overpayment or underpayment were discharged, whichever came first. The FDIC would redetermine the rate at the beginning of each quarter. If any portion of the overpayment or underpayment (including interest) remained outstanding at that time, the FDIC would apply the new quarter's rate to the outstanding amount, beginning on the first day of the new quarter.

If the proposed rate had been in effect for the third quarter in 1995, the FDIC would have computed interest on an overpayment or underpayment of an amount due for that quarter as follows:

The FDIC would have based the rate on the average rate for the 3-month Treasury bill set at the June 26, 1995, auction (settling on June 29, 1995). On a bank discount rate basis (360-day year with no compounding), the auction resulted in a 5.35% average rate. This converts to a coupon equivalent rate of 5.51% according to the United States Treasury Department.

June 30 is the collection date. On the following day (July 1) the FDIC would have begun to apply the 5.51% rate to overpayments or underpayments collected on June 30. The outstanding amount would ordinarily be repaid on the next collection day, which falls on September 29 (September 30 being a Saturday).

A $1 million overpayment collected on June 30 and refunded on September 29 would have generated 91 days of interest: $(91/366) \times .0551 \times \$1{,}000{,}000 = \$13{,}699.73$.[2]

The FDIC is proposing to adopt the new rate because the new rate more closely approximates the opportunity cost of money both for the institution and for the FDIC. If an institution were to overpay its assessment, the FDIC would return to the institution the benefit that the institution would have been able to obtain by investing the excess amount. Conversely, if an institution were to underpay its assessment, the institution would have to restore to its fund—the Bank Insurance Fund (BIF) or the Savings Association Insurance Fund (SAIF)—the economic value of the interest that the fund would otherwise have earned.

The FDIC would apply the new rate (and the quarterly compounding) prospectively, not retroactively. The FDIC would apply the new rate to payments due for the first quarter of 1996 and thereafter, and to any outstanding amounts owed to or by the FDIC on and after January 1, 1996. For amounts owed to or by the FDIC during intervals prior to January 1, 1996, the FDIC would continue to apply the then-current TFRM rate (and the annual compounding) for those intervals.

C. Effect on the Insurance Funds

1. The Payment Schedule

The proposed shift in the collection date is not expected to have any substantial adverse impact on the insurance funds.

In the case of the BIF, the maximum amount of the interest foregone as a result of delaying the collection is not expected to exceed $600,000. The actual amount of the foregone interest is likely to be considerably less, as many BIF members can be expected to take advantage of the prepayment election. Accordingly, the FDIC considers that the BIF would not suffer any material harm by the loss of this revenue.

In the case of the SAIF, the foregone interest is not expected to exceed $108,000. Here again, the actual amount is likely to be considerably less. While this sum is not insubstantial, the FDIC believes that its loss would not materially harm the SAIF under current conditions, and would not impede the SAIF's progress toward recapitalization.

2. Interest on Underpaid and Overpaid Assessments

The change from the TFRM rate to the new rate is not expected to have any material impact on either the BIF or the SAIF. The net yearly amount routinely subject to the interest rate—that is, the net of the amounts that institutions routinely overpay, minus the amounts they routinely underpay—is approximately $2,000,000 per year in the aggregate for both funds. This amount represents a net overpayment. It is outstanding for 60 days on average; accordingly, at the current TFRM rate, the FDIC ordinarily pays out a net annual amount of approximately $16,000 in interest. Under the proposed new rate, the FDIC would pay out approximately $18,000 yearly—for a net change to the funds of just $2,000.

[1] Even in the case of prepaying institutions, the amounts to be collected from the institutions would not be due until the regular collection date. Accordingly, interest on overpayments and underpayments would begin to run from the regular collection date, not the prepayment date.

Furthermore, as noted above, the proposed rule does not contemplate that the FDIC would pay interest on prepaid assessments. In particular, if an institution elected to prepay double the amount of a first payment, the doubled amount would not be regarded as an ''overpayment,'' and the FDIC would not pay interest on the extra amount so paid.

[2] The third calendar quarter in 1995 falls within the leapyear cycle that begins on March 1, 1995, and ends on February 29, 1996.

D. Assessment of the Reporting or Recordkeeping Requirements

1. The Payment Schedule

The FDIC considers that the proposed rule's reporting or recordkeeping requirements would be minimal. The proposed rule does not compel any institution to create or maintain new records. It merely delays the collection date for the first payment of each year, without changing the procedures that institutions must follow in order to make that payment.

Some institutions may take a different view, however. They may consider that they have already taken all the steps necessary to make a December payment, and yet must now do something more—namely, file the certification—in order to make that payment.

The FDIC believes, however, that the burden of the one-time filing would be so small as to be immaterial. The proposed rule would not require the institution to retain the form, or to file a new certification each year, or to keep any other new records.

2. Interest on Underpaid and Overpaid Assessments

The changes in the interest rate would have no effect on the reporting or recordkeeping requirements of insured institutions.

E. Effect on Competition

The proposed regulation is not expected to have any effect on competition among insured depository institutions.

F. Relationship of the Proposed Regulation to Other Government Regulations

The proposed regulation is not expected to have any impact on other government regulations.

G. Cost-Benefit Analysis

1. The Payment Schedule

The FDIC believes that the proposed regulation would not impose any new costs on non-electing institutions. On the contrary, it would benefit them by allowing them to retain the use of their funds for an extra interval. The proposal would provide a special benefit to cash-basis institutions by eliminating an expense they would otherwise have sustained in 1995.

In the case of electing institutions, the proposed regulation would also provide significant benefits. The FDIC believes that institutions will elect to prepay their first payments only if doing so is advantageous to them. The proposed rule would allow all institutions to earn extra interest: Accordingly, at a minimum, an institution would have to expect to derive an even greater benefit from electing the prepayment option. On the other hand, the only costs incurred by electing institutions are the costs of signing and submitting the certification. The FDIC considers that those costs are not likely to be significant.

2. Interest on Underpaid and Overpaid Assessments

The change from the TFRM rate to the proposed new rate would likewise impose minimal costs on institutions. The net amount at issue would not be material in the aggregate. For any particular institution, the net effect of the change would be impossible to predict, because the relationship between the TFRM rate and the proposed rate varies from one interval to another.

Accordingly, the FDIC believes that the benefits of the proposed rule would likely outweigh any costs it might impose.

H. Other Approaches Considered

1. Retaining the Status Quo

a. The Payment Schedule

In developing the proposal, the FDIC has considered whether it would be advisable to retain the current schedule without change.

As noted above, however, the FDIC recognizes that it is responsible for establishing the December 1995 collection date. The FDIC further recognizes that requiring institutions to make a payment on that date could adversely affect institutions that keep their financial records and make their financial reports on a cash basis. The FDIC believes that, if it can mitigate harm of this kind by modifying its regulations, it should make every effort to do so.

b. Interest on Underpaid and Overpaid Assessments

The FDIC also considered whether it would be desirable to retain the TFRM rate without change. The FDIC believed, however, that the rigidities and delays inherent in the TFRM rate militated against retaining this interest-rate standard.

2. Alternative Proposal

a. The Payment Schedule

The FDIC has also considered an alternative proposal: retaining the current payment schedule, while giving cash-basis institutions the option of electing to defer their first payment until January.

The alternative proposal would have focused narrowly on the one-time disadvantage that cash-basis institutions would suffer in 1995, and would have aimed at protecting those institutions against that disadvantage. Accordingly, the FDIC would not have offered the deferred-payment option to non-cash-basis institutions, and would not have offered the option to cash-basis institutions after 1995.

Institutions that exercised the option by November 1, 1995, would have made their first payment for 1996 on the first business day following January 1, 1996, and would have continued thereafter to make the first payment on the first business day of the year. Institutions that failed to exercise the option by November 1, 1995, would have had to make all their payments according to the regular payment schedule.

After an institution had made the election, the institution could have terminated the election—thereby reverting to the regular payment schedule—by so certifying to the FDIC in writing. For the termination to be effective for a given year, the institution would have had to provide the certification to that effect to the FDIC no later than November 1 of the prior year. The termination would have been permanent. The FDIC would not have charged interest on the delayed payments.

The FDIC has chosen to issue the proposed rule, rather than the alternative proposal, for two reasons. First, the FDIC expects that the approach set forth in the proposed rule would be more evenhanded: all institutions would have the benefit of the later collection date, and all would have an equal opportunity to earn additional interest on their funds. Second, the proposed rule would provide greater flexibility to all institutions to plan the timing of their expenses.

b. Interest on Underpaid and Overpaid Assessments

The FDIC also considered proposing to replace the single TFRM rate with a pair of rates: namely, the composite yield at market of the BIF and SAIF portfolios, respectively. These rates would have been determined retrospectively, because they are generated by looking at the interest that the portfolios actually earned. For the second quarter of 1995, the rates would have been 5.70% for the BIF and 5.61% for the SAIF.

The FDIC would have proposed the ''composite yield at market'' rate on the theory that such a rate would represent the FDIC's actual benefits (or costs) from

the overcollection (or undercollection) of assessments. If an institution were to overpay its assessment, the FDIC would return to the institution every bit of the benefit that the FDIC had received from the overpayment. Conversely, if an institution were to underpay its assessment, it would be obliged to restore to its fund the economic value of the interest the fund would otherwise have earned, and the fund would be made whole.

The FDIC has chosen to propose the new rate, rather than the ''composite yield at market'' rate, for two reasons. First, the new rate is based on a published rate, not on proprietary information, and accordingly is easier for people in the private sector to determine. Second, the new rate is intended to approximate the market value of the funds—that is, the interest that an institution earned or could have earned by investing the funds—rather than the vagaries of the investment portfolios of the BIF and the SAIF.

I. Effective Date

1. The Payment Schedule

The FDIC proposes to make the revisions to the payment schedule effective upon adoption by the Board of Directors. The FDIC considers that the new payment schedule would ''relieve a restriction'' within the meaning of 5 U.S.C. 553(d)(1), because it would delay the date on which the FDIC would regularly collect the first payments, and would thereby allow institutions to retain their funds for an extra interval. More to the point, the FDIC believes that there would be ''good cause'' to make this aspect of the final rule effective upon adoption because institutions should have as much time as possible to adjust to the new collection schedule and to decide whether to take advantage of the election option provided by the rule. Accordingly, the FDIC proposes to make the revisions to the payment schedule effective at once, rather than delay the effective date for 30 days, *see* 5 U.S.C. 553(d), or wait until the first day of the following calendar quarter, *see* 12 U.S.C. 4802(b).

2. Interest on Underpaid and Overpaid Assessments

The FDIC proposes to make the revision of the interest rate effective 30 days after publication of the final rule in the **Federal Register**. Ordinarily, the proposed effective date of the final rule would be October 1, 1995, the first day of the calendar quarter that begins on or after the expected date of publication of the final rule. *Id*. But the Administrative Procedure Act requires a 30-day waiting period between the publication of a final rule and its effective date. 5 U.S.C. 553(d). Accordingly, the proposed effective date of the final rule must be deferred to the end of the waiting period. *See* 12 U.S.C. 4802(b)(1)(C).

J. Paperwork Reduction Act

The proposed rule provides that, if institutions wish to elect the option of prepaying their first payments, they must file a written certification to that effect with the FDIC in advance, and do so on a form provided by the FDIC. Institutions would certify that they intended to take advantage of the prepayment procedure, and also report whether they wished to prepay the amount due for the first payment or double that amount.

By requiring institutions to provide information regarding the amount to be prepaid, the FDIC is engaging in a new ''collection of information.'' The collection has been submitted to the Office of Management and Budget for review and approval pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Comments regarding the accuracy of the burden estimate, and suggestions for reducing the burden, should be addressed to the Office of Management and Budget, Paperwork Reduction Project (3064–0057), Washington, D.C. 20503, with copies of such comments sent to Steven F. Hanft, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Room F–400, 550 17th St., N.W., Washington, D.C. 20429.

Institutions that wish to terminate the election must so certify to the FDIC in writing in advance, using a form provided by the FDIC. Certifications of this kind do not constitute ''information'' within the meaning of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), however, as they merely identify the institutions.

The FDIC estimates that approximately 500 institutions are likely to elect the prepayment option in 1995, the initial year that it is offered. Thereafter, the same number of institutions are likely to elect the prepayment option and/or terminate the election.

The estimated annual reporting burden for the collection of information requirement in this proposed rule is summarized as follows:

Approximate Number of Respondents: 500.
Number of Responses per Respondent: 1.
Total Approximate Annual Responses: 500.
Average Time per Response: 15 minutes.
Total Average Annual Burden Hours: 125.

K. Regulatory Flexibility Act

The Board hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The proposal would mitigate a cost incurred by certain smaller entities—namely, cash-basis depository institutions—that arises from the one-time shift from the semiannual assessment process to the new quarterly assessment schedule. The proposal further confers a benefit on all institutions (including smaller institutions) by allowing them to earn interest on their funds for an additional interval.

To the extent that an institution might incur a cost in connection with preparing and submitting the paperwork necessary to make the election, the FDIC believes that the cost would be minimal, and would be far outweighed by the resulting benefit. In any case, each institution's decision to make the election would be purely voluntary: the proposed rule would not compel an institution to accept any cost of this kind.

L. Request for Comment

The FDIC requests comments on all aspects of the proposal. In particular, the FDIC asks for comment on the following matters: the extent to which institutions expect to avail themselves of the prepayment option; the amounts they regularly expect to prepay; the magnitude of the burden that would be imposed by the FDIC's proposed procedures for electing the prepayment option; whether it would be more appropriate to require institutions to re-elect the pre-payment option each year; the likelihood that prepaying institutions will seek to revert to the regular collection schedule; the advisability of replacing the TFRM rate with the new rate, and the appropriateness of the new rate; and the relative desirability of the status quo and of the alternative proposal.

The FDIC's Board of Directors has determined that it is appropriate to receive comments for a period of 30 days rather than 60 days. The Board considers that the shorter comment period is necessary in order to implement the proposal within the available time-frame.

List of Subjects in 12 CFR Part 327

Bank deposit insurance, Banks, banking, Freedom of information, Reporting and recordkeeping requirements, Savings associations.

For the reasons stated in the preamble, the Board of Directors of the

FDIC proposes to amend 12 CFR Part 327 as follows:

PART 327—ASSESSMENTS

1. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1441b, 1817–1819.

2. Section 327.3 is amended by revising paragraphs (c)(2), (e), and (f) and by adding paragraph (c)(3) to read as follows:

§ 327.3 Payment of semiannual assessments.

* * * * *

(c) * * *

(1) * * *

(2) *Payment date and manner.* The Corporation will cause the amount stated in the applicable invoice to be directly debited on the following dates from the deposit account designated by the insured depository institution for that purpose:

(i) In the case of the first quarterly assessment payment for a semiannual period that begins on January 1, on the first business day of the semiannual period, except as provided in paragraph (c)(3) of this section; and

(ii) In the case of the first quarterly assessment payment for a se (3)semiannual period that begins on July 1, on the preceding June 30.

(3) *Prepayments.* (i) An insured depository institution may elect to prepay the first quarterly payment for a semiannual period that begins on January 1. An institution may elect to prepay either the amount of the first quarterly payment due for a semiannual period that begins on January 1, or twice that amount.

(ii) In order to elect the prepayment option with respect to a current semiannual period, an institution must so certify in writing to the Corporation no later than November 1 of the prior year. The prepayment certification shall be made on a pre-printed form provided by the Corporation. The form shall be signed by the institution's chief financial officer or such other officer as the institution's board of directors may designate for that purpose. The form shall be sent to the attention of the Chief of the Assessment Operations Section of the Corporation's Division of Finance. An institution may obtain the form from the Corporation's Division of Finance. The prepayment certification shall indicate whether the institution will prepay the first quarterly payment for the current semiannual period or twice that amount. The election shall be effective with respect to the current semiannual period and thereafter, until terminated.

(iii) An insured depository institution may terminate its election of the prepayment option, and revert to the regular payment schedule. In order to terminate the election with respect to a current semiannual period, an institution must so certify in writing to the Corporation no later than November 1 of the prior year. The termination certification shall be made on a pre-printed form provided by the Corporation. The form shall be signed by the institution's chief financial officer or such other officer as the institution's board of directors may designate for that purpose. The form shall be sent to the attention of the Chief of the Assessment Operations Section of the Corporation's Division of Finance. An institution may obtain the form from the Corporation's Division of Finance. The termination shall be permanent, except that an institution that has terminated an election may make a new election.

(iv) If an insured depository institution elects the prepayment option, the Corporation will cause the amount indicated in the prepayment certification to be directly debited on December 30 of the year prior to the current semiannual period from the deposit account designated by the insured depository institution for that purpose.

* * * * *

(e) *Necessary action, sufficient funding by institution.* Each insured depository institution shall take all actions necessary to allow the Corporation to debit assessments from the insured depository institution's designated deposit account and, prior to each payment date indicated in paragraphs (c)(2), (c)(3)(iv), and (d)(2) of this section, shall ensure that funds in an amount at least equal to the invoiced amount or, in the case of a prepayment pursuant to paragraph (c)(3)(iv) of this section, the amount indicated in the prepayment certification are available in the designated account for direct debit by the Corporation. Failure to take any such action or to provide such funding of the account shall be deemed to constitute nonpayment of the assessment.

(f) *Business days.* If a payment date specified in paragraph (c)(2)(ii), (c)(3)(iv), or (d)(2) of this section falls on a date that is not a business day, the applicable date shall be the previous business day.

* * * * *

3. Section 327.7 is amended by revising paragraphs (a)(2), (a)(3), and (b) and adding paragraph (c) to read as follows:

§ 327.7 Payment of interest on assessment underpayments and overpayments.

(a) * * *

(2) *Payment by Corporation.* (i) The Corporation will pay interest on any overpayment by the institution of its assessment.

(ii) An amount that an institution prepays on its assessment, whether in accordance with § 327.3(c) or otherwise, shall not be regarded as an overpayment of an assessment.

(3) *Accrual of interest.* Interest shall accrue under this section from the day following the regular collection date, as provided for in § 327.3 (c)(2) and (d)(2), of the quarterly assessment amount that was overpaid or underpaid, through the payment date applicable to the quarterly assessment invoice on which adjustment is made by the Corporation for the underpayment or overpayment, provided, however, that interest shall not begin to accrue on any overpayment until the day following the date such overpayment was received by the Corporation.

(b) *Rates after December 31, 1995.* On and after January 1, 1996—

(1) The interest rate for any calendar quarter will be the coupon equivalent yield of the average discount rate set on the 3-month Treasury bill at the last auction held by the United States Treasury Department prior to the commencement of the calendar quarter;

(2) The initial interest rate to be applied to an overpayment or underpayment of an amount due on a regularly scheduled collection date (whether or not prepaid) will be the interest rate for the calendar quarter following the last auction held by the United States Treasury Department immediately prior to that collection date; and

(3) The interest rate to be applied during any subsequent calendar quarter to the outstanding balance (including interest thereon) owed to or by the insured depository institution for assessments will be the interest rate for such calendar quarter and will begin on the first day of such calendar quarter.

(c) *Rates prior to January 1, 1996.* Through December 31, 1995—

(1) The interest rate will be the United States Treasury Department's current value of funds rate which is issued under the Treasury Fiscal Requirements Manual (TFRM rate) and published in the **Federal Register**;

(2) The interest will be calculated based on the rate issued under the TFRM for each applicable period and compounded annually;

(3) For the initial year, the rate will be applied to the gross amount of the underpayment or overpayment; and

(4) For each additional year or portion thereof, the rate will be applied to the net amount of the underpayment or overpayment after that amount has been reduced by the assessment credit, if any, for the year.

By order of the Board of Directors.

Dated at Washington, D.C. this 3d day of August, 1995.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 95–19696 Filed 8–9–95; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–75–AD]

Airworthiness Directives; Beech Model 400A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model 400A airplanes. This proposal would require an inspection to verify if the securing rivet is installed on the rod end of the control push rods of the spoiler flight control system, an inspection to verify if the jam nut is secure on the opposite end of the rod end, and repair of any discrepancy. This proposal is prompted by a report of loss of roll control on the co-pilot's control wheel shortly after takeoff due to a rivet missing from the control push rod. The actions specified by the proposed AD are intended to ensure that the push rod rivets are installed. Missing control push rod rivets could result in the disengagement of the push rod end from the push rod tube; this could lead to loss of roll control and subsequent reduced controllability of the airplane after takeoff.

DATES: Comments must be received by September 19, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–75–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Beech Aircraft Corporation, Commercial Service Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–75–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–75–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of loss of roll control on the co-pilot's control wheel on a Beech Model 400A airplane shortly after takeoff. Investigation revealed that the rod end of the control push rod of the co-pilot's spoiler flight control system had disengaged from the threaded end of the push rod tube at the center bellcrank. Further investigation revealed that a rivet was missing from both the pilot's and co-pilot's control push rod; this rivet secures the rod end that is threaded onto the control push rod. Additionally, the rod end on the opposite end of the control push rod was loose. These conditions, if not corrected, could result in disengagement of the push rod end from the push rod tube. This could lead to reduced controllability of the airplane after takeoff.

The FAA has reviewed and approved Beechcraft Safety Communique 400A–113, dated March 1995, which describes procedures for a one-time detailed visual inspection to verify if the securing rivet is installed on the control push rods of the spoiler flight control system, and an inspection to verify if the jam nut is secure on the opposite control rod end.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time detailed visual inspection to verify if the securing rivet is installed on the push rods of the spoiler flight control system, and an inspection to verify if the jam nut is secure on the opposite rod end. The actions would be required to be accomplished in accordance with the safety communique described previously. If any discrepancy is found, the repair would be required to be accomplished in accordance with a method approved by the FAA.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of

compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

There are approximately 96 Model 400A airplanes of the affected design in the worldwide fleet. The FAA estimates that 73 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $35,040, or $480 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Beech Aircraft Corporation: Docket 95–NM–75–AD.

Applicability: Model 400A airplanes, serial numbers RK–1 through RK–96 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane after takeoff, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, perform a detailed visual inspection to verify if the securing rivet is installed on the control push rods of the spoiler flight control system, and an inspection to verify if the jam nut is secure on the opposite rod end, in accordance with Beechcraft Safety Communique 400A–113, dated March 1995. If any discrepancy is found, prior to further flight, repair in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 4, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–19774 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–83–AD]

Airworthiness Directives; Boeing Model 747SP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747SP series airplanes. This proposal would require modification of the escape slide/raft on Door 2 of the airplane. This proposal is prompted by reports indicating that the escape slide/raft on Door 2 deployed onto the wing of the airplane and did not inflate automatically. The actions specified by the proposed AD are intended to ensure that the escape slide/raft on Door 2 inflates automatically so that passengers are able to exit the airplane through Door 2 in the event of an emergency evacuation.

DATES: Comments must be received by October 4, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–83–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from BFGoodrich Company, Aircraft Evacuation Systems, Department 7916, Phoenix, Arizona 85040. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Monica Nemecek, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington

98055–4056; telephone (206) 227–2773; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–83–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–83–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that, during an annual check, the escape slide/raft on Door 2 of a Boeing Model 747SP series airplane deployed onto the wing of the airplane, but did not inflate automatically. Investigation revealed that the firing lanyard was not being pulled from the regulator actuator assembly because the bottle and bottle pouch were trapped on the wing by the remainder of the slide/raft pack bundle. This condition, if not corrected, could result in the inability of passengers to exit the airplane through Door 2 in the event of an emergency evacuation.

The FAA has reviewed and approved BFGoodrich Service Bulletin 7A1255–25–275, dated February 25, 1994, which describes procedures for modification of the escape slide/raft on Door 2. The modification entails adding a four-inch (10.2 cm) extension to the bottle pouch hanger, installing a lanyard lever (force intensifier) on the firing lanyard, and enhancing the packing instructions for the unit. Accomplishment of the modification will provide more reliable automatic inflation of the Door 2 slide/raft.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the escape slide/raft on Door 2 of the airplane. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that, although this action addresses a problem associated with a component and not specifically with the airplane itself, the proposed AD would be applicable to the airplane model (Boeing Model 747SP's, in this case) rather than to the discrepant component (BFGoodrich slide/rafts, in this case). The FAA's general policy is that, when an unsafe condition results from the installation of an appliance or other item that is installed in only one particular make and model of aircraft, the AD is issued so that it is applicable to the aircraft, rather than the item. Making the AD applicable to the airplane model on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. It is for this reason that this proposed AD would be applicable to Model 747SP's rather than to the BFGoodrich evacuation system. Additionally, calling out the airplane model as the subject of the AD prevents ''unknowing non-compliance'' on the part of the operator.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

There are approximately 45 Model 747SP series airplanes of the affected design in the worldwide fleet. The FAA estimates that 12 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $259 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,548, or $379 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 95–NM–83–AD.

Applicability: Model 747SP series airplanes equipped with BFGoodrich evacuation systems identified in BFGoodrich Service Bulletin 7A1255–25–275, dated February 25, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of passengers to exit the airplane through Door 2 in the event of an emergency evacuation, accomplish the following:

(a) Within 36 months after the effective date of this AD, modify the escape slide/raft on Door 2 in accordance with BFGoodrich Service Bulletin 7A1255–25–275, dated February 25, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 4, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–19775 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–13–U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Requirements for Labeling of Retail Containers of Charcoal; Proposed Amendments

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.[1]

SUMMARY: Under the Federal Hazardous Substances Act, the Commission is proposing a rule to change the required labeling for retail containers of charcoal intended for cooking or heating. The labeling addresses the carbon monoxide hazard associated with burning charcoal in confined spaces. The proposed amendments, which include a pictogram, are intended to make the label more noticeable and more easily read and understood and to increase the label's ability to motivate consumers to avoid burning charcoal in homes, tents, or vehicles.

DATES: Comments on the proposal should be submitted no later than October 24, 1995.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 502, 4330 East-West Highway, Bethesda, Maryland 20814–4408, telephone (301) 504–0800.

FOR FURTHER INFORMATION CONTACT: Sharon White, Project Manager, Division of Human Factors, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0468 ext. 1286.

SUPPLEMENTARY INFORMATION:

A. Background

1. Relevant Statutes and Regulations. Since its creation in 1973, the Consumer Product Safety Commission (''Commission'' or ''CPSC'') has administered the Federal Hazardous Substances Act (''FHSA''), 15 U.S.C. 1261–1278. Prior to that time, the FHSA was administered by the Food and Drug Administration (''FDA'').

The FHSA defines ''hazardous substance'' as including any ''substance or mixture of substances which (i) is toxic * * * if [it] may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use. * * *'' Section 2(f)(1)(A) of the FHSA, 15 U.S.C. 1261(f)(1)(A). Hazardous substances are misbranded if they do not bear the labeling required by section 2(p)(1) of the FHSA, 15 U.S.C. 1261(p)(1).

Section 3(b) of the FHSA, 15 U.S.C. 1262(b), authorizes the Commission to issue regulations establishing variations from or additions to the labeling required under section 2(p)(1) if the Commission finds that the requirements of section 2(p)(1) are not adequate for the protection of the public health and safety in view of the special hazard presented by any particular hazardous substance. Rulemaking under section 3(b) is conducted under the informal notice and comment procedure provided in 5 U.S.C. 553.

In addition, section 3(a) of the FHSA, 15 U.S.C. 1262(a), authorizes the Commission to issue regulations declaring products to be hazardous substances if the Commission finds they meet the definition of hazardous substance in section 2(f)(1)(A). The purpose of this authority is to avoid or resolve uncertainty as to the application of the FHSA. 15 U.S.C. 1262(a).

In 1970, the FDA proposed a rule under sections 3(a) and 3(b) of the FHSA to require a statement on packages of charcoal intended for household use that would warn of the potentially deadly hazard of carbon monoxide (''CO'') poisoning from breathing the combustion products of charcoal when used in a confined area. 35 FR 13887 (September 2, 1970). In 1971, FDA issued a final rule that is currently codified in 16 CFR 1500.14(b)(6). That section requires the following borderlined label on containers of charcoal for retail sale and intended for cooking or heating:

BILLING CODE 6355–01–P

[1] The Commission voted 2–1 to propose this rule. Chairman Ann Brown and Commissioner Thomas H. Moore voted for the proposal; Commissioner Mary Sheila Gall voted against the proposal. Separate statements by each commissioner are available from the Office of the Secretary.

WARNING: Do Not Use for Indoor Heating or Cooking Unless Ventilation is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death.

BILLING CODE 6355–01–C

The current label is required to appear on both the front and back panels of bags of charcoal, in the upper 25% of the panels, at least 2 inches below the seam, at least 1 inch above any other reading material or design element of the bag, and in specified minimum type sizes.

2. Nature of the hazard. [6, Tab B][2] CO is produced by the incomplete combustion of fuels such as charcoal. The level of CO produced from burning charcoal may accumulate to toxic levels in closed environments. CO is a colorless, odorless gas which reduces the blood's ability to carry oxygen by reacting with hemoglobin to form carboxyhemoglobin (COHb). The symptoms of CO poisoning range from nausea to death. Each individual's reaction to CO exposure varies, depending on several factors including age, health status, or smoking habits. Due to the nonspecific nature of the symptoms that can be associated with CO poisoning (e.g., fatigue, lethargy, dizziness, or diarrhea), misdiagnoses of both acute and chronic CO poisonings can be expected. Additionally, CO is odorless, which may contribute to individuals frequently being unaware of their exposure to CO.

3. Petition from Barbara Mauk. On October 12, 1990, CPSC received a letter from Barbara Mauk petitioning the Commission to amend the current label on bags of charcoal. [1] In this letter, the petitioner cited an incident that occurred when she and her son were camping 1 year previously. After grilling food outside her camper and before retiring for the night, she brought the grill inside the camper. She assumed that the charcoal was extinguished, even though the grill was still warm. Two days after the incident, she and her son were found. Her son died from CO poisoning, and she was hospitalized and treated for CO poisoning. Ms. Mauk stated that she knew that CO has no odor and can be lethal, but she did not know that charcoal can produce CO. She stated that had she known this, she would have taken the precaution of making sure the coals were out or left the grill outside. The petition (No. HP 91–1) requested that the current label on bags of charcoal be revised to state that: (1) Charcoal produces CO (and if applicable, other lethal or toxic fumes), (2) charcoal produces fumes until the charcoal is extinguished, and (3) CO has no odor.

On December 22, 1992, the Commission voted to grant the petition as to the statements that charcoal produces CO and that CO has no odor, and deny the petition as to adding statements that charcoal produces these fumes until the charcoal is completely extinguished. [2] The Commission also voted to improve the label's precautionary language, specifically with reference to ventilation.

4. Subsequent actions by the Commission. In 1993, the Commission's staff became aware of data that indicated that a pictogram is needed to communicate the safety message to those who do not read English. [6, Tab E(1)] Further, an article, discussed below in section B of this notice, reported that 73% of the victims in one area over an 11-year period were members of ethnic minorities, many of whom were Hispanic or Asian immigrants who could not speak English. [3]

On April 22, 1994, the staff met with industry to present staff's recommendations for revising the warning label on packages of charcoal. Industry indicated a willingness to revise the warning label, but raised a number of concerns. [6, Tab F] These concerns were considered in developing the label.

On June 1, 1994, the Commission directed the staff to prepare, for the Commission's consideration, a draft notice of proposed rulemaking (''NPR'') to amend the labeling currently required for packages of charcoal to warn of the dangers of burning charcoal indoors. The proposed label would: (1) Clarify the dangers of burning charcoal indoors; (2) remove the possibly misleading statement that implies that charcoal can be safely burned indoors with ''ventilation;'' (3) add color to the signal word panel; (4) include a pictogram, if feasible; (5) include a Spanish safety message if a pictogram is not feasible; and (6) include additional features recommended by the staff to make the safety messages more conspicuous and understandable.

On April 13, 1995, staff met with industry again to present the results of the pictogram tests and staff's current recommendations for revising the warning label on packages of charcoal. [6, Tab F] The changes to the recommended warning label reflected, for the most part, concerns industry representatives raised at the April 1994 meeting. After considering the additional comments received at the April 1995 meeting, the staff recommended a label to the Commission. The staff also described possible variations of that label for the Commission's consideration. The label the Commission decided to propose, and the reasons the various features of the label were chosen, are described in section D of this notice.

B. CO Poisoning Incidents

The Commission's Division of Hazard Analysis examined available data concerning CO poisoning incidents. [6, Tab C] That Division estimates that there was an average of about 26 non-fire CO-related deaths per year associated with charcoal grills and hibachis from 1986 to 1991.[3] (The annual estimate of non-fire CO deaths fluctuates, with no discernible pattern.) Data from the CPSC's National Electronic Injury Surveillance System (''NEISS'') indicate that there was an average of about 400 emergency-room-treated injuries involving charcoal grills and hibachis annually from 1980 to 1993.

Hazard Analysis staff reviewed 103 incident reports involving CO deaths and injuries associated with charcoal for the years 1986 to 1994. There were 164 victims reported in the incidents: 111 died and 53 recovered. Most of the victims were males who were exposed to CO while sleeping. Eighty-seven of the 164 victims were members of ethnic minorities, and slightly more than half of these were reported to be Hispanic. The data provide some indication that many of the Hispanic victims, particularly those who were foreign-born, were of a low socioeconomic status. The English language literacy for most of these victims was not reported. However, three reports indicated that a Spanish translator was present during the investigation. Information about the victims' awareness of the potential for CO poisoning from burning charcoal indoors was not available for most of the incidents.

More than half (65) of the incidents involved a charcoal barbecue grill or hibachi. Information on the safety labeling on the packages of the charcoal involved in most of these incidents was not available. However, the Commission's Office of Compliance has no record of opening a case based on a violation of the charcoal special labeling

[2] Numbers in brackets indicate the number of a document as listed in the List of Relevant Documents in Appendix 1 to this notice.

[3] As noted above, CO is produced as a product of incomplete combustion. The term ''non-fire'' means that the CO was not produced as the result of a conflagration or other unintended open flame.

requirement, and there is no reason to believe that the packages of charcoal involved in these incidents did not bear labels warning of the CO hazard.

Half of the incidents occurred when the victims burned charcoal in their homes or in areas being used for living purposes. There were 52 cases where it was reported that victims used charcoal to keep warm. In nine incidents, there was an indication of an attempt to provide some ventilation. Most of the incidents occurred during the fall and winter.

An article prepared by Hampson, N.B. et al. (1994), reports that 79 victims were treated for CO poisoning resulting from burning charcoal indoors in the Seattle, Washington, area between October 1982 and October 1993. [3] Fifty-eight (73%) of the victims were members of ethnic minorities, many of whom were Hispanic or Asian immigrants who could not speak English. There was no information available, however, documenting whether they could read English.

C. The Pictogram

The CPSC staff, a charcoal manufacturer, and Dr. Neil B. Hampson of Washington State each developed a pictogram. [6, Tab E(2)] Each pictogram was tested according to ANSI Z535.3, American National Standard for Criteria for Safety Symbols.

The pictogram developed by CPSC staff obtained the highest percentage of correct responses in the first round of testing. This pictogram achieved 56% correct responses, with 4% critical confusion. (Critical confusion is where the message conveyed contradicts the intended message.)

Based on findings from the test results, the three pictograms were revised and presented for a second round of testing. The revised pictogram developed by a charcoal manufacturer obtained the highest percentage of correct responses in this round of testing (74% correct responses, with no critical confusion).

The ANSI Z535.3 test method recommends that, to be selected, a pictogram should obtain 85% correct responses with a maximum of 5% critical confusion. In this case, however, the staff believes that, for the following reasons, it is appropriate to use the pictogram that scored highest [6, Tab E(1)]:

1. Stringent criteria were used to select the subjects, which helps to assure a rigorous test. Fifty subjects were tested (50% Hispanics who did not read English and were at or below the poverty level, and 50% people who do read English and were below the median income). No middle or upper income people were included in the test.

2. Had the pictogram been tested in context (i.e., on bags of charcoal), the 85% level might have been attained.

3. The 74% correct responses for the pictogram chosen does not differ greatly from the 85% ANSI criterion. Furthermore, the tested pictogram had no critical confusion in the responses, while ANSI allows 5%. This is significant because a person who believed that the pictogram meant that it was appropriate to burn charcoal indoors could be more likely to do so.

Staff previously recommended that if the pictograms did not adequately communicate the safety message, the safety message should be presented in both English and Spanish. As discussed above, the Commission concludes that the pictogram does adequately convey the message. However, according to the contractor who administered the test, a clinical psychologist who regularly works with low-income Hispanics, many in the target population are unable to read either English or Spanish. [6, Tab E(2)] Therefore, a safety message in Spanish instead of a pictogram would not necessarily reach those Hispanics who do not read English.

Additionally, while the largest single group of minority victims identified in the CPSC data is Hispanic, others, most notably Asian immigrants who do not read English or Spanish, would not be informed by a label in Spanish.

Accordingly, a pictogram appears to be the most effective measure to address those who do not read English. The Commission does not believe that a label that combines both English and Spanish warning statements with a pictogram is warranted. For the reasons discussed above, the Commission cannot conclude in this case that such a label would be significantly more effective than one combining a pictogram and a warning statement in English. Furthermore, including both languages and a pictogram on the label would increase the size of the label, with potential adverse economic effects on the industry. See the discussion of label size below in section E of this notice.

A charcoal grill manufacturer objected to some features in the depiction of the grill in the pictograms that were tested. [7] The manufacturer stated that the depiction of a grill with three legs and a semi-ellipsoid shaped kettle, as in the tested pictogram, violated registered trademarks of its brand of grill. The Commission's Human Factors staff concluded that a pictogram that depicted a grill with four legs and a shallower shape of the kettle would communicate the idea of a charcoal grill at least as well as the tested version. Accordingly, the proposed pictogram differs from the most successful one tested in those regards. The fact that the Commission is proposing these changes from the tested pictogram should not be interpreted as an opinion on the validity of the relevant trademarks or as a waiver of any right in the nature of ''fair use'' that the Government may have to use a trademark without authorization.

During the development of the proposed label, the Commission's staff discussed with industry whether the pictogram should appear above or to the side of the warning statement. Industry noted that allowing the pictogram to be beside the warning statement would reduce the vertical height of the revised label. As discussed below, increasing the minimum allowed height of the label can have an adverse economic effect on producers of bags for charcoal. The Commission's staff also concluded that placing the pictogram to the left of the warning statement will make the label more appealing visually and thus more effective. Accordingly, the Commission is proposing to require the pictogram to be adjacent to, and to the left of, the warning statement.

D. The Warning Statement

The Commission proposes that the revised label should explicitly state: ''CARBON MONOXIDE HAZARD—Burning charcoal indoors can kill you. It gives off carbon monoxide, which has no odor. NEVER burn charcoal inside homes, vehicles, or tents.'' The rationale for the revisions to the label is discussed briefly below [6, Tab E(1)].

Statement of Hazard. To motivate consumers to comply with the label, it is important that the label explicitly state the hazard, i.e., that burning charcoal indoors can kill due to the production of CO. Thus, the label states ''CARBON MONOXIDE HAZARD.''

An early draft of the label used the term ''CARBON MONOXIDE POISONING.'' This was changed because industry claimed that the term could be interpreted by some consumers as inaccurately warning that charcoal cooking could poison food.

Statement of Consequences. The phrase ''cause death'' in the current label should be replaced by the more personal phrase ''can kill you.'' Research indicates that personalizing the warning will make it difficult for users to conclude that the warning is not directed at them and, therefore, that it is not important to comply with the warning.

Statement of How to Avoid Hazard. The label should clearly state the action to be taken or avoided. Thus, the label should be revised to state ''NEVER burn charcoal inside homes, vehicles, or tents.'' The current statement, ''Do Not Use for Indoor Heating or Cooking Unless Ventilation Is Provided for Exhausting Fumes to Outside,'' may be dangerously misleading. It may incorrectly convey to the user that it is safe to burn charcoal indoors if some sort of ventilation is provided. Even if charcoal is burned in areas where there is some ventilation, CO may not be reduced to safe levels.

An industry member stated that advising users that they should never burn charcoal indoors was unnecessary and too stringent. He cited the example of restaurants, and some home owners, that cook indoors with charcoal under a hood with ducting and a high-capacity exhaust fan to expel the CO to the outside. He also expressed the fear that changing the wording of the label would make users think there had been some change in the product that made it more dangerous.

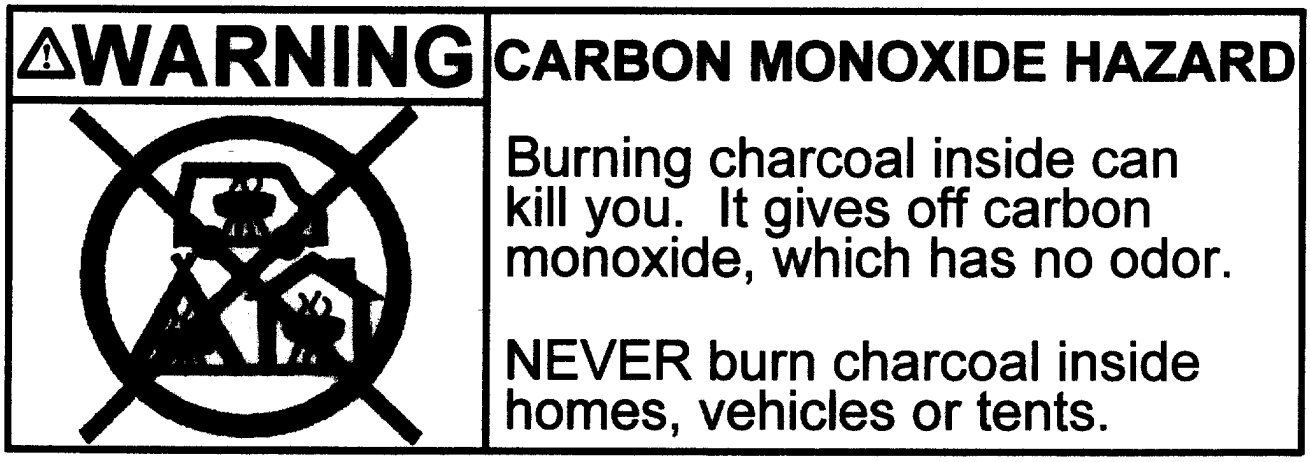
The Commission does not believe that persons who have gone to the trouble and expense of installing a powered exhaust hood specifically so they can cook indoors with charcoal are going to think the label applies to them (except to the extent they should be sure the exhaust system is operating properly). The Commission concludes that including language on the label to indicate that charcoal can be burned indoors if such an exhaust system is used would dilute the primary safety message and confuse consumers who did not have such a system.

Marketers of charcoal may provide additional explanatory material about the statement to never use charcoal in homes. And, the label statement could even be asterisked or footnoted to draw attention to such material. However, such explanatory material must not negate the content of the warning for persons without such specialized equipment. To do so would violate the prohibition against deceptive disclaimers at 16 CFR 1500.122. In addition, packages of charcoal that are supplied only to restaurants and other commercial establishments are not required to comply with the FHSA, and are not subject to the requirements for either the current label or the proposed revised label.

This industry member also stated that it was safe to burn charcoal in a fireplace that has a chimney with an open flue. However, the Commission has information indicating that burning charcoal in a fireplace may not create a chimney draft sufficient to exhaust CO to the outside. [11] Accordingly, based on the presently available information, the Commission concludes that including a statement that charcoal can be burned in fireplaces would constitute a prohibited deceptive disclaimer. The Commission seeks comment on this issue, including specific data on whether, and under what conditions, charcoal can safely be burned in a fireplace.

Recommended Revised Label. For the reasons stated above, and elsewhere in this notice, the Commission proposes that the label currently required on packages of charcoal be revised to appear and read as follows:

BILLING CODE 6355–01–P



BILLING CODE 6355–01–C

E. Other Features of the Label

Conspicuousness of the Safety Messages. The Commission's Human Factors staff concluded that, as a matter of optimum label design, it would be desirable for the label to be consistent with the ANSI Z535.4, American National Standard for Product Safety Signs and Labels. That standard specifies that the signal word ''WARNING'' should be written in black lettering surrounded by an orange background. The signal word should also be placed at the top of the label and be preceded by the hazard alert symbol.

Under the ANSI standard for safety labels, the label should also be surrounded by a black borderline, which in turn should be surrounded by a white border to make the label more distinct. The Human Factors staff also recommended that the lettering of the warning statement be in black on a white background, to maximize readability. In addition, they recommended that the ''X'' on the pictogram be red, to achieve the maximum visual impact and warning effect.

The charcoal-bag industry, however, pointed out that this optimum label would require the bag to have a minimum of four colors: red, orange, black, and white. The industry stated that many of the printing presses for charcoal bags have the capability of printing only six colors, and that presses capable of printing more than six colors are very expensive. Generally, most bags already have at least six colors, and the presently-used colors often do not include one or more of the colors that would be required by the ''optimum'' label described above. Industry members stated that customers may consider the color scheme of a product to be part of its brand identification. For the reasons given by the industry, the Commission is proposing to not use the

colors specified by ANSI and described above. Thus, the proposed label will not change the present requirement that the label shall be in a ''color sharply contrasting with the background'' and that the borderline shall be ''heavy.'' Examples of color combinations that the Commission's staff considers to be sharply contrasting, in order of expected visual efficiency, are: black on white; black on yellow; white on black; dark blue on white; white on dark red, green, or brown; black on orange; dark green and red on white; white on dark gray; and black on light gray. [9] Examples of colors that may not be considered sharply contrasting are: black on dark blue or dark green, dark red on light red, light red on reflective silver, and white on light gray or tan. See 16 CFR 1500.121(d).

Processing Safety Messages. To make the label easier to read and understand, the Commission proposes that the messages be presented concisely and in an outline form, be presented in a horizontal format, be left-justified with a ragged right margin, be in upper and lower case lettering, be in the appropriate point-type, have an acceptable strokewidth-to-height ratio, and have sufficient space between lines of text. [6, Tab E(1)]

Type Size. The Commission's Human Factors staff determined that in order for the label's type to be legible and conspicuous, 18-point type would be required. [6, Tab E(1)] Thus, the proposed revision specifies 18-point type (3/16 inches) as the minimum allowable type size for the safety messages. The signal word shall be in at least 27-point type (9/32 inches).

Label Size. When the minimum specified type sizes are laid out in the configuration specified in the proposed revised label, the label is 2 inches high. Accordingly, this is the minimum allowable height of the label, and this size is suitable for the smallest-size bags of charcoal presently marketed (2.5 lb.).

An industry member raised the question of whether the label can or should be proportionately larger for larger-size bags. The Commission recommends that larger bags use larger labels to the extent feasible. The Commission solicits comment on whether it should, in the final rule, require that labels be proportionately larger for larger bags. If the Commission requires proportionately larger labels, it could require larger type sizes for specified ranges of the area of the front and back panels of the package. Comment is solicited on the appropriate parameters and on the potential economic effects of larger labels on larger bags.

The proposed revised label is taller than the currently required label. The current label is required to be at least 2 inches from the top seam. In order to maintain this required distance, the bottom edge of a taller label would have to be lower on the bag. This could interfere with existing graphics, which would then have to be redesigned. This could require additional modifications to printing plates and increase the cost of the proposed label revision, without providing any identifiable safety benefit. Therefore, the Commission is proposing to change the minimum allowable distance from the top seam to the label from 2 inches to 1 inch. This would allow the taller label to be printed without affecting other printing lower on the bag.

The Commission proposes to retain the current requirements that the label must be on both the front and back panels of the bag and in the upper 25% of the panels.

F. Economic and Product Information [6, Tab G]

Charcoal is a solid carbon material made from wood subjected to extremely high temperature. It is available in lump, briquet and powdered forms. To produce charcoal briquets, charcoal is ground, mixed with other ingredients, and pressed into pillow shapes. Lump and briquet charcoal is used as a fuel in cooking and in specialized scientific, industrial and horticultural applications. Recreational cooking consumes approximately 80–90% of charcoal production. Specialized uses account for the remainder of charcoal consumption.

Nearly 800,000 tons of charcoal briquets were sold in 1992. Charcoal briquet sales doubled between 1967 and 1977, were relatively flat during the 1980's, and have shown a slight rise since 1991. The popularity of gas grills may explain the flattening of sales during the 1980's. Charcoal briquet sales account for approximately 80–90% of the annual production of charcoal. Imports comprise less than 1% of the domestic sales of charcoal.

Supermarkets and hardware, discount, drug, and garden supply stores sell charcoal to consumers in a variety of types and packages. Three major types of charcoal briquets are available. One is the standard briquet. Another is the ''instant-light'' briquet, which is impregnated with a flammable substance. The third is a ''flavor additive'' briquet which is produced with an aromatic wood such as hickory or mesquite. Standard briquets generally are sold in multi-walled (multi-layered) 5, 10, 20 and 40-pound paper bags. The instant-light briquets are available in similar 2½, 4, 5, 8, and 15-pound bags. Briquets are also available in single use, wax impregnated, ''light-the-bag'' packages. Lump charcoal, which is pure charcoal, is marketed as a natural product and is available in packaging similar to briquets. Charcoal also may be sold in other sizes of bags or in corrugated boxes depending upon marketing considerations. Based on an informal study of the Washington, D.C. area market, the retail price of charcoal ranges from approximately $.25 to $.75 per pound depending on package size, although the retail price of some specialty charcoal may be higher.

Approximately 10 companies manufacture lump and briquet charcoal in the United States. Several companies import charcoal. According to industry representatives, the top five domestic charcoal manufacturers control an estimated 90–95% of the market, with the leading company controlling approximately 50%. Manufacturers provide lump charcoal and charcoal briquets under an estimated 150 different brand names, most of which are private or ''store'' brands. Relatively few are nationally or regionally marketed brands.

An estimated 47.5 million households own charcoal grills. Based on a survey conducted by the Barbecue Industry Association, the number of ''barbecuing events'' more than doubled over a 10-year period, with an estimated 2.3 billion occurrences in 1991. [5] Based on ownership and usage data obtained through this survey, an estimated 800 million of these barbecuing events used charcoal. These data indicate that there was an estimated average of 17 charcoal barbecuing events per year per household that owned a charcoal grill. It is also estimated that, on average, each of these households uses the equivalent of 3.4 10-pound bags of charcoal per year.

There are approximately 26 deaths and 400 CO-related emergency room-treated injuries associated with the use of charcoal each year. Thus, there was approximately one death for every 1.8 million households owning charcoal grills and one CO injury for every 118,750 households owning charcoal grills. Additionally, there were an estimated 160 million bags of charcoal briquets sold in 1992. Thus, there was approximately one death for every 6.2 million charcoal briquet bags (0.16 deaths per million bags) and one CO injury for every 0.4 million bags (2.5 injuries per million bags).

The Commission estimates that changing the labeling requirements for packages of charcoal has the potential

for substantial benefits to society. Based on the CPSC's injury cost model, the average annual societal cost of an injury from charcoal-related CO poisoning is approximately $10,000. The annual societal cost of these injuries is approximately $4 million, given the estimated 400 such injuries per year. Additionally, there are an estimated 26 deaths per year from charcoal-related CO poisonings. Assuming a statistical value of life of $5 million, these injuries and deaths cost society about $134 million annually. The avoidance of these injuries and deaths represents the maximum potential benefits to society.

The costs to industry of revising the warning label include one-time, start-up expenses and continuous, ongoing expenses. Start-up expenses include the cost of new printing equipment and printing plates, artwork, and negatives. Ongoing expenses relate to the additional color requirements of the recommended warning label.

If the Commission were to mandate the ''optimum'' warning label described above, which includes the additional color requirements, industry representatives have indicated that aggregate start-up expenses for the label could amount to as much as $6 million. Further, the ongoing costs for added colors may be around $4 million per year. If the start-up expenses are amortized over a 5-year period, the costs of the revisions to the warning label may amount to about $5.2 million annually.

However, the Commission is proposing to ease the requirements for the placement of the label on bags of charcoal and to not mandate additional colors. The costs of the proposed revision are estimated to be no more than $1 million in start-up expenses. Easing the recommended color requirements will allow continued use of current printing equipment. Since the revised labeling rule is proposed to have an effective date 12 to 18 months after publication of the final rule, no additional burden to industry should result. This time should allow firms to use up existing inventories of printed bags. If any preprinted bags remain unfilled at that time, the costs of not using these bags and of discarding them are not expected to be significant.

Benefits to society from the new label would exceed costs at 1% effectiveness if, as proposed, additional colors are not required and the current label position requirements are eased. If the label was required to contain the four specified colors and the position requirements of the label were not eased, as in the ''optimum'' label described above, the label would need to be about 4% effective in order for benefits to exceed costs.

G. Effective Date

The rule applies only to filled containers of charcoal. Marketers of charcoal, however, have indicated that it is not unusual to have an inventory of printed bags that would take 1 or 2 years to use up. These marketers would prefer that the revised requirement relate to the date the bag or other container was printed, so that all existing inventories could be used. This approach would be impractical for the Commission to enforce, however, since the staff would have to determine not only when the bag of charcoal was filled, but when the bag was printed. Accordingly, the Commission has decided to specify that the rule applies to all containers of subject charcoal that are filled on or after the effective date.

In order to address the marketers' concern about inventories, however, the Commission proposes that the revised rule will not become effective until sufficient time has passed for the industry to use up most of its current inventory of printed bags. The Commission estimates that this will occur on a date that is 12 to 18 months after the issuance of a final rule. This will provide time to revise the plates needed to print the new label, revise any other plates that may be affected on the bag, conduct consumer acceptance tests if needed, print new bags, and incorporate the new bags into production. It will also provide time for existing inventories of printed bags to be depleted. Of course, manufacturers who order additional printing of bags between now and the effective date of the rule should limit the quantities ordered so that large numbers of bags will not have to be discarded or stickered with the new label. Accordingly, the Commission proposes that the effective date will be at least 12, but not more than 18, months after any final rule is published.

Although there can be no guarantee that any final rule will be the same as the proposed rule, some manufacturers may wish to voluntarily use the revised label before the effective date of a final rule. For such firms, the Commission will, until further notice published in the **Federal Register**, consider labels complying with the proposal as complying with the current requirements of 16 CFR 1500.14(b)(6), as well as with any revised requirements of this section, provided that such labels are brought into full compliance with the final rule as supplies are exhausted.

H. Regulatory Flexibility Act Certification

When an agency undertakes a rulemaking proceeding, the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., generally requires the agency to prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities. The purpose of the Regulatory Flexibility Act, as stated in section 2(b) (5 U.S.C. 602 note), is to require agencies, consistent with their objectives, to fit the requirements of regulations to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulations. Section 605 of the Act provides that an agency is not required to prepare a regulatory flexibility analysis if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The Commission's Directorate for Economic analysis examined the potential effects of the proposed rule on small entities. [6, Tab G] Businesses affected by label-change costs may include charcoal manufacturers (approximately 10 firms), bag suppliers, and firms that own a charcoal brand name (proprietary or private label brands). Industry representatives predict that the bulk of the costs of developing new labels will fall initially on the charcoal manufacturers. As noted above, these costs may include those associated with the development or purchase of new printing plates, printing equipment, artwork, and negatives.

Several private label manufacturers have indicated that they will be disproportionately affected by a label change. These firms package charcoal under a large number of brand names, which may require hundreds of plate changes. According to information currently available, the number of small firms that may be disproportionately affected by a label change is not substantial, as only a few small firms may fall into this category. Easing of the margin and color requirements, as proposed, will substantially reduce these firms' costs. These effects may be further mitigated if the firms are able to pass costs through to their customers or if their plates are near the end of their service life. Costs for other small firms are not expected to be significant, due to the relatively small number of brands and sizes handled by such firms.

The rule should not require small firms to buy new printing presses. Manufacturers would be given enough time to use up existing supplies of printed bags. Bags filled with charcoal

before the effective date are not subject to the revised requirements.

Accordingly, for the reasons given above, the Commission preliminarily certifies that the proposed rule, if issued, would not have significant economic effects on a substantial number of small entities. However, the Commission solicits comments concerning the potential effects of the proposed rule on small firms.

I. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with the proposed rule to revise the warning labels for packages of charcoal. Preliminary analysis of the potential impact of this proposed rule indicates that it would have no significant effects on the environment if the effective date of a rule enables the firms to deplete existing stocks of filled and empty bags. (Some firms have indicated that, depending on the time of the year, they may have as much as a 2-year supply of filled and empty bags.) As previously noted, bags filled before the effective date would not be affected by the proposed rule. Even if some old inventory of bags remains and cannot be restickered, the environmental consequences would not be major.

Therefore, because the proposed rule would have no significant impact on the environment, neither an environmental assessment nor an environmental impact statement is required.

J. Conclusion

For the reasons discussed above, the Commission preliminarily concludes that the labeling required by section 2(p)(1) of the FHSA for packages of charcoal is not adequate for the protection of the public health and safety, in view of the special hazard of CO poisoning presented by using charcoal in a confined area. The Commission preliminarily finds that the additional label requirements in the proposed revised label are necessary for the protection of the public health and safety and proposes to issue such requirements under the authority of section 3(b) of the FHSA, 15 U.S.C. 1262(b).

Effective Date

The Commission proposes to make the final rule effective on a date that is 12 to 18 months after it is published in the **Federal Register**, as to charcoal intended for cooking or heating that is placed in containers for retail sale on or after that date.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law Enforcement, Toys.

For the reasons given above, the Commission proposes to amend 16 CFR part 1500 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority citation for part 1500 is revised to read as follows:

Authority: 15 U.S.C. 1261–1278.

2. Section 1500.14 is amended by revising the borderlined label statement in paragraph (b)(6)(i) and paragraph (b)(6)(ii) as follows:

§ 1500.14 Substances requiring special labeling under section 3(b) of the act.

* * * * *

(b) * * *

(6) * * *

(i) * * *

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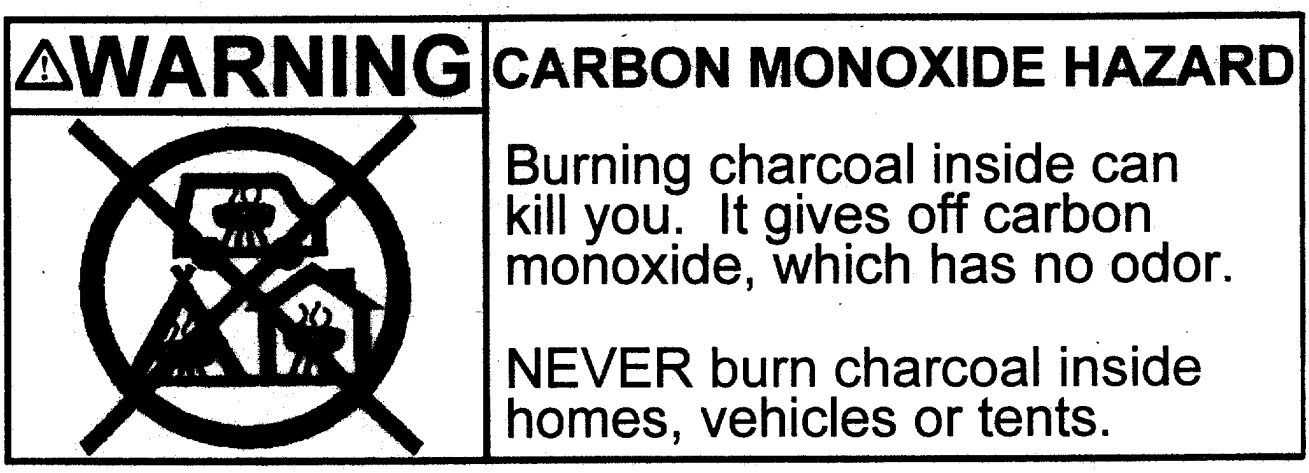

BILLING CODE 6355–01–C

(ii) For bags of charcoal, the label specified in paragraph (b)(6)(i) of this section shall appear within a heavy borderline in a color sharply contrasting to that of the background, on both the front and back panels in the upper 25 percent of the panels of the bag, at least 1 inch below the seam and at least 1 inch above any reading material or design elements. The signal word ''WARNING'' shall be in capital letters in at least 27-point (7.14 mm, 9/32 inch) type. The remaining text of the warning statement shall be in at least 18-point (4.763 mm, 3/16 inch) type. The lettering shall have a strokewidth-to-height ratio of from 1:6 to 1:8, and the spacing between the bottom of the letters of one line of the statement of consequences and the statement of how to avoid the hazard and the top of the letter of the next line of that statement shall be about one-fourth of the height of the type size. The label shall be at least 50.8 mm (2 inches) high. The label's lettering and pictogram shall have the size relation to each other and to the remainder of the label as shown in paragraph (b)(6)(i) of this section.

* * * * *

Dated: August 1, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix 1—List of Relevant Documents

(**Note:** This list of relevant documents will not be printed in the Code of Federal Regulations.)

1. Petition HP 91–1 from Barbara Mauk.
2. Letter to Barbara Mauk from Sadye E. Dunn, CPSC, January 28, 1993.
3. Hampson, N.B. et al., *JAMA* (January 5, 1994).
4. Cost information from industry.
a. The Clorox Company (Kingsford), P.O. Box 493, Pleasanton, CA 94566.
b. King and Spalding, representing Royal Oak Enterprises, Inc., 1730 Pennsylvania Ave. N.W., Washington, D.C. 20006.
c. Hickory Specialties, Inc., P.O. Box 1669, Brentwood, TN 37024.
5. Barbecue Industry Association survey. Barbecue Industry Association, 710 East Ogden, Suite 113, Naperville, IL 60563.
6. Briefing package dated July 6, 1995, with Tabs A–H.
TAB A—Background Information on Charcoal Labeling in Briefing Package memo dated May 18, 1994 accompanied by FDA's Notices of Proposed and Final Rulemaking dated September 2, 1970, and August 11, 1971, and Petition for Amending Labeling Requirements for Charcoal Intended for Household Use, dated October 12, 1990.
TAB B—Memorandum from Laureen E. Burton of Directorate for Health Sciences to Sharon R. White, entitled ''Carbon Monoxide Toxicity Review for the Charcoal Labeling Project,'' dated March 8, 1994.
TAB C Memorandum from Leonard Schachter Directorate for Epidemiology, Division of Hazard Analysis to Sharon R. White, entitled ''Charcoal Labeling Project,'' dated December 12, 1994.
TAB D—Memorandum from Charles M. Jacobson of Office of Compliance and Enforcement to Susan E. Womble, entitled ''Compliance Experience with Current FHSA Labeling Requirements for Charcoal Briquets,'' dated April 30, 1992.
TAB E—1. Memorandum from Sharon R. White of Directorate for Engineering Sciences, Division of Human Factors to The File entitled, ''Proposed Revisions to Labeling Requirements for Packages of Charcoal'' dated June 15, 1995.
2. Memorandum from George Sweet of Directorate for Engineering Sciences, Division of Human Factors to Sharon R. White entitled, ''Pictogram Testing for Warning Labels on Charcoal Bags,'' dated June 12, 1995.
TAB F—Logs of Industry Meetings on (1) April 22, 1994, and (2) April 13, 1995.
TAB G—Memorandum from Mary F. Donaldson of Directorate of Economic Analysis to Sharon R. White, entitled ''Economic Analysis of a Revision to Charcoal Labeling,'' dated June 22, 1995.
TAB H—Draft **Federal Register** Notice—Notice of Proposed Rulemaking.
7. Letter from James C. Stephen, President, Weber-Stephen Products Co., to Sharon R. White, CPSC, May 11, 1995.
8. Letter from Harleigh Ewell, CPSC, to James C. Stephen, President, Weber-Stephen Products Co., June 29, 1994.
9. Woodson, W.; Tillman, B.; and Tillman, P., 1992.
10. ANSI Z535.3–1991, American National Standard for Criteria for Safety Symbols.
11. Perry, E., and Neily, M. (1985). Burning Charcoal Briquettes in a Fireplace. U.S. Consumer Product Safety Commission, Washington, DC.
12. Letter from Leonard S. Gryn, Executive Vice President, Weber-Stephen Products Co., to Harleigh Ewell, CPSC, July 5, 1995.

[FR Doc. 95–19357 Filed 8–9–95; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO–26–95]

RIN 1545–AT55

Treatment of Underwriters in Section 351 and Section 721 Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document proposes rules for transfers of cash to a corporation or a partnership. The proposed regulations will affect taxpayers in transactions intended to qualify under section 351 and section 721 when there is an offering of stock or partnership interests through an underwriter. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by November 8, 1995. Requests to speak at the public hearing scheduled for Wednesday, January 17, 1996, at 10 a.m., with outlines of oral comments, must be received by Wednesday, December 27, 1995.

ADDRESSES: Send submissions: CC:DOM:CORP:T:R (CO–26–95), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:T:R (CO–26–95), Courier's Desk, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The hearing will be held in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulation under section 351(a), Susan T. Edlavitch, (202) 622–7750; concerning the proposed regulation under section 721(a), Brian J. O'Connor, (202) 622–3060; concerning submissions and the hearing, Mike Slaughter, (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Section 351(a) provides that no gain or loss is recognized if property is transferred to a corporation by one or more persons solely in exchange for stock in the corporation and immediately after the exchange the person or persons are in control (as defined in section 368(c)) of the corporation.

Section 721(a) provides that no gain or loss is recognized to a partnership or to any of its partners in the case of a contribution of property to the partnership in exchange for an interest in the partnership.

Rev. Rul. 78–294, 1978–2 C.B. 141, involves the incorporation of an existing sole proprietorship by an individual to raise capital through a public offering. The individual sought the assistance of an underwriter. In accordance with the plan, the individual organized a new corporation, which had capital stock of 1,000 authorized but unissued shares.

Situation 1 describes a transaction that was considered to fall within the general definition of a ''best efforts'' underwriting. Pursuant to an agreement among the individual, the new corporation, and the underwriter, the individual transferred all the business property to the new corporation in exchange for 500 shares of stock. The underwriter agreed to use its best efforts as an agent of the corporation to sell the 500 unissued shares to the general public at $200 per share. The underwriter succeeded in selling the stock within two weeks of the initial offering with no change in the terms of the offering.

Situation 2 describes a transaction that was considered to fall within the general definition of a ''firm commitment'' underwriting. Pursuant to an agreement among the individual, the new corporation, and the underwriter, the individual transferred all the business property to the new corporation in exchange for 500 shares of stock, and the underwriter transferred $100,000 in cash to the new corporation in exchange for the remaining 500 shares. At the time of the underwriter's purchase, the underwriter had not entered into a binding contract to dispose of its stock in the new corporation. However, the underwriter intended to sell its 500 shares, but, if unsuccessful, was required to retain them. Following the exchanges, the underwriter sold its 500 shares of stock in the new corporation to the general public within two weeks of the initial offering. The individual retained the

500 shares of stock in the new corporation.

In Situation 1, the ruling holds that the individual who transferred the business property to the corporation and the investors in the public offering were co-transferors in a single transaction that qualified under section 351. In Situation 2, the ruling holds that the firm commitment underwriter was a transferor along with the individual and that their control was not defeated by the subsequent resale of 50 percent of the stock in the public offering.

The IRS and Treasury believe that Situation 2 of Rev. Rul. 78–294 does not reflect current underwriting practices. In addition, the IRS and Treasury believe that underwritings of partnership interests should be treated similarly to underwritings of stock. Further, the proposed regulations are necessary to prevent inappropriate imposition and inappropriate avoidance of tax.

The proposed regulations, under certain circumstances, disregard underwriters of stock and partnership interests for purposes of section 351 and section 721. The proposed treatment of underwriters is similar to their treatment under § 1.382–3(j)(7) and § 1.1273–2(e).

Explanation of Provisions

Proposed Amendment Adding § 1.351–1(a)(3)

This document proposes to add § 1.351–1(a)(3) to 26 CFR part 1. The proposed regulation provides that, for the purpose of section 351, if a person acquires stock from an underwriter in exchange for cash in a qualified underwriting transaction, the person who acquires the stock from the underwriter is treated as transferring cash directly to the corporation in exchange for the stock and the underwriter is disregarded. A qualified underwriting transaction is a transaction in which a corporation issues stock for cash in an underwriting in which either the underwriter is an agent of the corporation or the underwriter's ownership of stock is transitory. The proposed regulation would render Rev. Rul. 78–294 obsolete. No inference is intended as to transactions not within the scope of the proposed regulation.

Proposed Amendment Adding § 1.721–1(c)

This document proposes to add § 1.721–1(c) to 26 CFR part 1. The proposed regulation provides that, for the purpose of section 721, if a person acquires a partnership interest from an underwriter in exchange for cash in a qualified underwriting transaction, the person who acquires the partnership interest from the underwriter is treated as transferring cash directly to the partnership in exchange for the partnership interest and the underwriter is disregarded. A qualified underwriting transaction is a transaction in which a partnership issues partnership interests for cash in an underwriting in which either the underwriter is an agent of the partnership or the underwriter's ownership of the partnership interests is transitory. No inference is intended as to transactions not within the scope of the proposed regulation.

Comments Solicited

The IRS and Treasury invite public comment on the proposed regulations. In particular, the IRS and Treasury solicit comments on (a) whether the proposed rules should apply for all tax purposes; (b) whether the proposed rules should be limited to underwriters; and (c) whether the proposed rules should be limited to cash transactions.

Proposed Effective Dates

New § 1.351–1(a)(3) and new § 1.721–1(c) are proposed to be effective for qualified underwriting transactions occurring on or after the date of publication as final regulations in the **Federal Register**.

Effect on Other Documents

The following publication would become obsolete as of the date of publication in the **Federal Register** of the final regulations: Rev. Rul. 78–294, 1978–2 C.B. 141.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the Internal Revenue Service. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Wednesday, January 17, 1996, beginning at 10 a.m., in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit written comments, an outline of topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by Wednesday, December 27, 1995.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of these proposed regulations are Susan T. Edlavitch of the Office of Assistant Chief Counsel (Corporate) and Brian J. O'Connor of the Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.351–1 also issued under 26 U.S.C. 351. * * *

Section 1.721–1 also issued under 26 U.S.C. 721. * * *

Par. 2. In § 1.351–1, paragraph (a)(3) is added to read as follows:

§ 1.351–1 Transfer to corporation controlled by transferor.

(a) * * *

(3) *Underwritings of stock*—(i) *In general.* For the purpose of section 351,

if a person acquires stock of a corporation from an underwriter in exchange for cash in a qualified underwriting transaction, the person who acquires stock from the underwriter is treated as transferring cash directly to the corporation in exchange for stock of the corporation and the underwriter is disregarded. A qualified underwriting transaction is a transaction in which a corporation issues stock for cash in an underwriting in which either the underwriter is an agent of the corporation or the underwriter's ownership of the stock is transitory.

(ii) *Effective date.* This paragraph (a)(3) is effective for qualified underwriting transactions occurring on or after the date of publication of the final regulation in the **Federal Register.**

* * * * *

Par. 3. In § 1.721–1, paragraph (c) is added to read as follows:

§ 1.721–1 Nonrecognition of gain or loss on contribution.

* * * * *

(c) *Underwritings of partnership interests*—(1) *In general.* For the purpose of section 721, if a person acquires a partnership interest from an underwriter in exchange for cash in a qualified underwriting transaction, the person who acquires the partnership interest is treated as transferring cash directly to the partnership in exchange for the partnership interest and the underwriter is disregarded. A qualified underwriting transaction is a transaction in which a partnership issues partnership interests for cash in an underwriting in which either the underwriter is an agent of the partnership or the underwriter's ownership of the partnership interests is transitory.

(2) *Effective date.* This paragraph (c) is effective for qualified underwriting transactions occurring on or after the date of publication of the final regulation in the **Federal Register.**

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 95–19447 Filed 8–9–95; 8:45 am]

BILLING CODE 4830–01–U

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26 CFR Part 1

[CO–19–95]

RIN 1545–AT43

Transfers to Investment Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes amendments to regulations relating to transfers to investment companies. The amendments are necessary to clarify existing regulations relating to certain transfers to a controlled corporation. Generally, the regulations will be amended to provide when certain transfers will not cause a diversification of the transferors' interests.

DATES: Written comments and requests for a public hearing must be received by November 8, 1995.

ADDRESSES: Send submissions to: CC:DOM:CORP:T:R (CO–19–95), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:T:R (CO–19–95), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Andrew M. Eisenberg, (202) 622–7790 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document proposes amendments to the Income Tax Regulations (26 CFR part 1) under section 351 of the Internal Revenue Code of 1986. Section 351(a) provides that no gain or loss will be recognized if one or more persons transfer property to a corporation solely in exchange for stock in the corporation and immediately after the exchange the transferors control the transferee corporation. Section 351(e)(1) provides that section 351(a) will not apply to a transfer of property to an investment company.

The rule of section 351(e)(1) was enacted as part of the Foreign Investors Tax Act of 1966, with the goal of preventing individuals from achieving tax-free diversification by the transfer of one or a few stocks or securities to a corporation (referred to as a swap fund). See generally H. Rep. No. 1049, 94th Cong., 2d Sess. (Apr. 27, 1976).

Section 1.351–1(c)(1) states that a transfer to an investment company will occur when (i) the transfer results in diversification of the transferors' interests and (ii) the transferee is a Regulated Investment Company (RIC), Real Estate Investment Trust (REIT), or a corporation more than 80 percent of the value of whose assets (excluding cash and non-convertible debt obligations) are readily marketable stocks or securities. Section 1.351–1(c)(5) provides that a transfer ordinarily results in the diversification of the transferors' interests if two or more persons transfer nonidentical assets to a corporation in the exchange.

As part of the Tax Reform Act of 1976 (the 1976 Act), Congress enacted sections 683(a) and 721(b), which incorporate the section 351(e) rules for transfers to a trust and a partnership, respectively.

The 1976 Act also addressed reorganizations of investment companies by enacting section 368(a)(2)(F). This legislation was intended to prevent the tax-free merger of a closely held corporation holding an undiversified group of assets into a publicly held diversified investment company, resulting in a tax-free diversification of the interests of the target shareholders.

Section 368(a)(2)(F)(i) provides that a transaction between two ''investment companies'' otherwise qualifying as a reorganization will not qualify as a reorganization for any corporation in the transaction that is not a RIC, REIT, or corporation described in section 368(a)(2)(F)(ii). Section 368(a)(2)(F)(iii) defines an investment company as a RIC, REIT, or corporation with at least 50 percent of its assets comprised of stocks or securities and 80 percent of its assets held for investment. A corporation satisfies section 368(a)(2)(F)(ii) if not more than 25 percent of the value of its total assets is invested in the stock and securities of any one issuer and not more than 50 percent of the value of its total assets is invested in the stock and securities of five or fewer issuers. For purposes of the section 368(a)(2)(F)(ii) test, all members of a controlled group of corporations (within the meaning of section 1563(a)) shall be treated as one issuer. Also, a person holding stock in a RIC, REIT, or other investment company (as defined in section 368(a)(2)(F)(iii)) that meets the requirements of section 368(a)(2)(F)(ii) shall be treated as holding its proportionate share of the assets held by the company. Section 368(a)(2)(F)(iv) provides that in determining total assets, certain assets shall be excluded, including cash and cash items (including receivables), Government securities, and assets acquired to meet section 368(a)(2)(F)(ii) or to cease to be an investment company. Section 368(a)(2)(F)(v) provides that section 368(a)(2)(F) shall not apply if the stock of each investment company is owned substantially by the same persons in the same proportions. Section 368(a)(2)(F)(vii) defines securities for purposes of clauses (ii) and (iii) of section 368(a)(2)(F).

Reasons for Change

The IRS wants to clarify that § 1.351–1(c)(5) does not prevent tax-free combinations of already diversified portfolios, and that combinations of already diversified portfolios are not inconsistent with the purposes of section 351(e) (i.e., preventing the tax-free transfer of one or a few stocks or securities to swap funds). For example, RICs often transfer portfolios of investment assets to partnerships under section 721(a) (which is subject to the section 351(e) rules pursuant to section 721(b)). These transactions are appropriately tax-free because the RICs are not transferring one or a few stocks or securities, but rather, the RICs are transferring diversified portfolios of stocks and securities.

Also, the nonidentical asset standard of § 1.351–1(c)(5) is stricter than the test applied for combinations of investment companies under the corporate reorganization provisions (see section 368(a)(2)(F)(ii)). Transfers of certain diversified portfolios to a corporation may be taxable under section 351(e), while the same portfolios could be combined through a merger that may qualify as a tax-free reorganization.

Explanation of Provisions

The proposed amendments to § 1.351–1(c) provide that transfers of assets will not be treated as transfers that result in diversification of the transferors' interests for purposes of § 1.351–1(c)(1)(i) if each transferor transfers assets that satisfy section 368(a)(2)(F)(ii), as modified. Under this rule, no transfers of nonidentical assets to a corporation described in § 1.351–1(c)(1)(ii) will qualify for nonrecognition treatment under section 351 unless each transferor transfers assets that satisfy section 368(a)(2)(F)(ii), as modified.

For purposes of § 1.351–1(c), relevant provisions of section 368(a)(2)(F) will apply to the section 368(a)(2)(F)(ii) test. Those provisions include the controlled group and look-through rules found in clause (ii) (members of a controlled group of corporations are considered as one issuer and persons holding stock in certain investment companies are treated as holding a proportionate share of the investment company's assets), the common ownership rule found in clause (v) (diversification will not be considered to occur if the interests in the assets to be transferred are held substantially by the same persons in the same proportions as the interests in the transferee), and the definition of securities found in clause (vii) (the term securities includes investments constituting a security within the meaning of the Investment Company Act of 1940 (15 U.S.C. 80a–2(36)). The definition of total assets in section 368(a)(2)(F)(iv) will apply, except that Government securities will be included in determining total assets, unless the Government securities are acquired to meet section 368(a)(2)(F)(ii).

The proposed modification of the definition of total assets to include Government securities addresses a problem caused by transfers of funds consisting mostly of Government securities. For example, if 95 percent of a money market fund's assets are invested in Government securities and five percent are invested in the stock of corporation *X*, the Government securities would not be treated as securities (see section 368(a)(2)(F)(vii)) and, without the modification, would be excluded from total assets for purposes of the 25 and 50 percent test of section 368(a)(2)(F)(ii). As a result, the unmodified test would treat 100 percent of the fund's assets as *X* stock and the fund would not satisfy the 25 and 50 percent test of section 368(a)(2)(F)(ii). The modified test would include Government securities in total assets. The fund would satisfy the modified test because the stock of one issuer would constitute only five percent of the fund's portfolio. The IRS believes that the modification is appropriate because the presence of a small amount of nondiversified property in a Government securities portfolio (otherwise qualifying under section 368(a)(2)(F)(ii)) should not disqualify the portfolio from tax-free treatment.

The adoption of the modified section 368(a)(2)(F)(ii) test is intended to limit section 351(e) to cases more analogous to the typical swap fund cases that were the focus of the section 351(e) legislation. Also, the adoption of this test should minimize the different tax treatment of a section 351 transfer and a section 368 reorganization under economically similar situations. This test will also apply for purposes of sections 683(a) and 721(b). Finally, a proposed revision to § 1.584–4(a) adopts this test.

Proposed Effective Date

These regulations are proposed to apply to transfers of assets occurring on or after the date of publication as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Andrew M. Eisenberg, Office of Assistant Chief Counsel (Corporate), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendment to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 as proposed to be amended in a document published elsewhere in this issue of the **Federal Register** continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.351–1 also issued under 26 U.S.C. 351 * * *.

Par. 2. Section 1.351–1 is amended by:

1. Redesignating paragraph (c)(6) as paragraph (c)(7).

2. Adding new paragraph (c)(6) to read as follows:

§ 1.351–1 Transfer to corporation controlled by transferor.

* * * * *

(c) * * *

(6) For purposes of paragraph (c)(5) of this section, a transfer of assets will not be treated as resulting in a diversification of the transferors' interests if each transferor transfers a diversified portfolio of assets. For purposes of this paragraph, a portfolio of assets is diversified if it satisfies section 368(a)(2)(F)(ii), applying the relevant provisions of section 368(a)(2)(F), except that, in applying section 368(a)(2)(F)(iv), Government securities are included in determining total assets, unless the Government securities are acquired to meet section 368(a)(2)(F)(ii).

* * * * *

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 95–19449 Filed 8–9–95; 8:45 am]

BILLING CODE 4830–01–U

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26 CFR Part 1

[PS–29–92]

RIN 1545–AQ64

Diversification of Common Trust Funds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This document proposes regulations relating to the diversification of common trust funds at the time of a combination or division. The proposed regulations will affect common trust funds and their participants.

DATES: Written comments and requests for a public hearing must be received by November 8, 1995.

ADDRESSES: Send submissions to: CC:DOM:CORP:T:R (PS–29–92), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:T:R (PS–29–92), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brian J. O'Connor, (202) 622–3060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document proposes amendments to the Income Tax Regulations (26 CFR part 1) under section 584 of the Internal Revenue Code of 1986 relating to common trust funds.

A common trust fund is an investment vehicle set up by a bank in the form of a state-law trust. The investors in a common trust fund, referred to as participants, are trusts and certain other accounts for which the bank acts as a fiduciary.

Section 584(b) provides that a common trust fund is not subject to taxation. Instead, each participant that invests in the common trust fund includes its proportionate share of the common trust fund's income or loss on its own return.

Under section 584(e), the contribution of property to a common trust fund is a taxable event to the contributing participant. This provision was added to section 584(e) by the Tax Reform Act of 1976 and was intended to prevent participants from using a common trust fund to diversify their portfolios tax-free. Accordingly, the legislative history to the 1976 amendment indicates that mergers or divisions of common trust funds will continue to be tax-free as long as the combining or dividing funds have portfolios that are diversified within the meaning of the corporate merger rules. S. Rep. No. 938, pt. 2, 94th Cong., 2d Sess. 48 (1976), 1976–3 (Vol. 3) C.B. 643, 690. The diversification test for corporate mergers, section 368(a)(2)(F)(ii), was enacted in 1976 as part of the same legislation.

Section 1.584–4(a), promulgated in 1984 and based on the 1976 amendment, provides that the transfer of a participating interest as a result of the combination of two or more common trust funds, or the division of a single common trust fund, is not considered an admission or a withdrawal if the combining, dividing, and resulting funds have diversified portfolios within the meaning of section 368(a)(2)(F)(ii).

Under section 368(a)(2)(F)(ii), a corporation has a diversified portfolio if not more than 25 percent of the value of its total assets is invested in the stock and securities of any one issuer and not more than 50 percent of the value of its total assets is invested in the stock and securities of five or fewer issuers. For purposes of the section 368(a)(2)(F)(ii) test, all members of a controlled group of corporations (within the meaning of section 1563(a)) shall be treated as one issuer. Also, a person holding stock in a regulated investment company, real estate investment trust, or other investment company (as defined by section 368(a)(2)(F)(iii)) that meets the requirements of section 368(a)(2)(F)(ii) shall be treated as holding its proportionate share of the assets held by the company. Section 368(a)(2)(F)(iv) provides that in determining total assets, certain assets shall be excluded, including cash and cash items (including receivables), Government securities, and assets acquired to meet section 368(a)(2)(F)(ii) or to cease to be an investment company. Section 368(a)(2)(F)(v) provides that section 368(a)(2)(F) shall not apply if the stock of each investment company is owned substantially by the same persons in the same proportions. Section 368(a)(2)(F)(vii) defines securities for purposes of clauses (ii) and (iii) of section 368(a)(2)(F).

Reasons for Change

Excluding Government securities from a common trust fund's total assets pursuant to section 368(a)(2)(F)(iv) could inappropriately cause a fund with investments in Government securities to fail to be diversified under section 368(a)(2)(F)(ii). For example, if 95 percent of a common trust fund's assets are invested in Government securities and five percent are invested in the stock of corporation *X*, only five percent of the fund's total assets (that is, only the *X* stock) would be included in total assets in applying section 368(a)(2)(F)(ii). As a result, the *X* stock would be treated as constituting 100 percent of the common trust fund's assets and the fund would not satisfy the 25 and 50 percent test of section 368(a)(2)(F)(ii). Because excluding Government securities from a common trust fund's total assets could cause a fund with investments in Government securities to fail to be diversified under section 368(a)(2)(F)(ii), common trust funds might be discouraged from investing in Government securities.

Explanation of Provisions

Under the proposed amendment to § 1.584–4(a), the diversification test applied to a common trust fund at the time of a merger or division will continue to be section 368(a)(2)(F)(ii). However, the test is modified so that Government securities are now counted in determining a fund's total assets, unless the Government securities are acquired to meet section 368(a)(2)(F)(ii).

For purposes of § 1.584–4(a), relevant provisions of section 368(a)(2)(F) will apply to the section 368(a)(2)(F)(ii) test. Those provisions include the controlled group and look-through rules found in clause (ii) (members of a controlled group of corporations are considered as one issuer and persons holding stock in certain investment companies are treated as holding a proportionate share of the investment company's assets), the common ownership rule found in clause (v) (diversification will not be considered to occur if the interests in

the common trust funds transferred are held substantially by the same persons in the same proportions), and the definition of securities found in clause (vii) (the term securities includes investments constituting a security within the meaning of the Investment Company Act of 1940 (15 U.S.C. 80a–2(36)). The definition of total assets in section 368(a)(2)(F)(iv) will apply, except that, as stated above, Government securities will be included in determining total assets, unless the Government securities are acquired to meet section 368(a)(2)(F)(ii).

The proposed regulations contain the same diversification test as that in the proposed regulations under section 351(e) dealing with transfers to investment companies. Thus, these proposed regulations would ensure that a uniform diversification test is applied to common trust funds and similar investment entities.

The proposed regulations also update the regulations under section 584 to conform to changes in the law.

Proposed Effective Date

These regulations are proposed to apply to combinations and divisions of common trust funds consummated on or after the date of publication as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Brian J. O'Connor, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1, is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

§ 1.584–2 [Amended]

Par. 2. Section 1.584–2 is amended by:

1. Removing paragraph (b)(1).
2. Redesignating paragraph (b)(2) as paragraph (b).

Par. 3. Section 1.584–4 is amended by:

1. Removing paragraphs (a)(1) and (a)(2).
2. Revising the sixth sentence of paragraph (a).
3. Adding two sentences after the sixth sentence of paragraph (a).

The revision and additions read as follows:

§ 1.584–4 Admission and withdrawal of participants in the common trust fund.

(a) * * * When a participating interest is transferred by a bank, or by two or more banks that are members of the same affiliated group (within the meaning of section 1504), as a result of the combination of two or more common trust funds or the division of a single common trust fund, the transfer to the surviving or divided fund is not considered to be an admission or a withdrawal if the combining, dividing, and resulting common trust funds have diversified portfolios. For purposes of this paragraph, a common trust fund has a diversified portfolio if it satisfies section 368(a)(2)(F)(ii), applying the relevant provisions of section 368(a)(2)(F), except that, in applying section 368(a)(2)(F)(iv), Government securities are included in determining total assets, unless the Government securities are acquired to meet section 368(a)(2)(F)(ii). In addition, for a transfer of a participating interest in a division of a common trust fund not to be considered an admission or withdrawal, each participant's pro rata interest in each of the resulting common trust funds must be substantially the same as was the participant's pro rata interest in the dividing fund.

* * * * *

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 95–19448 Filed 8–9–95; 8:45 am]

BILLING CODE 4830–01–U

Departmental Offices

31 CFR Part 1

Privacy Act of 1974; Proposed Rule Exempting System of Records From Certain Provisions of the Privacy Act

AGENCY: Departmental Offices, Treasury.

ACTION: Proposed rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury gives notice of a proposed amendment of 31 CFR 1.36 to exempt the system of records entitled Integrated Data Retrieval System (IDRS) Security Files—Treasury/IRS 34.018 from certain provisions of the Privacy Act. The exemption is intended to comply with legal prohibitions against the disclosure of certain kinds of information and to protect certain information on individuals maintained in this system of records.

DATES: Comments must be received no later than September 11, 1995.

ADDRESSES: Please submit comments to the Director, Office of Disclosure, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. Comments will be made available for inspection and copying in the Freedom of Information Reading Room upon request.

FOR FURTHER INFORMATION CONTACT: Phyllis DePiazza, Chief, Privacy Act and Education Branch, Office of Disclosure, Internal Revenue Service at (202) 622–6240.

SUPPLEMENTARY INFORMATION: The Integrated Data Retrieval System (IDRS) Security Files is a computerized system which permits tax account access for the purposes of recording transactional information to tax accounts. The system is designed to identify potential unauthorized accesses to tax account information and to detect certain questionable accesses and/or patterns of access. Access to the system would

enable employees to attempt to elude detection or otherwise frustrate any investigatory actions. The return and return information contained within this system constitute investigatory material compiled for law enforcement purposes under Title 26 of the United States Code.

Pursuant to the Privacy Act of 1974, the Department of the Treasury is publishing separately the Notice of Alteration of this Treasury/IRS system of records, to be maintained by the IRS.

Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is investigatory material compiled for law enforcement purposes. The Internal Revenue Service has as its principal function enforcement of the tax laws of the United States. This enforcement activity contains investigatory material compiled for law enforcement purposes under Title 26 of the United States Code.

The exemption under 5 U.S.C. 552a(k)(2), relating to investigatory material compiled for law enforcement purposes, is hereby claimed for this system.

The Department of the Treasury is hereby giving notice of a proposed rule to exempt this system of records described above from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) and the authority of 31 CFR 1.23(c). The reason for exempting this system of records from this provision of 5 U.S.C. 552a is set forth in the rule itself.

As required by Executive Order 12291, it has been determined that this proposed rule is not a ''major'' rule and, therefore, does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that this rule will not have significant economic impact on a substantial number of small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department of the Treasury has determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 522 as amended. Subpart C also issued under 5 U.S.C. 552a.

§ 1.36 [Amended]

2. Section 1.36 of Subpart C is amended by adding the following text in numerical order under the heading THE INTERNAL REVENUE SERVICE:

* * * * *

(b) * * *

(1) * * *

Name of system	No.
* * * * *	
Integrated Data Retrieval System (IDRS) Security Files	34.018
* * * * *	

* * * * *

Approved: July 20, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

[FR Doc. 95–19735 Filed 8–9–95; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024–AC05

Glacier Bay National Park, Alaska: Vessel Management Plan Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed Rule; re-opening of public comment period.

SUMMARY: The proposed rule would revise National Park Service regulations, including vessel quotas, that were established to protect the endangered humpback whale and other resources Glacier Bay National Park and Preserve manages. The regulations follow an Endangered Species Act, Section 7, consultation with the National Marine Fisheries Service (NMFS), and are consistent with the 1993 Biological Opinion issued by that agency. The regulations are drafted to track the proposed action (Alternative Five) from the six-alternative Vessel Management Plan and Environmental Assessment prepared by the NPS.

The proposed regulations contemplate an increase in cruise ship use, to be offset by specific mitigation measures. The regulations would authorize a 72 percent seasonal increase in cruise ship traffic during the months of June, July and August. However, there would be no increase in the maximum number of cruise ships permitted to use the bay on any given day (two).

Rather, the increased traffic will be absorbed, for the most part, by authorizing more cruise ship entries in early and late summer. The NPS also solicits comments on the possibility of modest increases in seasonal use by charter and private vessels.

The proposed regulations would extend and codify park compendium vessel regulations that were developed, under the authority of the existing regulations, for the protection of humpback whales, Steller sea lions, and other wildlife and resource values within the park. Additional measures are also proposed to mitigate natural resource impacts associated with the proposed increase in vessel traffic.

Finally, to provide park visitors a range of recreational opportunities and to maintain opportunities for the safe use of kayaks, the proposed regulations would close the upper Muir Inlet to motor vessels on a seasonal basis.

This rulemaking, the substance of which was printed as a proposed rule on June 5, 1995 (60 FR 29523), extends the comment period for another 15 days to allow additional review and comment by interested groups and persons.

DATES: Comments will be accepted until August 25, 1995.

ADDRESSES: Comments should be addressed to: Superintendent, Proposed Regulations Comment, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826

FOR FURTHER INFORMATION CONTACT: J. M. Brady, Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826, Telephone: (907) 697–2230.

SUPPLEMENTARY INFORMATION:

Extended Comment Period: Glacier Bay National Park—Vessel Management Plan Regulations.

This document announces a 15-day re-opening of the comment period for the proposed Glacier Bay National Park—Vessel Management Plan Regulations, that was published in the **Federal Register** on June 5, 1995 (60 FR 29523). The initial comment period expired on August 4, 1995. Comments received during the initial comment period requested additional time to review the proposed regulations. Accordingly, the comment period for the proposed rule is hereby extended for an additional 15 days.

Dated: August 4, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–19730 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA56–1–7086b; FRL–5253–1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Reasonably Available Control Technology for Stroehmann Bakeries, Inc., Lycoming and Bradford Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from two Stroehmann Bakeries, Inc. (Stroehmann) facilities located in Sayre Borough, Bradford County and Old Lycoming Township, Lycoming County. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and in the Technical Support Document prepared for that rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by September 11, 1995.

ADDRESSES: Written comments on this action should be addressed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597–0545.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 22, 1995.

James W. Newsom,

Acting Regional Administrator, Region III.

[FR Doc. 95–19743 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 258

[FRL–5275–3]

RIN 2050–AE24

Alternatives for Ground-Water Monitoring and Delay of General Compliance Date for Small Municipal Solid Waste Landfills Located in Either Dry or Remote Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: On October 9, 1991, the Environmental Protection Agency (EPA) promulgated final solid waste disposal facility criteria (40 CFR Part 258), setting in place national minimum standards for municipal solid waste landfills (MSWLFs). In that rulemaking, the Agency provided an exemption from ground-water monitoring for small MSWLF units located in dry or remote locations. The Agency provided this relief as it sought to balance the protection of human health and the environment with the practicable capability of these small community landfill owners and operators.

In 1993, the U.S. Court of Appeals for the District of Columbia vacated this ground-water monitoring exemption. The Agency today is proposing to provide to approved States and Tribes the flexibility to determine alternative ground-water monitoring requirements, on a site-specific basis, for small MSWLFs that are located in either dry or remote areas (hereafter referred to as ''qualifying small MSWLFs''). Under this proposal, approved States and Tribes may consider site-specific alternatives to conventional ground-water monitoring that are relatively low in cost and are still capable of detecting contamination. Through the use of ground-water monitoring alternatives, the Agency estimates potential annual national cost savings of between $5.9 million to $22.2 million. The Agency is providing a 90-day comment period for this portion of today's proposal.

Today's rulemaking also solicits comment on a delay of the general compliance date of the MSWLF criteria for qualifying small MSWLFs. The Agency is providing a 30-day comment period for this separate portion of today's proposal.

DATES: The Agency is accepting public comments on the proposed rule changes related to the delay of the compliance date for small MSWLFs located in dry and remote areas in §§ 258.1(d)(3), 258.1(e)(4), 258.2, and 258.50(e) for a 30-day period beginning on August 10, 1995. The Agency also is accepting public comments on a separate proposed rule change allowing the use of alternative ground-water monitoring methods in § 258.50(a) for a 90-day period beginning on August 10, 1995.

ADDRESSES: The public should submit an original and two copies of their comments on this proposed rule to the Docket Clerk (5305), U. S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. All written comments received by EPA regarding the delay of the compliance date will be placed in public docket number F–95–AGDP–FFFFF. Please place the docket number F–95–AGDP–FFFFF on the comments submitted to the Agency on this issue. Written comments received by EPA regarding the use of alternative ground-water monitoring methods will be placed in public docket number F–95–AGAP–FFFFF. Please place the docket number F–95–AGAP–FFFFF on the comments submitted to the Agency on this issue.

Background information collected in support of today's proposed rule may be found in public docket number F–95–AGAP–FFFFF. All dockets are available for viewing in the RCRA Information Center (RIC), located in Room M2616, U.S. EPA, 401 M Street SW.,

Washington, DC 20460. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an appointment to view docket materials. Call 202–260–9327 for an appointment. Copies cost $0.15 per page for materials exceeding 100 pages.

FOR FURTHER INFORMATION CONTACT: For general questions on this proposed rule, contact the RCRA/Superfund Hotline at 1–800–424–9346, TDD 1–800–553–7672 (hearing impaired); in the Washington, DC metropolitan area the number is 703–412–9810, TDD 703–412–3323. For technical questions, contact Mr. Andrew Teplitzky (703–308–7275) or Mr. Allen Geswein (Phone 703–308–7261): Office of Solid Waste, U.S. Environmental Protection Agency, Mail Code 5306W, 401 M St. SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Authority
II. Background
A. 40 CFR Part 258 and Small Landfill Exemption
B. Special Circumstances of Small Communities and Related Public Comments
1. Influence of Certain Hydrogeologic and Climatic Factors on Leachate Generation and Potential Ground-Water Contamination at Small Landfills
2. Limited Financial Resources
3. Obstacles to Regional Solid Waste Management Practices
4. Likelihood of Increased Illegal Dumping
C. Additional Public Comments
1. Comments on Alternatives
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3. Proposal for Extension to General Compliance Date
III. Alternatives to Ground-Water Monitoring
IV. Proposed Rule for Alternatives to Ground-Water Monitoring
A. Overview
B. Proposed Approach for Using Alternatives
1. Consideration of Site-Specific Factors in Selection of an Alternative Monitoring Technique
2. Phased Approach to Alternative Ground-Water Monitoring
V. Role of States and Tribes
VI. Consideration of Issues Related to Environmental Justice
VII. Impact Analysis
A. Executive Order 12866
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
D. Executive Order 12875
E. Unfunded Mandates

I. Authority

The Agency is proposing today's regulations under the authority of section 4010(c) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6949a(c). Section 4010(c) requires EPA to establish appropriate ground-water monitoring, location, and corrective action criteria for MSWLFs that may receive household hazardous wastes or hazardous waste from small quantity generators. Section 4010(c) States that: ''At a minimum such revisions for facilities potentially receiving such wastes should require ground-water monitoring as necessary to detect contamination, establish criteria for the acceptable location of new or existing facilities, and provide for corrective action as appropriate.''

II. Background

A. 40 CFR Part 258 and Small Landfill Exemption

On August 30, 1988, the Agency published proposed landfill criteria under Subtitle D of RCRA (53 FR 33314), including minimum federal criteria for location restrictions, facility design and operation, ground-water monitoring, corrective action, financial assurance, and closure and post-closure care requirements. The Agency received over 350 public comments in response to the proposed criteria.

The Agency received a significant number of public comments on the impact the proposal would have on small communities that own and operate small landfills. Commentors were concerned that: (1) Small communities face shortages of technical professionals trained in landfill design and operating practices; (2) small communities have insufficient financial resources to be able to comply with the most costly requirements of the criteria (i.e., the design and ground-water monitoring requirements); and (3) a resurgence in illegal dumping would occur if the proposed criteria resulted in closures of small landfills.

Responding to these concerns in the landfill criteria final rule, published on October 9, 1991 (56 FR 50978), EPA included an exemption for owners and operators of certain small MSWLF units from the design and ground-water monitoring requirements of the criteria. To qualify for the exemption, the small landfill could only accept less than twenty tons of municipal solid waste per day (based on an annual average), have no evidence of existing ground-water contamination, and either: (1) Serve a community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility, or (2) be located in an area that annually receives less than or equal to 25 inches of precipitation and serve a community that has no practicable waste management alternative. In adopting this limited exemption, the Agency believed it had complied with the statutory requirement to protect human health and the environment, taking into account the practicable capabilities of small landfill owners and operators.

In January, 1992, the Sierra Club and the Natural Resources Defense Council (NRDC) filed a petition with the U.S. Court of Appeals, District of Columbia Circuit, for review of the Subtitle D criteria. The Sierra Club and NRDC alleged, among other things, that EPA exceeded its statutory authority when it provided for an exemption for certain landfills from the ground-water monitoring requirements. On May 7, 1993, the Court of Appeals issued its opinion in *Sierra Club* v. *United States Environmental Protection Agency* 992 F.2d 337 (D.C. Cir. 1993). The Court determined that under RCRA section 4010(c), the only factor EPA could consider in determining whether facilities must monitor ground-water was whether such monitoring was ''necessary to detect contamination,'' not whether such monitoring is ''practicable.'' Thus, the Court vacated the small landfill exemption as it pertains to ground-water monitoring, and remanded that portion of the final rule to the Agency for further consideration. The Court did not require EPA to remove the exemption for design requirements, since the Sierra Club and NRDC did not challenge the final rule's exemption from the design requirement.

Consequently, as part of the Agency's October 1, 1993 final rule delaying the effective date of the MSWLF criteria (58 FR 51536; October 1, 1993), EPA rescinded the exemption from ground-water monitoring for qualifying small MSWLFs. At the same time, however, EPA delayed the effective date of the MSWLF criteria for qualifying small MSWLFs for two years (until October 9, 1995), to allow owners and operators of such small MSWLFs adequate time to decide whether to continue to operate in light of the Court's ruling, and to prepare financially for the added costs if they decided to continue to operate. This additional two-year period also was intended to provide time for EPA to determine if there are practical and affordable alternative monitoring systems or approaches that are adequate to detect contamination.

The U.S. Court of Appeals decision does not preclude EPA from issuing separate ground-water monitoring standards for these landfills, taking into account size, location, and climate, as long as these separate standards ensure that any ground-water contamination

would be detected. The Agency, therefore, solicited comments on alternative ground-water monitoring requirements in the publication of the proposed rule to extend the effective date of the MSWLF criteria (56 FR 40568, July 28, 1993), and later, held a series of related public meetings.

The Agency announced on May 9, 1994, that it would hold a series of four public meetings to provide an additional opportunity for interested parties to present the Agency with information regarding the costs of monitoring ground water at qualifying small MSWLF units, and on any cost-effective alternatives to conventional ground-water monitoring (59 *FR* 23857). These four meetings were held in June, 1994, in Midland, Texas; Salt Lake City, Utah; Anchorage, Alaska; and Washington, DC. Approximately 60 commentors representing State and local governments, landfill owners and operators, geologists, engineers, and other parties involved in waste management presented testimony at those meetings. A copy of these comments may be found in public docket number F–95–AGAP–FFFFF.

Based on the public comments submitted in response to the 1988 proposed rule, the additional comments received at these public meetings, and on related Agency research, the Agency continues to believe that certain qualifying small MSWLFs warrant special consideration with respect to their ground-water monitoring requirements.

B. Special Circumstances of Small Communities and Related Public Comments

In the preamble (56 *FR* 50989 through 50991, October 9, 1991) to the Solid Waste Disposal Facility Criteria Final Rule codified under 40 CFR part 258, the Agency discussed the particular circumstances of small remote communities and the hardships those communities would face if they had to comply with all of the ground-water monitoring requirements of part 258. These circumstances were, in part, the basis for the small landfill exemption described in the previous section of this preamble. Although the ground-water monitoring portion of the exemption has been deleted, the Agency still believes that it may not be necessary or appropriate to require qualifying small MSWLFs in arid or remote areas to comply with the full ground-water monitoring requirements in part 258.

As indicated in the preamble to part 258, circumstances that characterize small communities and their landfills may include: (a) Certain mitigating hydrogeologic and climatic factors, and their influence on impacts to ground water; (b) limited financial resources and technical expertise to comply with the design and ground-water monitoring provisions; (c) financial and practical obstacles to providing regionalized solid waste management practices, such as large geographic distances between communities, or geographic isolation for extended periods of time due to winter weather conditions; and (d) the potential for increased illegal dumping if small landfills are no longer available or regionalization of solid waste is impractical or excessively expensive. The next section of the preamble describes these circumstances in more detail and discusses additional information provided by commentors at the four public meetings.

1. Influence of Certain Hydrogeologic and Climatic Factors on Leachate Generation and Potential Ground-Water Contamination at Small Landfills

The risks of contamination posed by qualifying small MSWLFs vary from location to location and depend on an array of climatic, geologic, and hydrogeologic factors. It was asserted by most commentors that MSWLF units meeting the criteria of 258.1(f)(1) pose a relatively low risk of contamination to ground water. The reasons for this, the commentors noted, are that qualifying small, dry MSWLFs (and many of the remote MSWLFs in Alaska) are situated in areas receiving very small amounts of precipitation, and in such ''dry'' areas where evapotranspiration often exceeds precipitation annually, the amounts of leachate generated would be minimal. Several commentors reflected that, in general, lower levels of precipitation decrease the probability for leachate generation at MSWLFs, corresponding to a decreased potential for adverse environmental impacts. Commentors stated that the time of year and the frequency and intensity of a precipitation event may significantly affect the potential for leachate generation. Commentors also remarked that in many arid western locations, ground-water is located hundreds of feet below the surface and may be separated from the landfill by rock formations with relatively low permeabilities. Commentors contended that migration of leachate to the ground-water table in such climatic and geologic conditions would be unlikely.

When the D.C. Circuit Court of Appeals remanded the ground-water monitoring exemption in the final MSWLF criteria back to the Agency in *Sierra Club* v. *U.S. EPA*, the Court stated that the ''record provides no basis to conclude that * * * the aridity of a facility's climate suffices to establish that ground-water monitoring is not 'necessary to detect contamination.' '' 992 F.2d at 345. Today's proposal, rather than using the aridity of a facility's climate to provide a ground-water monitoring exemption, uses aridity as a basis for allowing approved States and Tribes to permit the use of alternative monitoring techniques. The Agency is proposing to grant this authority to approved States and Tribes because it believes that small landfills located in arid areas of the U.S. are less likely to present a threat of contamination due to the dry climate and often great distance to ground water. It is important to note that this is not an exemption, but rather it enables approved States and Tribes to tailor monitoring programs based on site-specific characteristics.

The Agency continues to believe that ground-water monitoring plays an important role in ensuring protection of human health and the environment. However, the Agency believes that the relative public health and environmental risks posed by very small landfills located in arid areas is quite low, based on several reasons.

First, as noted by the commentors, lower levels of precipitation decrease the probability for leachate generation at MSWLFs. Agency water balance studies used to predict leachate generation from MSWLFs indicate that landfills located in dry areas generate very little leachate available for release to the ground water. In addition, the Agency's Subtitle D Risk Model used to predict human health risk resulting from landfills based on a variety of factors, showed that while no single factor is responsible for determining overall risk (i.e., risk results from a complex interaction of factors), a much lower risk of contamination exists from landfills located in dry areas of the country experiencing low net infiltration of precipitation versus wet areas with high net infiltration.

The Agency's choice of 25 inches of precipitation per year as a cut-off for the small landfill exemption contained in the original final MSWLF criteria was based, in part, on case studies on ground-water contamination from MSWLFs developed from State data. (A copy of these case studies may be found in public docket F–95–AGAP–FFFFF. The 25 inch cut-off was selected because, in part, under these conditions, evapotranspiration exceeds precipitation, making very little precipitation available to infiltrate the soil. Evapotranspiration is the portion of precipitation returned to the atmosphere by direct evaporation, by transpiration

of vegetation, or by sublimation from snow and ice. In addition, many of the locations characterized by net evapotranspiration also have ground water located at great depths, further reducing the risk of a small amount of leachate that could be generated by these small landfill from ultimately reaching the ground water. For these reasons, the Agency believes that the 25 inch annual precipitation criterion in the original small landfill exemption represents a reasonable cut-off for qualifying for the ground-water monitoring flexibility in today's rule. The Agency specifically requests data (for docket number F–95–AGAP–FFFFF) that either supports the 25 inch cut-off or provides the basis for establishing another criterion as a qualifier for today's flexibility.

Second, in addition to the low precipitation, the size of the landfill plays another factor in the potential for leachate generation. Agency water balance studies used to predict leachate generation from MSWLFs indicate a relationship between the area of a landfill surface and the quantity of leachate generated over time, whereby the smaller the surface area of the landfill, the lower the quantity of leachate generated. In general, landfills receiving small amounts of waste occupy less surface area than landfills receiving larger amounts of waste. The Agency's Subtitle D Risk Model was used to predict risk as a function of landfill size. Again, while no single factor is responsible for overall risk from a landfill, the model generally predicted a much lower risk of contamination from the smallest class of landfills modelled (approximately less than 20 TPD) relative to larger facilities. The Agency believes that the 20 TPD cut-off in the original small landfill exemption continues to represent a reasonable limit for qualifying as a small landfill for today's rule. Additional explanation of the 20 TPD limitation is contained in the preamble to the final MSWLF criteria (56 FR 50989–50991, October 9, 1991).

While a landfill may be small and dry, it may not always be a candidate for today's ground-water monitoring flexibility. Therefore, today's rule would require Directors of approved programs to assess the viability of alternative monitoring techniques on a site-specific basis. For example, the Agency recognizes that sources of moisture in addition to precipitation, such as ground-water intrusion into the landfill and the release of ambient waste moisture through waste degradation and compression, should be considered on a site-specific basis along with the influences of size, climate, and geology when determining the ground-water monitoring requirements for a particular landfill.

The Agency continues to be aware of constraints on small community landfills located in geographically isolated areas where it is economically impracticable for the community to take advantage of a regional waste management facility. While today's proposal is limited to arid landfills (i.e., those located in areas receiving less than 25 inches of precipitation annually), the Agency recognizes that some small landfills located in areas receiving greater than 25 inches of annual precipitation also may face economic hardships associated with getting access to a regional waste management facility and therefore would also desire to take advantage of cost-efficient alternative monitoring methods, where conditions are appropriate.

Thus, it may be appropriate for landfills serving small populations in geographically isolated areas receiving greater than 25 inches of annual precipitation to take advantage of alternative monitoring methods where the local hydrogeology of the site minimizes, to a large extent, the migration of leachate to ground water. For example, areas with deep water tables and an adequate thickness of low permeability soil or rock between the landfill and water table could be candidates for using alternative monitoring methods. Other such landfills may be located in areas where bedrock (or permafrost in Alaska) exists at or near the base of the landfill, causing any potential leachate to migrate laterally over the bedrock rather than vertically to ground water below. Here again, a simplified alternative monitoring strategy may provide a more cost-effective and equally accurate method of detecting a release from the landfill.

Small communities in areas receiving greater than 25 inches of annual precipitation face many of the same financial problems that exist in arid areas. Therefore, the Agency also is requesting comment (for docket number F–95–AGAP–FFFFF) on the appropriateness of extending today's flexibility to any small landfill that has no practicable waste management alternative. The Agency solicits comment (for docket number F–95–AGAP–FFFFF) on whether alternative monitoring methods will detect contamination in more humid environments.

Because higher annual precipitation could lead to additional leachate generation at a landfill, the Agency believes that site-specific conditions (e.g., hydraulic conductivity, depth to the uppermost aquifer) become increasingly important factors when considering whether to extend today's flexibility to non-arid small landfills. At this time, the Agency does not have sufficient data to identify those situations where it would be appropriate for small landfills in non-arid areas to use alternative ground-water monitoring methods to detect contamination. Therefore, the Agency requests comments (for docket number F–95–AGAP–FFFFF) and data on an appropriate set of hydrogeologic conditions that should exist at a small landfill before it could qualify for today's proposed flexibility to use alternative monitoring techniques.

2. Limited Financial Resources

A number of States and local governments have submitted cost data regarding ground-water monitoring demonstrating the high cost of ground-water monitoring at a landfill serving smaller communities where economies of scale are not available to decrease per capita or per household costs.

- The Texas Natural Resource Conservation Commission (TNRCC) reported that as many as 110 communities in west Texas (served by qualifying small MSWLFs) would be significantly impacted by existing part 258 ground-water monitoring requirements. TNRCC reports that if part 258 ground-water monitoring requirements are fully implemented, they would increase average monthly household waste disposal costs in the 110 communities by 285 percent.
- The New Mexico Environment Department indicated that application of all part 258 ground-water monitoring requirements would increase waste disposal costs per household by approximately $44.00 per month in communities served by qualifying small MSWLFs.
- The Alaska Department of Environmental Conservation (ADEC) reports that for the 289 qualifying small MSWLFs in Alaska, a total capital cost of approximately $6.5 million would be incurred just for the cost of installing monitoring wells (which is cited to be about one-third of the annual construction budget for village sanitation facilities in Alaska). ADEC reports annual cost estimates of $10,600 per facility for sample collection, shipping, and analysis, assuming the landfill has four monitoring wells sampled twice annually. ADEC states that the average community operating budget (for a population of about 800

individuals) is $50,000 to $80,000 per year for all services, not just solid waste; therefore, ground-water monitoring alone would consume on average about 13–20% of a community's budget.

As discussed in the Preamble to the final part 258 MSWLF criteria (56 FR 50989), the Agency recognized that the landfill criteria could have a significant economic impact on those small landfills that could not regionalize to benefit from the economies of scale available to larger MSWLFs. RCRA § 4010(c) directed the Agency to promulgate MSWLF criteria ''necessary to protect human health and the environment * * * [taking] into account the *practicable capability* of such facilities (emphasis added).'' The Agency, when it developed the MSWLF criteria, interpreted the phrase ''practicable capability'' to allow for the consideration of the cost of the criteria to MSWLF owners and operators (see 56 FR 509830). Therefore, the Agency included a small landfill exemption in the original MSWLF criteria to exempt lower risk small MSWLFs from the two highest cost components of the rule: ground-water monitoring (27 percent of the total costs) and liners/leachate collection systems (40 percent of the total costs).

Based on the low risk associated with the qualifying small MSWLFs (as discussed in the previous section of today's preamble) and the high costs associated with full ground-water monitoring for qualifying small MSWLFs, the Agency continues to believe that some relief is warranted for these MSWLFs. Cost information developed by the Agency (discussed in Section VII of this Preamble), and similar information submitted in public comments and summarized above, indicates a significant financial burden would be placed on small communities due to implementation of all of the part 258 ground-water monitoring requirements. In particular, the Agency remains concerned about communities with exceptionally low operating budgets that are unable to participate in regional arrangements with neighboring communities to lower their cost of compliance. The ground-water monitoring flexibility provided in today's proposal is designed to alleviate some of the cost burden on affected small landfills, while still ensuring detection of contamination to ground water.

3. Obstacles to Regional Solid Waste Management Practices

In some areas of the U.S., the cost of compliance with the MSWLF criteria can be shared among a number of communities through the use of a regional disposal facility. However, the preamble of part 258 final rule (56 FR 50989) discusses why regionalization of solid waste management is not feasible for many small communities. The preamble states that, in addition to economic constraints, significant geographic obstacles exist particularly in remote areas of the country where communities are separated by great distances or where surface transportation is not available for extended periods of time during the year (such as in Alaska).

The Agency has performed an analysis to determine the costs for closing small landfills, opening a transfer station, and hauling a community's waste to a regional facility. The analysis concludes that for a 10 ton per day (TPD) landfill, the total annual cost is about $160,000 ($160 per household). For a 1 TPD landfill, the total annual cost is about $18,000 ($180 per household). This analysis assumes a one-way land traveled distance of 65 miles as discussed in the docket for this rulemaking (F–95–AGAP–FFFFF). The higher annual household cost for the 1 TPD landfill versus the 10 TPD facility arises from a smaller number of households being served by the 1 TPD facility. This cost analysis is discussed further in technical background document located in docket number F–95–AGAP–FFFFF.

Small remote communities also may experience practical obstacles to regional solid waste management. Commentors at the public meetings related the difficulties associated with transporting waste where communities are separated by large geographic distances, or are served only by unimproved roads that are not likely to be adequate for heavy truck traffic. In certain areas of Alaska, road systems may not be available at all.

4. Likelihood of Increased Illegal Dumping

Many commentors have asserted that the number and extent of illegal dump sites will increase dramatically if small landfills are no longer available or if the regionalization of solid waste is impractical or excessively expensive. This assertion is supported by data provided by the Texas Natural Resource Conservation Commission (TNRCC) and contained in docket number F–95–AGAP–FFFFF, that suggest a positive correlation between landfill closures and illegal dumping in Texas for the years 1988–1994.

C. Additional Public Comments

1. Comments on Alternatives

When the Agency announced the public meetings on alternatives to ground-water monitoring (59 FR 23857, May 9, 1994), it asked for commentors to provide ideas regarding potential alternatives and their costs and limitations. This section describes various technical approaches to alternatives to ground-water monitoring that were mentioned at these public meetings.

Commentors strongly encouraged EPA to provide States and Tribes with greater flexibility to determine ground-water monitoring requirements for qualifying small MSWLFs, including the flexibility to allow alternatives to conventional ground-water monitoring on a site-specific basis. Commentors indicated that in determining alternatives to ground-water monitoring that were able to detect ground-water contamination, consideration must be given to site-specific factors such as rock and soil types, hydrogeology, and climate, and to other general factors such as equipment availability and cost of operation.

Commentors focused on alternatives that monitor conditions in the unsaturated zone, in the saturated zone (i.e., ground water), in surface waters, in the surrounding soils, and in the landfill itself. Commentors addressed situations when early detection monitoring used in the unsaturated zone would be advantageous over conventional ground-water monitoring. The Agency believes that in geologic settings where ground water lies hundreds of feet below the MSWLF, appropriately installed unsaturated zone monitoring devices placed just below the MSWLF and above the uppermost aquifer would have the capability to detect releases of leachate from the MSWLF before leachate contacts ground water. The docket for today's proposal (F–95–AGAP–FFFFF) contains several compilations of information on a variety of alternative monitoring techniques, including a description of the techniques and a discussion of the site-specific conditions that are appropriate for each.

Commentors offered specific ''early detection'' methods, that include the measurement of moisture content within the soil or rock formations just beneath the landfill by using gypsum blocks, geophysical electrical resistivity surveys, and/or lysimeters. For further explanation of these methods, the reader is referred to two technical background documents: ''Examples of Alternatives to Conventional Ground-Water Monitoring Wells at Small, Dry or

Remote Landfills'' and ''Subsurface Characterization and Monitoring Techniques, Volumes I and II.'' Both documents may be found in the docket for this rulemaking (F–95–AGAP–FFFFF).

While many of these early detection methods, such as gypsum blocks and resistivity surveys, do not measure any of the specific chemical parameters listed in Appendix I and II of Part 258, the Agency agrees with commentors that they are well-established, reliable indicators of moisture that are affordable for many small MSWLFs to employ. Detection of moisture by an early detection system can be a way to predict potential leachate movement from a MSWLF unit. The Agency recognizes that the presence of moisture does not necessarily mean that there is contamination leaving the MSWLF unit, but detection of moisture can be an effective first step in a phased approach to detecting contamination. EPA believes that these systems can be cost effective in such applications and believes that the States and Tribes can use site-specific information to determine when to use these systems.

Commentors were in agreement that a phased approach would be the most feasible and cost-effective method of implementation. In such an approach, an effective low cost technology could be used to detect moisture movement beneath a MSWLF unit. The ground water would be sampled to determine ground-water quality in a second phase. Later, should ground-water contamination be detected, an expanded monitoring system would be employed to provide greater detail on the nature and extent of contamination.

The Agency agrees with this approach for implementing the ground-water monitoring requirements of RCRA Section 4010(c). The Agency believes that if low-cost moisture detection devices (such as gypsum blocks) were used as the initial monitoring technique and moisture was detected beneath or near the landfill, expanded monitoring would be implemented to confirm whether an actual release from the landfill had occurred or if the moisture detection devices were reacting to infiltrating water from another source. One example of an expanded monitoring technique for this situation could be the use of small diameter sampling tools that are temporarily driven into the ground by hydraulically powered hammers to recover subsurface solids, liquids, or gases for laboratory analysis.

In cases where the recovery and analysis of ground water is necessary, several commentors pointed out that the Agency should allow limited saturated zone monitoring for a narrow set of indicator elements and/or parameters in place of the Appendix I constituents. The Agency agrees that alternative parameters used in lieu of current Appendix I constituents may be appropriate for these facilities on a site-specific basis. A further discussion regarding the use of alternative parameters may be found in Section IV.B.1 of today's preamble.

Several commentors provided case studies on the use of existing agricultural and drinking water supply wells in ground-water monitoring. The Agency believes that the use of existing agricultural and drinking water supply wells may be acceptable where the wells are located so that they detect potential contamination from the MSWLF unit. An owner/operator could determine the suitability of existing wells for detecting a release by conducting a characterization of the site hydrogeology, including analysis of existing well logs.

For MSWLF units in Alaska, commentors indicated that conditions are so unique in the State that alternative monitoring techniques in Alaska would not usually be considered appropriate for the 48 contiguous States. For example, commentors stated that, in many instances, surface-water monitoring would be more appropriate than ground-water monitoring. This is because lateral migration of leachate is more probable and is of greater concern than migration to ground water, due to low permeability subsurface soils and the presence of permafrost in some areas. Commentors recommended monitoring surface/subsurface temperatures at frozen landfills located in permafrost areas. Commentors from Alaska also recommended modifying the frequency of ground-water monitoring such that monitoring occurs when leachate and water contamination problems are most likely to be detected. The Agency believes that conditions in Alaska are so unique that the State regulatory authority, once approved, would be in the best position to understand the local conditions and corresponding monitoring techniques appropriate for those conditions.

2. Comments on 40 CFR 258.50(b), Demonstration of No Potential for Migration

The final MSWLF criteria in 40 CFR part 258 contained two types of exemptions from ground-water monitoring: (1) the small landfill exemption that was later vacated by the U.S. Court of Appeals and (2) an exemption that can be granted by the Director of an approved State or Tribe based on a demonstration that there is no potential for migration of hazardous constituents from the MSWLF unit to the uppermost aquifer during the facility's active life and post-closure care period. This no-migration exemption was not vacated by the U.S. Court of Appeals decision, and is available to all MSWLFs, regardless of size, where authorized by approved State regulations. The requirements for this demonstration are established in 40 CFR 258.50(b) and call for: (1) ''site-specific field collected measurements, and sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport'' and (2) ''contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.''

In EPA's announcement of the public meetings, the Agency, in addition to requesting comments on ground-water monitoring alternatives, requested any information on the ability of owners and operators of qualifying small MSWLFs to demonstrate no potential for migration. Although the Agency was not re-proposing 40 CFR 258.50(b) in that request for comment, the Agency was trying to evaluate the extent to which § 258.50(b) would accommodate qualifying small MSWLFs. In response, commentors indicated that the Agency should establish guidance to simplify and streamline this process for small communities. Commentors also suggested that the Agency provide guidance on the type and quality of data that are necessary to substantiate a ''no-migration'' demonstration for small landfills located in arid locations.

The Agency believes that the regulatory standard for demonstrating no potential for migration should not be changed, and that any variance from ground-water monitoring based on this standard should be granted only after the site-specific conditions of 40 CFR 258.50(b) are satisfied. The Agency plans to issue a technical guidance document to provide additional information to assist owners and operators of qualifying small MSWLFs in making a demonstration of no-migration, where such an exemption is available from approved States and Tribes. The Agency plans to make this guidance readily available to qualifying small MSWLFS. Additional discussion on the demonstration of no potential for migration is contained in the October 9, 1991 Solid Waste Disposal Facility Criteria final rule (56 FR 51061).

3. Proposal for Extension to General Compliance Date

As a separate matter in today's proposal, the Agency is requesting comment on two alternatives regarding an extension of the general compliance date for meeting the criteria in 40 CFR part 258. As noted earlier, the Agency has established a separate docket for this aspect of today's proposal (docket number F–95–AGDP-FFFFF) and has provided only a 30-day comment period. The shorter comment period is necessary to allow the Agency to put an extension in place by the time the current compliance date expires on October 9, 1995.

For qualifying small MSWLFs, the general compliance date for meeting the requirements of the solid waste disposal facility criteria specified in 40 CFR part 258, currently is October 9, 1995. Unless the qualifying small MSWLF ceases receipt of waste by this date, the qualifying small MSWLF must comply with all of the part 258 regulations including location, operation, ground-water monitoring and corrective action, closure and post-closure care, and financial assurance.

This October 9, 1995 compliance date does not apply in several circumstances, however. First, the effective date for ground-water monitoring for qualifying small MSWLFs located greater than two miles from a drinking water intake is October 9, 1996. Second, qualifying small MSWLFs are exempt from the design requirements of part 258 unless ground-water contamination that can be attributed to that MSWLF is discovered. Finally, in a separate rulemaking, the Agency extended the effective date for the financial assurance requirements (Subpart G) for all MSWLF units, regardless of size, until April 9, 1997 (see 60 FR 17649, April 7, 1995).

Since the Agency announced that it was investigating the possibility of providing approved States/Tribes with the flexibility to allow qualifying small MSWLFs to use alternatives to ground-water monitoring, the Agency believes (based on public comments) that a number of these MSWLFs have delayed plans for investing resources towards compliance with the requirements in 40 CFR part 258 until the Agency publishes a final rule governing the use of ground-water monitoring alternatives. The Agency believes that qualifying small MSWLFs, in determining whether to remain in operation past the general compliance date of October 9, 1995, should be able to consider any site-specific flexibilities allowed under a final rule on alternatives to ground-water monitoring.

The Agency anticipates publication of a final rule regarding ground-water monitoring alternatives by October, 1996. Therefore, as part of today's proposed rule, the Agency is proposing to extend the general compliance date for qualifying small MSWLFs from October 9, 1995 to October 9, 1997. This should provide qualifying small MSWLFs with sufficient time to come into compliance. Should public comment support today's proposal to extend the general compliance date for qualifying small MSWLF units, the Agency would publish a final rule for the general compliance date extension prior to October 9, 1995. The Agency recognizes that time is short for this action and has taken steps that will allow the decision to be made prior to October 9, 1995. For this reason, the Agency has set a 30-day public comment period for the proposed rule changes that relate to extending the compliance date and has established a separate public docket (F–95–AGDP-FFFFF) for comments on the extension.

If finalized, qualifying small MSWLF units would not become subject to compliance with any of the part 258 requirements until October 9, 1997. At that time, these MSWLF units must be in compliance with all of the part 258 requirements, including the ground-water monitoring (or alternative ground-water monitoring) requirements and financial assurance requirements. Should a qualifying small MSWLF unit cease receipt of waste prior to October 9, 1997, the owner/operator of that unit need only comply with the final cover requirements as specified in § 258.60(a). The final cover would have to be installed by October 9, 1998.

As a result of today's proposal to extend the general compliance date for qualifying small MSWLFs from October 9, 1995 to October 9, 1997, the Agency is proposing to make corresponding changes in the regulatory language in 40 CFR part 258. First, § 258.1(d)(3) and (e)(4) would be revised to reflect the new compliance date of October 9, 1997. Second, the definition of ''New MSWLF unit'' under § 258.2 would be modified to account for the new general compliance date of October 9, 1997. Finally, the applicability section under § 258.50(e) would be revised by removing paragraphs (1) and (2), which allowed for two different effective dates for the ground-water monitoring requirements based on the distance of the MSWLF unit to a drinking water intake. Today's proposal would create one effective date (i.e., October 9, 1997) for ground-water monitoring for all qualifying small MSWLFs, regardless of its distance to a drinking water intake. The Agency believes that the new proposed effective date will provide sufficient time for all qualifying small MSWLFs to comply.

During development of today's proposal to extend the general compliance date for qualifying small landfills to October 9, 1997, the Agency received comments that situations existed where another extension of the effective date for *all* of the requirements of 40 CFR part 258 may not be appropriate.

First, the Agency learned that certain qualifying small landfill owners/operators have already made arrangements to close their facilities and have established alternative means of waste management, particularly through the development of regionalized facilities. The Agency understands that the establishment of regional commitments amongst numerous small communities that heretofore have independently managed their own waste, can be a time-consuming and, at times, delicate process. The Agency was informed that an extension of the general compliance date could undermine these commitments by creating an incentive for these owners/operators to reopen their closed facilities.

The Agency also learned that a number of the qualifying small landfills closed in advance of the October 9, 1995 compliance date due to the expense of compliance. The Agency understands that another delay of the general compliance date might serve to penalize those facilities that are trying to work within the rules by either deciding to close or make other arrangements and reward those communities that have done little or nothing. Finally, the Agency was informed that another delay of the general compliance date could allow the reopening of poorly designed and operated facilities that have already closed in anticipation of the October 9, 1995 compliance date.

The Agency does not have information on the extent to which the aforementioned problems may arise should a two-year delay of the general compliance date be promulgated. Therefore, the Agency requests comment (addressed to docket number F–95–AGDP-FFFFF) on these and any other concerns that may result from a two-year delay of the general compliance date.

In addition to soliciting comment on the implications of a two-year general compliance date delay, the Agency invites comments (also addressed to docket number F–95–AGDP-FFFFF) on an alternative to the proposed two-year delay. The alternative approach would

maintain a general compliance date for qualifying small landfills of October 9, 1995, but would extend the effective date of ground-water monitoring and financial assurance until October 9, 1997. Under this alternative approach, such an owner/operator that accepts waste after October 9, 1995 would have to comply with the location restrictions and operating requirements. Should that owner/operator cease receipt of waste by October 9, 1997 and place final cover on the landfill by October 9, 1998, that facility would be exempt from ground-water monitoring. Under this approach, the owner/operator also would be exempt from the financial assurance requirements for closure since closure would be completed within one year of last receipt of waste. In addition, because most of the costs of post-closure care are attributed to ground-water monitoring, the Agency also would exempt the owner/operator from demonstrating financial assurance for the post-closure care period. Table I provides a summary of the proposed delay of the general compliance date and the alternative approach.

TABLE I.—PROPOSED APPROACHES FOR EXTENDING THE EFFECTIVE DATES FOR SMALL LANDFILL LOCATED IN DRY OR REMOTE LOCATIONS

Approach	Requirements effective on October 9, 1995	Requirements effective on October 9, 1997
Proposed Approach: Delay of General Compliance Date.	No requirements take effect	All requirements take effect.
Alternative Approach: Delay of Groundwater monitoring and financial assurance.	All requirements other than groundwater monitoring and financial assurance take effect.	If cease receipt of waste by October 9, 1997: placement of final cover required by October 9, 1998. [Note: owner/operator exempt from groundwater monitoring and financial assurance requirements.] If continue receipt of waste after October 9, 1997: all other requirements take effect, including groundwater monitoring and financial assurance.

III. Alternatives to Ground-Water Monitoring

In addition to reviewing the comments described in section II.C.1 of this preamble, the Agency conducted a literature review to assess the types of equipment and techniques that can function as alternatives to the full ground-water monitoring requirements of Part 258. This literature may be found in the docket for today's rule (F–95–AGAP–FFFFF). The following discussion presents a summary of this review. While this discussion does not contain an exhaustive description of all possible alternatives, it does discuss several of the technologies available and in use today for a variety of geological and hydrogeological purposes. Based on this literature review, the Agency believes that ground-water monitoring well alternatives, such as those described in this section, can, on a site-specific basis, detect contamination and determine the nature and extent of contamination.

Alternatives to conventional ground-water monitoring include various types of equipment and measurement techniques that are capable of recovering physical samples of ground water or soil and are capable of detecting changes in subsurface conditions that are indicative of a release from a landfill. In general, alternatives to ground-water monitoring wells can be placed into two categories depending on the type of measurements made and the data collected. One category, geochemical alternatives, includes samples of soil, water, rock, or other materials for laboratory analysis. A second category, geophysical alternatives, involves methods that rely on the measurement of electrical properties, such as conductivity or resistivity. Both unsaturated zone monitoring and saturated zone monitoring are possible with geochemical and geophysical alternatives, depending on the particular characteristics of a landfill and the capabilities of the alternative chosen.

Common sampling devices are readily available and may be used for collecting geochemical sample material. Hand-held soil samplers can be used for sampling at depths of several feet, and power-driven augers may be needed to penetrate and sample consolidated subsurface material. The use of a rotary drill may be necessary if geochemical samples must be collected from relatively great depths. Small diameter sampling tools may be pushed into the subsurface with hydraulic equipment for the collection of soil or ground-water samples beneath the landfill. Small diameter sampling tools are capable of reaching depths of about 50 feet in loosely consolidated soil or sediment, but are not designed to penetrate thick rock formations. During sample collection, geochemical samples must be handled and stored to avoid accidental sample contamination.

Under appropriate conditions, soil pore liquid from the unsaturated zone may be collected for laboratory analysis. This procedure involves a porous cup that is placed into the subsurface and is connected to a vacuum-pressure source. The vacuum draws liquid into the cup, and the liquid is transported through a tube to the surface where it is collected.

Alternatives that employ geophysical principles generally provide an indirect method for detecting contamination. Electrical geophysical methods can measure the contrasting electrical properties of subsurface features. By injecting an electrical current into the ground with electrodes and measuring the resulting potential field, a geophysical electrical resistivity survey can delineate conductive contaminant plumes, vertical and lateral extent of geological features, and fresh/salt water interfaces. Electrical resistivity measurements are normally correlated with geology from subsurface borings to validate survey results.

Another method relying on geophysical measurements involves moisture detection blocks or electrical resistance sensors. Electrical resistance sensors measure the electrical potential between two wires spaced a few centimeters apart. The two wires are embedded in a porous matrix (typically gypsum-based), forming a block a few inches in diameter with wire leads. The blocks are embedded in the subsurface and the wires extend to the surface where they are attached to a portable resistivity meter. Because the block matrix is porous, soil pore liquids can freely enter and leave. When the soils and the electrical resistance blocks are dry, the resistance to electrical current flow is high, and conversely, when the soil and blocks become wet, a low resistance is measured on the meter. These blocks represent a point

measurement of soil moisture content. Electrical resistance sensors have an effective life span of up to several years, at which time they must be replaced.

A full discussion of other types of equipment and techniques possibly serving as alternatives to ground-water monitoring wells is beyond the scope of this preamble discussion. For further information on alternatives to ground-water monitoring, the reader is referred to two technical background documents ''Examples of Alternatives to Conventional Ground-Water Monitoring Wells at Small, Dry or Remote Landfills'' and ''Subsurface Characterization and Monitoring Techniques, Volumes I and II,'' which may be found in docket number F–95–AGAP–FFFFF for this proposed rule. The Agency is assessing the need for additional technical guidance to provide regulators and landfill owners and operators with further information regarding ground-water monitoring well alternatives.

In conjunction with the types of alternatives described above and in the docket for this rulemaking, the Agency fully supports the use of beneficial modified operating practices that may serve to reduce the potential for leachate generation in certain situations. Examples of such operating practices may include the use of movable covers to prevent rainfall infiltration into the working face and body of the landfill, early final closure of the landfill cell, and careful contouring and drainage design of the final cover to route precipitation away from the closed MSWLF unit.

IV. Proposed Rule for Alternatives to Ground-Water Monitoring

A. Overview

Based on the information contained in docket number F–95–AGAP–FFFFF and on comments received at the public meetings, the Agency today is proposing to allow alternatives to the full part 258 ground-water monitoring requirement for qualifying small MSWLFs, where approved by the Director of an approved State or Tribe. This proposed rule covers only those MSWLFs meeting the criteria of 40 CFR 258.1(f)(1). The Agency estimates that approximately 750 MSWLFs would qualify as a small landfill meeting the conditions of § 258.1(f)(1). The Agency estimates that between 300 to 500 of these 750 MSWLF units would be able to use alternative ground-water monitoring systems; however, the final decision to allow the use of alternative ground-water monitoring systems would be made by the approved State or Tribe and not by the Agency.

Under today's proposal, all landfills that are not qualifying small MSWLFs would be subject to the full ground-water monitoring requirements of 40 CFR part 258, subpart E, unless they could demonstrate no potential for migration under 40 CFR 258.50(b). This proposed rule does not provide any additional exemption or ''no-action'' alternative to the ground-water monitoring requirements in 40 CFR part 258. An approved State or Tribe may only waive ground-water monitoring requirements if the MSWLF unit meets the conditions established in 40 CFR 258.50(b).

Today's proposal, if finalized, would allow approved States and Tribes the flexibility to determine the most appropriate alternative to ground-water monitoring for qualifying small MSWLFs based on site-specific data as long as the alternative ensures the detection of contamination. Monitoring may be conducted with a variety of relatively low-cost geochemical and geophysical technologies capable of detecting contamination and assessing the nature and extent of contamination. Some alternatives may detect contamination by directly measuring the levels of constituents in ground water, while other alternatives may monitor the unsaturated zone or saturated zone for the properties of solids, gases, or liquids that are determined to be indicative of releases from the MSWLF unit.

When the Agency proposed the MSWLF criteria in August, 1988, it discussed the reasons for requiring ground-water monitoring at all MSWLFs, indicating that ground-water monitoring is ''an essential measure to ensure protection of human health and the environment * * * [and] * * * the most reliable method for determining whether a landfill is in compliance with the overall performance standard'' of the MSWLF criteria. See 53 FR 33366. The Agency believes that the approach adopted in today's proposal, allowing the use of alternative methods to detect ground-water contamination (other than monitoring wells), will continue to satisfy the statutory requirements in RCRA section 4010(c) that ground-water monitoring be implemented at all MSWLFs ''as necessary to detect contamination.''

By providing flexibility to approved States and Tribes to establish the best tailored alternative ground-water monitoring regime for each qualified small MSWLF, today's proposal is designed to ensure detection of contamination in an effective manner that best takes into account the numerous, complex characteristics that are encountered on a site-specific basis. Today's proposal does not exempt qualifying small MSWLFs from ground-water monitoring, but instead allows a stepwise approach for detecting a release from the landfill that could result in ground-water contamination. Today's proposed rule provides the flexibility to approved States or Tribes to allow qualifying small MSWLFs to use cost-effective screening techniques rather than requiring immediate use of a full ground-water monitoring well program. Should the screening techniques indicate the possibility of ground-water contamination, the approved State or Tribe would then require that owners and operators establish more precise techniques that could quantify the contamination, including the installation of monitoring wells when warranted.

Alternative ground-water monitoring methods (e.g., monitoring in soil or in the unsaturated zone) are intended to detect the escape of contaminants from the MSWLF and thereby accomplish the same purpose as the ground-water monitoring well program pursuant to 40 CFR 258.51 through 258.55. While the alternative methods may not always include the collection of actual ground-water samples, they will indicate if a release from the landfill has occurred, at which point the alternative ground-water monitoring method may need to be supplemented by the installation of ground-water wells to ascertain whether the ground-water below the MSWLF has been contaminated.

The Agency understands that numerous methods and techniques exist for sampling and monitoring the saturated and unsaturated zones at qualifying small MSWLFs and that existing field methods are often refined and new methods are continually being developed. Therefore, the Agency believes it would be inappropriate to delineate in today's regulations all of the specific alternatives that may be authorized by approved States and Tribes. Approved State and Tribal authorities would decide which of the available alternatives to ground-water monitoring will ensure detection of contamination from the qualifying small MSWLF. These decisions will be made in a public forum, since the programs administered by States and Tribes provide opportunities for public participation during the permit issuance process (40 CFR part 256). Thus, members of the public will have an opportunity to comment on the selection of an appropriate and reliable

alternative ground-water monitoring technique at that time.

B. Proposed Approach for Using Alternatives

1. Consideration of Site-Specific Factors in Selection of an Alternative Monitoring Technique

The Agency believes site-specific factors need to be considered in determining which, if any, alternative(s) may be appropriate to detect contamination. To ensure that appropriate decisions regarding the use of alternatives to ground-water monitoring are made, the Agency believes that the following factors should be considered, as warranted and appropriate, on a site-specific basis:

- The geology and hydrogeology of the site;
- The impact of manmade and natural features on the effectiveness of an alternative technology;
- Precipitation amounts, temperature, and other climatic factors; and
- The effectiveness of indicator parameters in detecting a potential release from the MSWLF unit.

The following discussion serves to illustrate, in general, why these site-specific factors should be considered when choosing an appropriate monitoring alternative.

a. The geological and hydrogeological characteristics of the site.

The ground-water monitoring requirements in the final MSWLF criteria provide that the number, spacing, and depths of monitoring well systems should be determined based upon site-specific technical information that must include a site characterization of the geology and hydrogeology (40 CFR 258.51(d); see also preamble discussion in 56 FR 51066). The Agency believes that a similar understanding of the geology and hydrogeology also is desirable when deciding whether it is appropriate to use alternative monitoring technologies.

For example, the Director of an approved State or Tribe, when considering the use of gypsum blocks as an alternative, would need to determine if the presence of shallow ground water could lead to false indications of releases from the landfill through seasonal fluctuations in ground-water depth and how wet-dry periods and soil chemistry would affect the useful life of the gypsum blocks. Additionally, knowledge of site geology is important where an owner or operator is considering the use of small diameter sampling tools to sample around and beneath the landfill for detecting a release. This technology is influenced by the ability of the tool to penetrate subsurface materials. For example, this technique is most likely to be workable where the geology consists of loosely consolidated sediment down to the depth at which samples are required.

b. The impact of manmade and natural features on the effectiveness of an alternative technology.

Manmade and natural features at a particular site may be important factors in influencing the capability of an alternative technology to detect contamination. For example, as discussed earlier, some alternatives may employ the use of electrical geophysical principles to provide an indirect method for detecting contamination by measuring the contrasting electrical properties of subsurface features to delineate contaminant plumes. However, when conducting geophysical electrical resistivity surveys, measurement errors may result from electrical currents in the ground that interfere with the current being measured. Therefore, before employing these surveys, potential subsurface interferences should be considered, such as naturally-occurring sulfide deposits, the presence of electrical power lines, or buried metal objects that are corroding. Additionally, electrical resistivity surveys are not recommended for use in paved areas.

Natural features of a site may impede access necessary to bring certain equipment on site. For example, ground penetrating radar radiates short pulses of high-frequency radio waves into the ground to delineate a leachate plume. The bulkiness of the equipment, however, may limit its use in rough and inaccessible terrain.

c. Climatic factors that may influence the selection, use, and reliability of alternative ground-water monitoring procedures.

The MSWLF owner or operator must have knowledge of precipitation amounts in order to determine whether the MSWLF qualifies for today's flexibility. In addition, an understanding of the local climatic conditions is important in understanding the effectiveness of possible alternative monitoring methods. For example, ground penetrating radar is best applied in areas with very dry soil conditions. Seismic refraction, an alternative technology that relies on an artificial seismic source (hammer, controlled explosive charge) to create underground seismic waves that are read with a seismograph to delineate soils/geology and leachate, might be limited by cold or relatively wet weather. Finally, where soil pore liquid is collected from the unsaturated zone through the use of porous cup lysimeters, the effectiveness of the lysimeter will be hindered in areas where soils are frozen, extremely dry, or where subjected to freeze-thaw.

d. The effectiveness of indicator parameters in detecting a release.

A number of qualifying small MSWLFs may be able to use alternative technologies to detect contamination in the unsaturated zone. Where these unsaturated zone monitoring methods are allowed by an approved State or Tribe, the owner/operator would be monitoring for parameters that can be detected by application of that specific technology (e.g., gypsum blocks would monitor for the presence of moisture in the zone underlying the MSWLF). Some qualifying small MSWLFs, however, may not be able to use alternative technologies and may need to use traditional monitoring wells to sample and analyze ground water.

In these situations, the current detection monitoring program in § 258.54 requires sampling and analysis at each well for 15 metals and 47 volatile organic compounds (VOCs); however, approved States and Tribes currently are permitted to (1) replace some or all of the metals with geochemical parameters (e.g., ammonia, total dissolved solids) and (2) delete any metal or VOC if that constituent is not in or cannot be derived from the waste in the landfill.

At the June, 1994 public meetings, many of the commentors suggested that the MSWLF owner/operator should have the flexibility to use a shorter, less costly list of monitoring parameters for ground-water monitoring wells (primarily geochemical parameters) so long as these parameters would indicate a release from the MSWLF. Such flexibility would be designed to allow an owner/operator to use geochemical parameters in place of both metals and VOCs without having to demonstrate that each of the 47 VOCs is not in or cannot be derived from the waste in the MSWLF.

For the reasons discussed earlier in today's preamble (Section II.B.1), the Agency believes that approved States and Tribes should have the flexibility to establish an alternative list of indicator parameters for qualifying small MSWLFs, where appropriate given site-specific circumstances. These reasons include low precipitation, low net infiltration, and great depth to ground water at many of these sites, the relatively small amounts of waste received at these MSWLFs, and the practicable capability (i.e., economic) considerations of qualifying small MSWLFs. The Agency's technical

background document (''Examples of Alternatives to Conventional Ground-Water Monitoring Wells at Small, Dry or Remote Landfills'') and cost analysis for today's rule suggests that the use of indicator parameters (e.g., Ph, specific conductance, total organic carbon, total organic halogen), where appropriate, may be a cost-effective means for owners/operators of a qualifying small MSWLF to detect contamination from their unit. Again, this could be the first step in a phased approach that eventually could lead to full ground-water monitoring pursuant to the final MSWLF criteria.

Thus, today's proposal would allow approved States and Tribes to permit the use of a set of parameters tailored to a site-specific location. The appropriate use of this flexibility again would be tied to the site-specific conditions at the particular qualifying small MSWLF. For example, the effectiveness of an alternative set of parameters depends, in part, on having an adequate understanding of the geochemistry of underlying rock, soil, and ground water, to ensure that natural variability in concentrations of elements or parameters in the ground water can be distinguished from concentrations that are indicative of a release from the MSWLF.

As illustrated in the above discussion, the selection, use, and reliability of alternative monitoring technologies or parameters depends on a number of site-specific factors. Additional information on the types of site-specific factors that should be considered for various alternative monitoring techniques and how to apply them may be found in the technical background documents entitled ''Examples of Alternatives to Conventional Ground-Water Monitoring Wells at Small, Dry or Remote Landfills'' and ''Subsurface Characterization and Monitoring Techniques, Vols. I and II.''

2. Phased Approach to Alternative Ground-Water Monitoring

Today's proposal uses an approach that would allow approved States or Tribes to implement the proposed ground-water monitoring flexibility in phases. Thus, today's proposal would allow approved States or Tribes to authorize the use of alternatives to full part 258 ground-water monitoring requirements for initially ''detecting'' contamination. If contamination is detected, the approved State or Tribe could then allow use of further alternatives for ''expanded monitoring'' to assess the nature and extent of ''detected'' contamination. Alternatives, or combinations of alternatives, could be used for both detection and expanded monitoring. Expanded monitoring, however, might require the use of conventional ground-water monitoring wells, or other aspects of the full part 258 ground-water monitoring requirements.

As used in this proposed rule, ''detection'' would refer to the moment when data, instrument readings, analyses, or other information collected by an alternative to full part 258 ground-water monitoring requirements indicates a change in surface or subsurface conditions that could be caused by a release from an MSWLF. ''Expanded monitoring'' would refer to the steps taken to determine whether the ''detected'' release is an actual release from the MSWLF and to determine the nature and extent of the release.

Under today's proposal, if expanded monitoring using alternatives indicates that a release from the MSWLF unit has contaminated the saturated zone, then the owner/operator would be required to install ground-water monitoring wells and comply with the full range of ground-water monitoring requirements of 40 CFR part 258 (§§ 258.50 through 258.58). If expanded monitoring indicates that a release from the MSWLF unit exists, but has not yet contaminated the saturated zone, the Director of an approved State or Tribe would establish a schedule for the owner/operator to propose, as necessary, measures to prevent further contaminant migration and to remediate contamination in a manner that ensures protection of human health and the environment.

V. Role of States and Tribes

Section 4005(c) of RCRA requires that each State (or Tribe) adopt and implement a ''permit program or other system of prior approval and conditions'' adequate to assure that each facility that may receive household hazardous waste or small quantity generator waste will comply with the revised MSWLF criteria. The statute also requires each State (or Tribe) to adopt and implement a permit program not later than 18 months after promulgation of EPA's final criteria (October 9, 1991).

The issue of whether Tribes should be approved to administer programs under RCRA Subtitle D is about to be proposed generically as part of the State and Tribal Implementation Rule (STIR). The Agency is seeking comment on the issue of Tribal permit program approval as part of the STIR and not as part of today's proposed rule. References to potential Tribal approvals in today's proposed rule are being made to be consistent with the STIR proposal.

The Agency believes that an approved State or Tribal permit program plays an important role in the proper implementation of today's rule to allow alternative ground-water monitoring requirements. Approved State or Tribal permit programs provide opportunities for public participation during the permit issuance process, at which time alternative ground-water monitoring procedures would be considered.

The STIR proposal will establish adequacy determination requirements and procedures for State and Tribal MSWLF permit programs, including submission of an MSWLF permit program application. The statute, however, does not require that the STIR be in place before EPA assesses the adequacy of any State or Tribal program. In fact, while the EPA has not yet promulgated the STIR, the Agency has already reviewed and approved over 40 State programs.

The STIR proposal also will include procedures for submitting revised applications for State and Tribal program adequacy determinations, should a State or Tribe revise its permit program after it has been deemed adequate. Program revision may be necessary when the pertinent Federal statutory or regulatory authority or relevant guidance changes, or when responsibility for the State or Tribal program is shifted within the lead agency or to a new or different State or Tribal agency or agencies. Final promulgation of today's proposed changes to part 258 may require revision to a State's or Tribe's permit program application, as well.

The statute does not establish any mandatory timeframes for revising approved programs, submitting revised applications, or re-examining adequacy determinations. Schedules for States and Tribes to submit revised applications to the Regional Administrator, where needed, are to be negotiated by the State or Tribal Director and the Regional Administrator. This arrangement should minimize potential disruption to on-going program activities.

States and Tribes may receive approval of their permit programs prior to the final promulgation of today's rule and later elect to adopt the revised regulatory language regarding alternatives to ground-water monitoring. These States and Tribes should work with their respective Regional EPA offices as they proceed to revise their permit programs.

VI. Consideration of Issues Related to Environmental Justice

The Agency believes that this proposed rule, if finalized, would not have a disproportionately high and adverse environmental or economic impact on any minority or low-income group, or on any other type of affected community. Rather, the Agency believes that this rulemaking will bring the cost of ground-water monitoring to an affordable level for some eligible communities that otherwise would have to bear the cost of full ground-water monitoring under 40 CFR part 258. As a result, the Agency believes that this rule will enable some minority and/or low-income communities to be served by a local landfill, and will reduce the potential for open burning and illegal dumping. Because this rule would reduce the financial impacts of ground-water monitoring, such communities may be able to allocate some funding to other priority issues affecting their local environments.

VII. Impact Analysis

A. Executive Order 12866

Under Executive Order 12866, EPA must determine whether a regulatory action is significant. A significant regulatory action is defined by Executive Order 12866 as one that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations or recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Pursuant to the terms of the Executive Order, it has been determined that this rule is a ''significant regulatory action'' because it raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. Changes made in response to OMB suggestions will be documented in the public record.

The Agency estimated the annual effect on the economy by comparing the costs of alternatives to ground-water monitoring with the costs of full ground-water monitoring. The Agency estimates the national annual costs of baseline ground-water monitoring requirements at qualifying small facilities to range from $7.2 million to $26.6 million per year. National annual costs of the lowest-cost alternative range from $1.3 million to $4.4 million per year, resulting in a $5.9 million to $22.2 million savings over baseline ground-water monitoring requirements. Actual regulatory savings from this proposal are likely to be less because site-specific factors and/or State regulatory decisions may preclude the use of the lowest cost alternative. Because appropriately selected alternatives to ground-water monitoring will be able to detect contamination, the Agency anticipates that there will be no decrease in environmental benefits as a result of the proposed rule. The full cost analysis may be found in the docket (F–95–AGAP–FFFFF) to this rulemaking.

For estimating costs of alternatives to ground-water monitoring, the Agency selected several alternatives for cost modeling purposes. These alternatives include: (A) collection and analysis of ground-water samples from existing drinking water/agricultural wells and springs; (B) collection of ground-water samples from monitoring wells and analysis for a reduced list of constituents; (C) annual sampling and analysis of geologic (solid/liquid) materials from the unsaturated zone; (D) collection and analysis of soil gas samples from the unsaturated zone; (E) performing an electrical resistivity survey, and; (F) installing moisture-detection gypsum blocks.

The lowest cost alternative differed depending on the size and the remaining life of the landfill. In most cases, the lowest-cost alternatives involved unsaturated zone monitoring techniques. It is also important to note that for this analysis the Agency assumed that no contamination occurred or was detected. If contamination is detected, further analysis is required and the cost savings over baseline ground-water monitoring requirements would be reduced, or even eliminated.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires an agency to prepare, and make available for public comment, a regulatory flexibility analysis that describes the impact of a proposed or final rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required if the head of an agency certifies the rule will not have significant economic impact on a substantial number of small entities.

The proposed amendment to 40 CFR part 258 would reduce the regulatory burdens of the part 258 criteria, thereby imposing no additional economic impact to small entities. Therefore, in accordance with 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant adverse economic impact on a substantial number of small entities (as defined by the Regulatory Flexibility Act).

C. Paperwork Reduction Act

The Agency has determined that there are two reporting requirements associated with today's proposed rule. Under this proposal, MSWLF owners/operators subject to these provisions are required to report to the Directors of approved States and Tribes: (a) the nature and extent of any contamination detected, and (b) proposed corrective measures to prevent further contamination or to remediate contamination. These reporting requirements will not cause any additional burden over existing similar requirements of 40 CFR part 258; they are merely different because they are generated by alternative monitoring programs. These requirements have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

D. Executive Order 12875

Under Executive Order 12875, Federal agencies are charged with enhancing intergovernmental partnerships by allowing State and local governments the flexibility to design solutions to problems the citizenry is facing. Executive Order 12875 calls on Federal agencies to either pay the direct costs of complying with Federal mandates or to consult with representatives of State, local, or tribal governments prior to formal promulgation of the requirement. The executive order also relates to increasing flexibility for State, Tribal, and local governments through waivers.

For this rulemaking, the Agency met with representatives of State and local governments, and other members of the regulated community, to provide them with an opportunity to present the Agency with information regarding the costs of monitoring ground water at qualifying small MSWLFs, and on any cost-effective alternatives to full part 258 ground-water monitoring requirements. The extent of the Agency's consultation with affected parties is discussed earlier in this preamble. Through this consultation

with State and local governments and members of the regulated community, the Agency believes that it has complied with the requirements of Executive Order 12875, and that this proposed rule will not lead to an unfunded Federal mandate. In fact, this proposal is expressly designed to increase the flexibility available to approved States and Tribes.

E. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a statement to accompany any rule where the estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, will be $100 million or more in any one year. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly impacted by the rule.

EPA has determined that this rule does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

List of Subjects in 40 CFR Part 258

Environmental protection, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: August 3, 1995.

Carol M. Browner,

Administrator.

For reasons set out in the preamble, part 258 of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 258—CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

1. The authority citation for part 258 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a), 6944(a) and 6949a(c); 33 U.S.C. 1345 (d) and (e).

2. Section 258.1 is amended by revising paragraphs (d)(3) and (e)(4) to read as follows:

§ 258.1 Purpose, scope, and applicability.

* * * * *

(d) * * *

(3) MSWLF units that meet the conditions of paragraph (f)(1) of this section and receive waste after October 9, 1991 but stop receiving waste before October 9, 1997, are exempt from all the requirements of this part 258, except the final cover requirement specified in § 258.60(a). The final cover must be installed by October 9, 1998. Owners or operators of MSWLF units described in this paragraph that fail to complete cover installation by October 9, 1998 will be subject to all the requirements of this part 258, unless otherwise specified.

* * * * *

(e) * * *

(4) For a MSWLF unit that meets the conditions for the exemption in paragraph (f)(1) of this section, the compliance date for all applicable requirements of part 258, unless otherwise specified, is October 9, 1997.

* * * * *

3. Section 258.2 is amended by revising the definition of a ''new MSWLF unit'' to read as follows:

§ 258.2 Definitions.

* * * * *

New MSWLF unit means any municipal solid waste landfill unit that has not received waste prior to October 9, 1993, or prior to October 9, 1997 if the MSWLF unit meets the conditions of § 258.1(f)(1).

* * * * *

4. Section 258.50 is amended by revising paragraphs (a) and (e) and by adding paragraph (i) to read as follows:

§ 258.50 Applicability.

(a) The requirements in this subpart apply to MSWLF units, except as provided in paragraphs (b) and (i) of this section.

* * * * *

(e) Owners and operators of all MSWLF units that meet the conditions of § 258.1(f)(1) must comply with all applicable ground-water monitoring requirements of this part by October 9, 1997.

* * * * *

(i) Directors of approved States and Tribes may allow any MSWLF unit meeting the criteria established by § 258.1(f)(1) to use alternatives to the ground-water monitoring system prescribed in §§ 258.51 through 258.55 so long as the alternatives will detect and, if necessary, assess the nature or extent of contamination from the MSWLF unit on a site-specific basis; or establish and use, on a site-specific basis, an alternative list of indicator parameters for some or all of the constituents listed in Appendix I to part 258. Alternative indicator parameters approved by the Director of an approved State or Tribe under this section must ensure detection of contamination from the MSWLF unit.

(1) If contamination is detected through the use of any alternative to the ground-water monitoring system prescribed in §§ 258.51 through 258.55, the MSWLF unit owner or operator must perform expanded monitoring to determine whether the detected contamination is an actual release from the MSWLF unit and, if so, to determine the nature and extent of the contamination. The Director of the approved State or Tribe shall establish a schedule for the MSWLF unit owner or operator to submit results from expanded monitoring in a manner that ensures protection of human health and the environment.

(i) If expanded monitoring indicates that contamination from the MSWLF unit has reached the saturated zone, the owner or operator must install ground-water monitoring wells and sample these wells in accordance with §§ 258.51 through 258.55.

(ii) If expanded monitoring indicates that contamination from the MSWLF unit is present in the unsaturated zone or on the surface, the Director of an approved State or Tribe shall establish a schedule for the owner or operator to submit a description of any necessary corrective measures. The schedule shall ensure corrective measures, where necessary, are undertaken in a timely manner that protects human health and the environment. The proposed corrective measures are subject to revision and approval by the Director of the approved State or Tribe. The owner or operator must implement the corrective measures according to a schedule established by the Director of the approved State or Tribe.

(2) When considering whether to allow alternatives to a ground-water monitoring system prescribed in §§ 258.51 through 258.55, including alternative indicator parameters, the Director of an approved State or Tribe shall consider at least the following factors:

(i) The geological and hydrogeological characteristics of the site;

(ii) The impact of manmade and natural features on the effectiveness of an alternative technology;

(iii) Climatic factors that may influence the selection, use, and reliability of alternative ground-water monitoring procedures; and

(iv) The effectiveness of indicator parameters in detecting a release.

(3) The Director of an approved State or Tribe can require an owner or operator to comply with the requirements of §§ 258.51 through 258.55, where it is determined by the Director that using alternatives to ground-water monitoring approved

under this subsection are inadequate to detect contamination and, if necessary, to assess the nature and extent of contamination.

[FR Doc. 95–19666 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–245; RM–8316]

Radio Broadcasting Services; Hayneville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed by R. J. Miller, requesting the allotment of FM Channel 300A to Hayneville, Alabama, as that community's first local aural transmission service, based upon the petitioner's withdrawal of interest, and the absence of any other acceptable expression in pursuing the allotment request in response to the *Notice*. *See* 58 FR 50313, September 27, 1993. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 93–245, adopted July 26, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19753 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–128, RM–8672]

Radio Broadcasting Services; Carthage, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Sharon K. Bryan, requesting the allotment of Channel 230A to Carthage, Illinois, as that community's second local FM service. Channel 230A can be allotted to Carthage in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 230A at Carthage are North Latitude 40–24–48 and West Longitude 91–08–00.

DATES: Comments must be filed on or before September 25, 1995, and reply comments on or before October 10, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John S. Neely, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033, (Attorney for Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–128, adopted July 28, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19750 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–129, RM–8673]

Radio Broadcasting Services; Colchester, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Sharon K. Bryan, requesting the allotment of Channel 281A to Colchester, Illinois, as that community's first local FM service. Channel 281A can be allotted to Colchester in compliance with the Commission's minimum distance separation requirements, with a site restriction of 12.2 kilometers (7.6 miles) northwest of the community, in order to avoid a short-spacing to the licensed site of Station WMOS (FM), Channel 280A, Quincy, Illinois. The coordinates for Channel 281A at Colchester are North Latitude 40–31–26 and West Longitude 90–51–08.

DATES: Comments must be filed on or before September 25, 1995, and reply comments on or before October 10, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John S. Neely, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033, (Attorney for Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–129, adopted July 28, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M

Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19752 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–130, RM–8674]

Radio Broadcasting Services; Taylorville, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Miller Communications, Inc., requesting the allotment of Channel 247A to Taylorville, Illinois, as that community's third local FM service. Channel 247A can be allotted to Taylorville in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 kilometers (4.9 miles) south, in order to avoid a short-spacing to Station WHMS(FM), Channel 248B, Champaign, Illinois. The coordinates for Channel 247A at Taylorville, Illinois, are North Latitude 39–28–44 and West Longitude 89–18–36.

DATES: Comments must be filed on or before September 25, 1995, and reply comments on or before October 10, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Pepper & Corazzini, 1776 K Street, NW., Washington, DC 20006, (Attorney for Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–130, adopted July 28, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19755 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–125, RM–8670]

Radio Broadcasting Services; Saint Joseph, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Saint John's University seeking the allotment of Channel 260A at Saint Joseph, Minnesota. Channel 260A can be allotted to Saint Joseph at coordinates 45–31–24 and 94–18–48. There is a site restriction 4.6 kilometers (2.9 miles) south of the community.

DATES: Comments must be filed on or before September 25, 1995, and reply comments on or before October 10, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Richard J. Bodorff, Todd M. Stansbury, Wiley, Rein & Fielding, 1776 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–125, adopted July 24, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19754 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–92; DA 95–1711]

Review of the Commission's Regulations Governing Programming Practices of Broadcast Television Networks and Affiliates

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission granted a 30-day extension of time to file comments and reply comments in the above proceeding in response to a request filed by the Network Affiliated Stations Alliance for a 60-day extension. The rulemaking seeks comment on five Commission rules governing programming practices between networks and their affiliates. *See Notice of Proposed Rule Making* in MM Docket No. 95–92, FCC 95–254 (released June 15, 1995), 60 FR 35369 (July 7, 1995).

DATES: Comments are now due on September 28, 1995; reply comments are due October 27, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jane Hinckley Halprin ((202) 776–1653) or Robert Kieschnick ((202) 739–0764).

SUPPLEMENTARY INFORMATION:

Order Granting Extension of Time

Adopted: August 2, 1995.
Released: August 3, 1995.

1. On June 15, 1995, the Commission initiated a rulemaking proceeding reexamining the Commission's rules governing programming practices of networks and their affiliates—specifically the right to reject rule, the time option rule, the exclusive affiliation rule, the dual network rule and the network territorial exclusivity rule. *Notice of Proposed Rule Making* in MM Docket No. 95–92, FCC 95–254 (released June 15, 1995), 60 FR 35369 (July 7, 1995). Comments were due August 28, 1995, and reply comments were due September 27, 1955.

2. On July 17, 1995, the Network Affiliated Stations Alliance (NASA) filed a motion seeking a 60-day extension of time to file comments and reply comments. NASA contends that additional time is necessary to compile the substantial economic data required to properly assess the rules at issue. Further, NASA submits that given the length of time these rules have been in place and the breadth of the proposals in the *Notice*, an extension of 60 days is reasonable.

3. As set forth in § 1.46 of the Commission's rules, 47 CFR 1.46, it is our policy that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. We do not agree that a 60-day extension is warranted in this case. We are persuaded by petitioner, however, that some extension of time is necessary to enable parties to carefully compile a complete record regarding the complex issues raised in this proceeding. We will therefore extend the comment and reply comment deadlines by 30 days.

4. Accordingly, it is ordered that the Motion for Extension of Time filed in MM Docket No. 95–92 by the Network Affiliated Stations Alliance is granted to the extent indicated above.

5. It is further ordered that the time for filing comments in the above-captioned proceeding is extended to September 28, 1995, and the time for filing reply comments is extended to October 27, 1995.

6. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and §§ 0.204(b), 0.283, and 1.45 of the Commission's rules, 47 CFR 0.204(b), 0.283, and 1.45.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 95–19703 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 95–126, RM–8671]

Radio Broadcasting Services; Denison-Sherman, Paris, Jacksboro, TX, and Madill, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Hunt Broadcasting, Inc., licensee of Station KDVE(FM), Channel 269C3, Denison-Sherman, Texas, seeking the substitution of Channel 269C1 for Channel 269C3 and modification of its license to specify the higher powered channel. To accommodate the allotment of Channel 269C3 at Denison-Sherman, we also propose to substitute Channel 282C2 for Channel 270C2 at Paris, Texas, and the modification of Station KBUS(FM)'s license; the substitution of Channel 273A for Channel 272A at Madill, Oklahoma, and the modification of Station KMAD(FM)'s license; and the substitution of Channel 252A for Channel 269A as well as, a change of site for Station KAIH(FM at Jacksboro, Texas, and modification of Station KAIH(FM) construction permit accordingly. *See* Supplemental Information, *infra*.

DATES: Comments must be filed on or before September 25, 1995, and reply comments on or before October 10, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Joseph P. Benkert, 1610 Wynkoop Street, Suite 200, Denver, Colorado 80202–1196 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. , adopted July 25, 1995, and released August 4, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channels 269C1, 282C2, 252A, and 273A can be allotted to Denison-Sherman, Paris, Jacksboro, Texas, and Madill, Oklahoma, in compliance with the Commission's minimum distance separation requirements. Channel 269C1 can be allotted to Denison-Sherman without the imposition of a site restriction. The coordinates for Channel 269C1 at Denison-Sherman are 33–41–39 and 96–34–38. The coordinates for Channel 252A at Jacksboro, Texas, are 33–14–26 and 98–11–16. The coordinates for Channel 282C2 at Paris, Texas, are 33–45–04 and 95–24–51. The coordinates for Channel 273A at Madill, Oklahoma, are 34–06–24 and 96–46–30.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–19741 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[I.D. 071095A]

South Atlantic Fishery Management Council; Postponement of Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Postponement of public hearings.

SUMMARY: On July 19, 1995, the South Atlantic Fishery Management Council (Council) proposed to hold public hearings to solicit comments on management measures for a new Fishery Management Plan for Golden Crab (FMP). Due to inclement weather from Hurricane ''Erin,'' the hearings in the Florida area had to be cancelled and rescheduled.

DATES: Written comments regarding the issues being discussed at the rescheduled hearings will be accepted through August 18, 1995.

The hearings are rescheduled as follows:

1. Tuesday, August 15, 1995, 7:00 p.m., Cocoa Beach, FL;
2. Wednesday, August 16, 1995, 7:00 p.m., Fort Lauderdale, FL; and
3. Thursday, August 17, 1995, 7:00 p.m., Marathon, FL.

ADDRESSES: To send comments, and to request copies of public hearing documents, write to: Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699. The hearings will be held at the following locations:

1. Cocoa Beach—Holiday Inn, 1300 N. Atlantic Avenue, Cocoa Beach, FL 32931; telephone (407) 783–2271;
2. Fort Lauderdale—Sheraton Design Center Hotel, 1825 Griffin Road, Dania, FL 33004; telephone (305) 920–3500; and
3. Marathon—Hawk's Cay Resort, MM61, Duck Key, FL 33050; telephone (305) 743–7000.

FOR FURTHER INFORMATION CONTACT: Robert K. Mahood, (803) 571–4366; Fax: (803) 769–4520.

SUPPLEMENTARY INFORMATION: Notice of the public hearings on golden crab was published in the **Federal Register** on July 19, 1995 (60 FR 37044). The hearings in the Florida area were scheduled for August 1, 2, and 3, but were cancelled due to hurricane Erin. The hearing in Charleston, SC, will remain as originally scheduled on August 7, 1995. The Council is also informing persons of the rescheduling via news releases distributed through the local media.

The Council hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by July 18, 1995 (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 4, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–19705 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 646

[I.D. 072895E]

The Snapper-Grouper Fishery and other Finfish Fisheries of the South Atlantic; Public Scoping Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) is holding public scoping meetings to solicit comments on: The sale of fish (all species) caught under the recreational bag limits established by the Council's fishery management plans (FMPs); and on the issue of recreational catch and the commercial bycatch of wreckfish under the FMP for the Snapper-Grouper Fishery of the South Atlantic. See the **SUPPLEMENTARY INFORMATION** section for additional information on the scoping meetings.

DATES: The public scoping meetings are scheduled to begin at 6:30 p.m. on Monday, August 21, 1995, in Charleston, SC.

ADDRESSES: The public scoping meetings will be held in conjunction with the South Atlantic Council public meetings at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407; telephone (1–800) 334–6660.

Requests for copies of public scoping documents should be sent to the Council at the following address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Robert K. Mahood, Council Executive Director; telephone: (803) 571–4366; fax: (803) 769–4520.

SUPPLEMENTARY INFORMATION: A public scoping meeting will be held to solicit comments on the sale of fish caught under the recreational bag limit (all species). The Council has considered this issue on numerous occasions over the past several years, and both commercial and recreational fishermen have expressed concerns about this matter. Currently, all of the Council's FMPs allow for the sale of fish taken under a legal bag limit. The issue regarding the sale of fish caught under bag limits involves several considerations including: (1) The definitions of recreational and commercial fishermen; (2) the ethical question of a ''recreational'' fisherman selling his catch; and (3) the impacts of selling fish caught under an FMP-established bag limit on an FMP-established commercial quota for the same species. The Council will consider prohibiting the sale of fish by recreational anglers. The Council is inviting and will consider the views of recreational and commercial fishermen and other interested persons on this matter prior to taking any formal and final action; the Council is particularly interested in hearing about the possible impacts of prohibiting the sale of recreationally-caught fish.

The Council will also hold a public scoping meeting to solicit comments on wreckfish caught by recreational fishermen and on the commercial bycatch of wreckfish outside of the Blake Plateau. Amendments 3 and 4 to the FMP for the Snapper-Grouper Fishery of the South Atlantic (Snapper-Grouper FMP) established a management program for wreckfish in the South Atlantic region. A regulatory adjustment framework measure was also included in the Snapper-Grouper FMP allowing the Council to set total allowable catch (TAC) each year and at the same time consider other management changes or options.

Amendment 5 to the Snapper-Grouper FMP established an individual transferable quota (ITQ) system in the wreckfish fishery that allows only ITQ shareholders to land and sell wreckfish, and allows only permitted dealers to handle wreckfish and to buy wreckfish from ITQ shareholders. Recently, reports indicate that wreckfish is being caught by recreational fishermen fishing primarily for red grouper off Key West, FL. Also, commercial snapper-grouper fishermen, especially off south Florida, are experiencing occasional wreckfish bycatch. These reports do not indicate frequency or poundage of catches, how the catches are being disposed of, that the catches are of significant quantities or the frequency of these occurrences.

The Council is considering the following management options for regulating this fishery: (1) No action (i.e., continue to prohibit the taking or landing of wreckfish in the South Atlantic region except by individual transferable quota (ITQ) shareholders; (2) set a recreational bag limit of 1 or 2 fish per fisherman per trip; (3) set a recreational bag limit of 1 or 2 fish per boat per trip; (4) set a recreational bag limit of 1 or 2 fish per boat per day; (5) set an undetermined recreational bag limit; (6) set a bag limit of 1 or 2 fish per boat per trip for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (7) set a bag limit of 1 or 2 fish per boat per day for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (8) set a bag limit of 1 or 2 fish per boat per trip for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (9) set a bag limit of 1 to 2 fish per boat per day for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (10) allow for an undetermined commercial bag limit in the South Atlantic region; and (11) allow for an undetermined commercial bag limit only in the South Florida area.

Written public comments on the subjects of the scoping meetings, including any Council scoping documents made available to the public, may be submitted to the Council from the time of the scoping meetings until such time as the Council has prepared appropriate and related public hearing documents that are available for public comment. For copies of the public scoping documents (see **ADDRESSES**).

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by June 16, 1995.

For special accommodations regarding the meetings and hearing, contact the Council (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et. seq.*

Dated: August 3, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–19701 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 60, No. 154
Thursday, August 10, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Fuzzy Bighorn EIS; Clearwater National Forest, Orofino, Idaho

AGENCY: Forest Service, USDA.

ACTION: Revised Notice, Intent to prepare an Environmental Impact Statement.

SUMMARY: The original Notice of Intent was published in the **Federal Register** on July 28, 1989 on page 31353. A Revised Notice was submitted on July 17, 1991. This revision references the Revised Notice of 1991. Changes to that Revision are as follows: The analysis area no longer includes Bighorn Creek or Weitas Creek drainages, nor is it 6600 acres as described on page 1 and page 3 of that Revision. The analysis area still encompasses Orogrande Creek, but in its entirety, instead of just a portion, and now totals approximately 57,000 acres.

Also, on page 7 of that Revision it states that the Final EIS is expected to be released March 30, 1992. That has changed. The Final EIS is now expected to be released September 30, 1995.

FOR FURTHER INFORMATION CONTACT: Linda Lilly, Fuzzy Bighorn Interdisciplinary Team Leader, or Douglas Gober, District Ranger, Pierce Ranger District, Clearwater National Forest, Rt. 2, Box 191, Kamiah, ID 83536, (208) 935–2513. The Responsible Official is the Forest Supervisor of the Clearwater National Forest.

Dated: July 27, 1995.

James Caswell,

Forest Supervisor, Clearwater National Forest.

[FR Doc. 95–19806 Filed 8–9–95; 8:45 am]

BILLING CODE 3410–11–M

Draft Revised Rio Grande National Forest Land and Resource Management Plan and Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Publication of the Draft Revised Rio Grande National Forest Land and Resource Management Plan and Environmental Impact Statement.

SUMMARY: The Proposed Revised Land and Resource Management Plan and Draft Environmental Impact Statement for the Rio Grande National Forest is being released for public review and comment on August 10, 1995. Interest has been expressed by several interested groups and individuals for an extended comment period due to the technical complexity of the documents and the critical nature of the Revision Topics. For these reasons the Forest has decided to offer the documents for review and comment for 120 days instead of the normal 90 day period.

EFFECTIVE DATE: Public Comment period will be 120 calendar days from August 10, 1995, ending on December 7, 1995.

FOR FURTHER INFORMATION CONTACT: Questions about this policy should be addressed to James B. Webb, Forest Supervisor, 1803 West Highway 160, Monte Vista, Colorado 81144, (719) 852–5941.

SUPPLEMENTARY INFORMATION: The Proposed Revised Land and Resource Management Plan and Draft Environmental Impact Statement for the Rio Grande National Forest is being released for Public review and comment on August 10, 1995. Interest has been expressed by several interested groups and individuals for an extended period due to the technical complexity of the documents and the critical nature of the Revision Topics. For these reasons the Forest has decided to offer the documents for review and comment for 120 days instead of the normal 90 day period. The comment period will last 120 days, beginning on August 10 and ending on December 7, 1995.

The Forest Interdisciplinary Planning Team prepared the DEIS and Proposed Plan with intensive public involvement prior to the formulation of the alternatives. Public involvement included persons throughout Colorado and northern New Mexico, as well as extensive mailings, to keep people informed and to allow a two-day dialogue with the public.

This plan is the first in the region to incorporate a biodiversity assessment based on information at the Province and Ecosection levels of ecosystems. This Plan is also the first to analyze environmental consequences based on two levels of budgets, the first being a 3 year average of experienced funding, and the second being the level necessary to fully implement the vision of the alternative. The results of this budget-driven display have been to more realistically show what we are likely to accomplish on the Forest within the planning period. One of the notable results is that we do not expect to be able to meet our ASQ with any of the alternatives which have an ASQ, and the difference between ASQ and harvest level ranges from 33 to 90 percent reduction.

The Regional Forester has selected Alternative D as the preferred alternative. The documents will be revised in response to public comments prior to the publication of the Final EIS and Forest Plan in 1996.

Interested parties are invited to send comments regarding the Draft documents to the address cited above.

Dated: July 26, 1995.

William J. Gournay,

Acting Regional Forester.

[FR Doc. 95–19773 Filed 8–9–95; 8:45 am]

BILLING CODE 3410–11–M

Blue Mountains Natural Resources Institute (BMNRI), Board of Directors

AGENCY: Pacific Northwest Research Station, USDA.

ACTION: Notice of meeting.

SUMMARY: The Blue Mountains Natural Resources Institute Board of Directors will meet on September 6, 1995 at Eastern Oregon State College, Hoke Hall, Room 309, 1410 L Avenue in La Grande, Oregon. The meeting will begin at 9 a.m. and continue until 5 p.m. Agenda items to be covered include: (1) Develop concise descriptive statement of BMNRI purpose; (2) approval of three year tactical plan; (3) approval of annual work plan; (4) final review and approval of letter to Secretary of Agriculture; (5) review current year activities; and (6) public comments. All Blue Mountains Natural Resources Institute Board

Meetings are open to the public. Interested citizens are encouraged to attend. Members of the public who wish to make a brief oral presentation at the meeting should contact John Henshaw, BMNRI, 1401 Gekeler Lane, La Grande, OR 97850, 503–963–7122, no later than 5:00 p.m. September 5, 1995 to have time reserved on the agenda.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to John Henshaw, Acting Program Manager, Blue Mountains Natural Resources Institute, 1401 Gekeler Lane, La Grande, Oregon 97850, 503–963–7122.

Dated: August 2, 1995.

John Henshaw,

Acting Program Manager.

[FR Doc. 95–19776 Filed 8–9–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration (NTIA).

Title: Customer Feedback Survey.

Agency Form Number: None Assigned.

OMB Approval Number: None.

Type of Request: New Collection.

Burden: 350 hours.

Number of Respondents: 4,200.

Avg Hours Per Response: 5 minutes.

Needs and Uses: Under Executive Order 12862, President Clinton instructed all agencies to establish customer service standards, to identify their customers, to assess customer satisfaction, and to take necessary steps to improve customer satisfaction. NTIA will be collecting data to improve in scope and quality of its electronic information dissemination services and products.

Affected Public: Individuals, businesses or other for–profit organizations, not–for–profit institutions, farms, federal, state, local and tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Virginia Huth, (202) 395–3785.

Agency: Technology Administration.

Title: Nominations for National Technology Medal.

Agency Form Number: None Assigned.

OMB Approval Number: 0692–0001.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 375 hours.

Number of Respondents: 125.

Avg Hours Per Response: 3 hours.

Affected Public: Individuals, businesses or other for–profit organizations, not–for–profit institutions.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395–7340.

Agency: Technology Administration.

Title: Application for Manufacturing Technology Fellowship.

Agency Form Number: None Assigned.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 5,400 hours.

Number of Respondents: 200.

Avg Hours Per Response: 27 hours.

Needs and Uses: The U.S. – Japanese Manufacturing Fellowship program is a partnership effort that provides U.S. manufacturing engineers the opportunity to spend a year in Japan learning Japanese techniques. The information collected is needed to evaluate the qualifications applicants.

Affected Public: Individuals, businesses or other for–profit organizations.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395–7340.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Tache, DOC Forms Clearance Officer, (2020 482–3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective Desk Officer listed above, Room 10236, New Executive Office Building, Washington, D.C. 20503.

Dated: July 31, 1995

Gerald Tache,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–19639 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–CW–F

Economic Development Administration

Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms and opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 06/17/95–07/16/95

Firm name	Address	Date petition accepted	Product
Applied Engineering Products, Inc. DBA Yes Trading.	404 West 400 South, Salt Lake City, UT 84101.	06/28/95	Unisex Tops, Trousers, and Shorts of Cotton.
BBC Industries, Inc	1526 Fenpark Drive, Fenton, MO 63026.	07/06/95	Infrared Heater Elements and Panels and Ovens.
Fulton Ferracute Industries International, Inc.	3844 Walsh Street, St. Louis, MO 63116.	07/13/95	Sugar Mills and Hydraulic Power Units.
General Tool Specialties, Inc	284 Sunnymead Road, Somerville, NJ 08876.	07/13/95	Molds for Plastic Injection, Compression and Transfer, and Aluminum Die Castings.
GHM Industries, Inc	41 Fremont Street, Worcester, MA 01603.	06/23/95	Textile Finishing Machinery.
Gunver Manufacturing Co., Inc	255 Sheldon Road, Manchester, CT 06040.	07/10/95	External and Internal Brackets, and Struts.
Keltronics Corporation	4000 North Lindsay, Oklahoma City, OK 73105.	07/10/95	Telecommunications Resistive Conference Bridges and Attenuators, and Printed Circuit Boards.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 06/17/95–07/16/95—Continued

Firm name	Address	Date petition accepted	Product
Melbourne Manufacturing Company, Inc.	1708 Delmar Avenue, St. Louis, MO 63103.	07/10/95	Leather and Synthetic Handbags.
Sayett Group, Inc	17 Tobey Village Office Park, Pittsford, NY 14534.	07/11/95	Electronic Imaging Equipment.
Shallbetter Brothers, Inc. DBA Shallbetter, Inc.	640 Arizona, NW, Huron, SD 57350.	06/30/95	Electrical Power Equipment.
Sohil Electronic Industries, Inc	290 Pratt Street, Meriden, CT 06450.	06/28/95	Printed Circuit Boards.
Southern Magic, Inc	1456 Highway 317 South, Franklin, LA 70538.	07/06/95	Steel and Aluminum Products Fabricator.
Terry Kost DBA Best Shingle Company.	1718 South Tilden, Aberdeen, WA 98520.	07/13/95	Shakes and Shingles.
The Protector Corporation	6681 Arapahoe, Boulder, CO 80303.	07/06/95	Soft Carrying Cases, Custom Cases and Covers to Protect Office Equipment.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, Room 7023, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: July 28, 1995.

Brenda A. Johnson,

Acting Director, Trade Adjustment Assistance Division.

[FR Doc. 95–19756 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–24–M

Foreign-Trade Zones Board

[Docket 40–95]

Foreign-Trade Zone 2, New Orleans, LA Proposed Foreign-Trade Subzone BP Exploration & Oil Inc. (Oil Refinery Complex) New Orleans, Louisiana, Area

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Commissioners of the Port of New Orleans, grantee of FTZ 2, requesting special-purpose subzone status for the oil refinery complex of BP Exploration & Oil Inc., located in Plaquemines Parish, Louisiana (New Orleans area). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on August 3, 1995.

The refinery complex consists of 2 sites in Plaquemines Parish, Louisiana: *Site 1* (670 acres)—main refinery and petrochemical feedstock complex located on the Mississippi River at 15551 Highway 23, Belle Chasse, some 20 miles south of New Orleans; *Site 2* (409,000 barrel leased capacity)—tank farm (owned by Chevron), located on the Mississippi River at milemarker 25.7, Buras, some 30 miles southeast of the refinery.

The refinery (250,000 barrels per day; 370 employees) is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, distillates, residual fuels, and naphthas. Petrochemicals include methane, ethane, propane, benzene, and xylene. Refinery by-products include petroleum coke and carbon black. Some 50 percent of the crude oil (90 percent of inputs), and some feedstocks and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from 5.25¢ to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is [60 days from date of publication]. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to [75 days from date of publication]).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Hale Boggs Federal Building, 501 Magazine Street, Room 1043, New Orleans, Louisiana 70130

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: August 3, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–19823 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 755]

Grant of Authority for Subzone Status, BASF Corporation, (Vitamins/Industrial Plastics/Plastic Auto Parts) Wyandotte, MI

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of

the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Greater Detroit Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 70, for authority to establish special-purpose subzone status at the chemical products (vitamins, industrial plastics, and plastic auto parts) manufacturing facilities of BASF Corporation in the Wyandotte, Michigan, area, was filed by the Board on October 12, 1993, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 52–93, 58 FR 55040, 10–25–93); and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 70S) at the plant sites of BASF Corporation in the Wyandotte, Michigan, area, at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 2nd day of August 1995.

Susan G. Esserman,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–19821 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 39–95]

Foreign-Trade Zone 15, Kansas City, Missouri; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Kansas City Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 15, requesting authority to expand its zone in the Kansas City, Missouri area, within the Kansas City, Missouri, Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on July 26, 1995.

FTZ 15 was approved on March 23, 1973 (Board Order 93, 38 FR 8622, 4/4/73) and expanded on October 25, 1974 (Board Order 102, 39 FR 39487, 11/7/74). The zone project includes 3 general-purpose sites in the Kansas City, Missouri, port of entry area: *Site 1* (250,000 sq. ft.)—Midland International Corp. warehouse, 1650 North Topping, Kansas City; *Site 2* (2,815,000 sq. ft.)—surface/underground warehouse complex, 8300 NE., Underground Drive, Kansas City; and, *Site 3* (101,000 sq. ft.)—Kansas City International Airport, 12600 NW., Prairie View Road, Kansas City. An application is currently pending with the Board for an additional site in the Sugar Creek/Independence, Missouri area (Docket No. 15–95).

The applicant is now requesting authority to expand Site 3 to include the entire Kansas City International Airport facility (10,000 acres). The property is owned by the Kansas City Aviation Department and includes 3 air cargo facilities and jet fuel storage/distribution facilities.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is [60 days from date of publication]. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to [75 days from date of publication]).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 601 East 12th Street, Room 635, Kansas City, Missouri 64106

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: August 2, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–19822 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–588–038]

Bicycle Speedometers From Japan; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of antidumping duty administrative review.

SUMMARY: We are amending the final results of the administrative review on bicycle speedometers from Japan published on June 5, 1995 (60 FR 29552), to reflect the correction of a ministerial error made in the margin calculations in those final results. We are publishing this amendment to the final results in accordance with 19 CFR 353.28(c).

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6312/3814.

SUPPLEMENTARY INFORMATION:

Background

The review covers the shipments of Cateye, a manufacturer/exporter of bicycle speedometers during the period November 1, 1992, through October 31, 1993.

Applicable Statute and Regulations

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by the review are shipments of bicycle speedometers. This merchandise is currently classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 9029.20.20, 9029.40.80, and 9029.90.40. HTS item

numbers are provided for convenience and Customs purposes. Our written description remains dispositive.

Amendment of Final Results

On June 7, 1995, Cateye Co. Ltd., alleged that the Department made a clerical error in the calculation of foreign market value (FMV) by failing to deduct from the FMV extra packing expenses for split cartons for those home market sales that incurred these expenses. We agree that the extra packing expenses should have been deducted from those sales and have recalculated the weighted-average margin accordingly.

Final Results of Review

As a result of our review, we have determined that the following margin exists for the period November 1, 1992 through October 31, 1993:

Manufacturer/Exporter	Margin (percent)
Cateye Co., Ltd.	1.31

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these amended final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after that publication date, as provided by section 751(a)(1) of the Act, and will remain in effect until publication of the final results of the next administrative review: (1) The cash deposit rate for the reviewed company will be 1.31 percent; (2) for exporters not covered in this review, but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 26.44 percent, which is the ''new shipper'' rate established in the first administrative review. In accordance with the Court of International Trade's (CIT's) decisions in *Floral Trade Council* v. *United States,* 822 F. Supp. 766 (CIT 1993), and *Federal Mogul Corporation and the Torrington Company* v. *the United States,* 822 F Supp. 782 (CIT 1993), we are basing the ''all others'' rate on the ''new shipper'' rate established in the first final results of administrative review published by the Department (47 FR 28978, July 2, 1982) because this proceeding is governed by an antidumping finding, and we are unable to ascertain the ''all others'' rate from the Treasury LTFV investigation.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)), and 19 CFR 353.22.

Dated: July 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–19819 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–583–009]

Color Television Receivers, Except for Video Monitors, From Taiwan; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/International Trade Administration, Department of Commerce.

SUMMARY: On April 25, 1995, the United States Court of International Trade (CIT) affirmed our results for the following redeterminations on remand of the final results of administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan: Tatung Company, et al. v. United States, Consol. Court No. 90–12–00649 (third review); International Brotherhood of Electrical Workers, et al., v. United States, Consol. Court No. 92–03–00137 (sixth review); and, Zenith Electronics Corp. et al. v. United States, Consol. Court No. 93–07–00404 (eighth review).

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION CONTACT:

John Kugelman or Michael J. Heaney, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–0649 or 482–4475, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 14, 1994, December 16, 1994, and January 6, 1995, the CIT issued orders directing the Department to recalculate the value-added tax (VAT) according to the methodology employed in Federal Mogul v. United States, 834 F. Supp. 1391 (CIT October 7, 1993) (Federal Mogul) for various companies for the periods April 1, 1986 through March 31, 1987 (third review), April 1, 1989 through March 31, 1990 (sixth review), and April 1, 1991 through March 31, 1992 (eighth review). Also, on December 16, 1994, the CIT directed the Department in the eighth review to establish a methodology for the adjustment to United States price for uncollected import duties forgiven upon export.

Pursuant to the instructions of the CIT, the Department calculated the VAT consistent with the methodology employed in Federal Mogul, for various companies for the third, sixth, and eighth reviews. The Department established a methodology for calculating and made an adjustment in the eighth review for uncollected import duties on exported merchandise. On April 25, 1995, the Court affirmed our application of the VAT methodology, and adjustments for uncollected import duties.

Amended Final Results of Review

The results of our calculations are presented below:

Company	Period	Margin (percent)
AOC	4/1/86–3/31/87	0.88
Proton	4/1/86–3/31/87	0.86
Proton	4/1/89–3/31/90	0.53
Action	4/1/91–3/31/92	2.69
Proton	4/1/91–3/31/92	6.23
Tatung	4/1/91–3/31/92	1.75

Based on the results of the eighth review (4/1/91–3/31/92), the Department will instruct the Customs Service to collect cash deposits of estimated antidumping duties on all appropriate entries for Action, Proton, and Tatung in accordance with the procedures discussed in the final results of these reviews. Because AOC had no shipments during the eighth review, and has filed an appeal concerning the final results for the seventh review, the Department will make no changes to AOC's cash deposit rate at this time. These deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

The Department will issue appraisement instructions directly to the Customs Service for each exporter.

This notice serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This amendment of final results of review and notice are in accordance with section 751(f) of the Tariff Act (19 U.S.C. 1673(d) and 19 CFR 353.28(c).

Dated: August 4, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–19820 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–M

[C–307–804]

Gray Portland Cement and Clinker From Venezuela; Termination of Administrative Review of Suspended Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Termination of Administrative Review of Suspended Countervailing Duty Investigation.

SUMMARY: On April 14, 1995, the Department of Commerce (''the Department'') initiated an administrative review of the suspended countervailing duty investigation on gray portland cement and clinker from Venezuela. On July 5, 1995 the Ad Hoc Committee of Florida Producers of Gray Portland Cement withdrew their request for an administrative review. The Department is now terminating this review.

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION: Contact Nithya Nagarajan or Donna Kinsella, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–0193 or telefax (202) 482–1388.

SUPPLEMENTARY INFORMATION:

Background

On April 14, 1995, the Department of Commerce published in the **Federal Register** a notice of initiation of administrative review of the suspended countervailing duty investigation on gray portland cement and clinker from Venezuela (60 FR 19017) at the request of the Ad Hoc Committee of Florida Producers of Gray Portland Cement. This notice stated that we would review information submitted by the Government of Venezuela for the period January 1, 1994 through December 31, 1994. The Ad Hoc Committee of Florida Producers of Gray Portland Cement subsequently withdrew their request for review on July 5, 1995. Under § 355.22(a)(3) of the Department's regulations, a party requesting a review may withdraw that request no later than 90 days after the date of publication of the notice of initiation. Because the withdrawal by the Ad Hoc Committee of Florida Producers of Gray Portland Cement occurred within the time frame specified in 19 CFR 355.22(a)(3), and no other interested party has requested an administrative review for this period, the Department is now terminating this review.

This notice is published pursuant to § 355.22(a)(3) of the Department's regulations (19 CFR 355.22(a)(3)).

Dated: August 3, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–19818 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–P

(C–475–817)

Notice of Countervailing Duty Order: Oil Country Tubular Goods (''OCTG'') From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION CONTACT: Peter Wilkniss, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0588.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Investigation and Order

In its final determination, the Department determined that oil country tubular goods (OCTG) comprised a single class or kind of merchandise. In its final determination, the International Trade Commission (ITC) found two like products:

(1) Drill pipe and (2) OCTG other than drill pipe (*i.e.*, casing and tubing). The ITC did not find material injury, or threat of material injury with regard to drill pipe. Consequently, the countervailing duty order covers only OCTG other than drill pipe.

The merchandise covered by this order are OCTG, hollow steel products of circular cross-section, including only oil well casing and tubing pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing or tubing pipe containing 10.5 percent or more of chromium, or drill pipe. The OCTG subject to this order are currently classified in the *Harmonized Tariff Schedule of the United States (HTSUS)* under item numbers:

7304.20.10.10, 7304.20.10.20, 7304.20.10.30, 7304.20.10.40, 7304.20.10.50, 7304.20.10.60, 7304.20.10.80, 7304.20.20.10, 7304.20.20.20, 7304.20.20.30, 7304.20.20.40, 7304.20.20.50, 7304.20.20.60, 7304.20.20.80, 7304.20.30.10, 7304.20.30.20, 7304.20.30.30, 7304.20.30.40, 7304.20.30.50, 7304.20.30.60, 7304.20.30.80, 7304.20.40.10,

7304.20.40.20, 7304.20.40.30, 7304.20.40.40, 7304.20.40.50, 7304.20.40.60, 7304.20.40.80, 7304.20.50.15, 7304.20.50.30, 7304.20.50.45, 7304.20.50.60, 7304.20.50.75, 7304.20.60.15, 7304.20.60.30, 7304.20.60.45, 7304.20.60.60, 7304.20.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50.

Drill pipe is classifiable under *HTSUS* item numbers 7304.20.70.00, 7304.20.80.30, 7304.20.80.45, and 7304.20.80.60. However, pursuant to the ITC's negative determination regarding drill pipe, we have deleted these numbers from the scope of this order.

Although the *HTSUS* subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Countervailing Duty Order

In accordance with section 705(a) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1671(a)), on June 19, 1995, the Department made its final determination that producers or exporters of OCTG in Italy receive benefits which constitute subsidies within the meaning of the countervailing duty law (60 FR 33577, June 28, 1995). On August 3, 1995, in accordance with section 705(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that imports of OCTG from Italy materially injure a U.S. industry. Therefore, in accordance with sections 706 and 751 of the Act (19 U.S.C. sections 1671e and 1675), the Department hereby directs United States Customs officers to assess, upon further advice by the administering authority pursuant to sections 706(a)(1) and 751 of the Act, countervailing duties equal to the amount of the estimated net subsidy on all entries of OCTG from Italy. These countervailing duties will be assessed on all unliquidated entries of OCTG from Italy entered, or withdrawn from warehouse, for consumption on or after December 2, 1994, the date on which the Department published its preliminary determination notice in the **Federal Register** (59 FR 61870), and before April 1, 1995, the date on which we instructed the U.S. Customs Service to discontinue the suspension of liquidation, and all entries and withdrawals for consumption made on or after the date of publication of this order in the **Federal Register**. Entries of OCTG made on or after April 1, 1995, and prior to the date of publication of this order in the **Federal Register** are not subject to the assessment of countervailing duties since we cannot suspend liquidation of the subject merchandise, begun on December 2, 1994, for more than 120 days without the issuance of a final affirmative ITC injury determination.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties of this merchandise, the following cash deposit for OCTG from Italy.

OCTG

Country-Wide *Ad Valorem* Rate 1.47 Percent.

This notice constitutes the countervailing duty order with respect to OCTG from Italy, pursuant to section 706 of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect. This order is published in accordance with section 706 of the Act and 19 CFR 355.21.

Dated: August 4, 1995.

Susan G. Esserman.

Assistant Secretary for Import Administration.

[FR Doc. 95–19817 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–P

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 94–154R. *Applicant:* University of Hawaii, School of Ocean and Earth Science and Technology, Department of Geology & Geophysics, 2525 Correa Road, Honolulu, HI 96822. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* Original notice of this resubmitted application was published in the FEDERAL REGISTER of January 26, 1995.

Docket Number: 95–060. *Applicant:* University of California, Santa Cruz, Earth Sciences Department, 1156 High Street, Santa Cruz, CA 95064. *Instrument:* 5 ea. Seismograph, Model STS-2. *Manufacturer:* G. Streckeisen, Switzerland. *Intended Use:* The instrument will be used to record earthquakes all over the world for study to improve the understanding of the source process of earthquakes. In addition, the instrument will be used to study the nature of the deep extension of the San Andreas Fault in California. *Application Accepted by Commissioner of Customs:* July 14, 1995.

Docket Number: 95–061. *Applicant:* University of Southern California, 1540 Alcazar, Bldg. CHP 155, Los Angeles, CA 90033. *Instrument:* 3-Dimensional Motion Analyser, Model Vicon System 370. *Manufacturer:* Oxford Metrics, Ltd., United Kingdom. *Intended Use:* The instrument will be used for the study of the walking patterns of human subjects in order to understand the biomechanics of the human gait, particularly as this applies to the treatment of rehabilitation patients. *Application Accepted by Commissioner of Customs:* July 18, 1995.

Docket Number: 95–062. *Applicant:* Carnegie Mellon University, 4400 Fifth Avenue, Pittsburgh, PA 15213. *Instrument:* Electron Microscope, Model H-7100. *Manufacturer:* Nissei Sangyo, Japan. *Intended Use:* The instrument will be used in research projects aimed at an understanding of fundamental cell, developmental, neurobiological, and physiological processes. Specific projects will include: (1) correlated electron microscopic and light optical studies; (2) high resolution immunolocalization studies; (3) ultrastructural analysis of mutant visual systems in Drosophila, and of tissues in transgenic mice; (4) determination of the subcellular distribution of mRNAs by electron microscopic in situ hybridization; and (5) structural studies of the motor protein kinesin, including conformational changes in the protein under varying ionic conditions and kinesin-microtubule interactions. In addition, the instrument will be used in the course Techniques in Electron Microscopy to teach basic methods in transmission electron microscopy to graduate students and advanced undergraduate students. *Application*

Accepted by Commissioner of Customs: July 18, 1995.

Docket Number: 95–063. *Applicant:* Oklahoma State University, Purchasing Department, 208G Whitehurst, Stillwater, OK 74078. *Instrument:* Mass Spectrometer, Model VG Isochrom-EA. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* The instrument will be used to analyze for the presence of the stable isotope ^{15}N, which is used as a tracer for fertilizer N in crop production systems. Investigations will be conducted to establish critical levels associated with plant gaseous N loss in various winter wheat production systems and to determine which system offers the greatest opportunity for increasing fertilizer N use efficiency while decreasing potential nitrate N leaching losses. In addition, the instrument will be used for educational purposes in the course Soil-plant Relationships, Agronomy 5813. *Application Accepted by Commissioner of Customs:* July 18, 1995.

Docket Number: 95–064. *Applicant:* University of Illinois at Urbana-Champaign, Purchasing Division, 506 South Wright Street, Urbana, IL 61801. *Instrument:* Force and Moment Wind Tunnel Balance. *Manufacturer:* Aertect A.T.E. Ltd., United Kingdom. *Intended Use:* The instrument will be used to measure the lift, drag, and pitching moment on an airfoil model mounted vertically between the wind tunnel floor and ceiling during experiments related to the performance determination for a two dimensional airfoil. *Application Accepted by Commissioner of Customs:* July 21, 1995.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–19813 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–F

University of Kentucky, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95–040. *Applicant:* University of Kentucky, Lexington, KY 40506-0055. *Instrument:* Electron-Electron Coincidence Apparatus. *Manufacturer:* University of Southhampton, United Kingdom. *Intended Use:* See notice at 60 FR 31144, June 13, 1995. *Advice Received From:* The National Institute of Standards and Technology, July 12, 1995.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides an electron gun emission source, a metal-vapor atomic beam, scattered and ejected electron detectors, and a hemispherical electrostatic monochrometer for determining atomic metal-vapor autoionizing energy levels. The National Institute of Standards and Technology advises that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–19812 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DS–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Transshipment Charges for Certain Cotton Textile Products Produced or Manufactured in Pakistan

August 4, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs charging illegal transshipments to a 1995 limit.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Based on investigations conducted by the Government of the United States, CITA has determined that cotton sheets in Category 361 were transshipped in circumvention of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

The United States Government requested consultations in writing with the Government of Pakistan on February 7, 1995. The U.S. Government and the Government of Pakistan met on March 28 and 29, 1995 and July 11 and 12, 1995, in Washington to discuss the charges. The U.S. Government provided the Government of Pakistan with sufficient evidence of transshipment during these meetings. The U.S. Government informed the Government of Pakistan of the charges to be made to the 1995 quota for Category 361. Accordingly, since a mutually satisfactory agreement was not reached, in the letter published below the Chairman of CITA directs the Commissioner of Customs to charge 691,082 numbers to the 1995 quota level for Category 361.

U.S. Customs continues to conduct other investigations of such transshipments of textiles produced in Pakistan and exported to the United States. The charges resulting from these investigations will be published in the **Federal Register**.

The U.S. Government is taking this action pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 9014, published on February 16, 1995.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 4, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: To facilitate implementation of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, I request that, effective on August 11, 1995, you charge 691,082 numbers to the limit established in the directive dated February 13, 1995 for textile products in Category 361, produced or manufactured in Pakistan and exported during the period beginning on January 1, 1995 and extending through December 31, 1995.

This letter will be published in the **Federal Register**.

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–19758 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DR–F

Recision of a Request to Consult and a Limit on Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

August 4, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Announcing the recission of a request to consult and issuing a directive to the Commissioner of Customs cancelling a limit.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The United States Government has decided to rescind the request made on March 29, 1995 to consult on imports of cotton and man-made fiber underwear in Categories 352/652 from Thailand.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to cancel the limit established for Categories 352/652 for the period March 29, 1995 through December 31, 1995.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 32656, published on June 23, 1995.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 4, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive cancels and supersedes the directive issued to you on June 26, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of cotton and man-made fiber textile products in Categories 352/652, produced or manufactured in Thailand and exported during the period which began on March 29, 1995 and extends through December 31, 1995. All import charges shall be retained.

Effective on August 11, 1995, you are directed to cancel the limit established for Categories 352/652 for the period March 29, 1995 through December 31, 1995. For administrative purposes, individual Categories 352 and 652 shall remain subject to the Group II limit established in the directive dated March 30, 1995 for the period beginning on January 1, 1995 and extending through December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.95–19757 Filed 8–9–95; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Options on the Federal Funds Rate Futures Contract, and Amendments to the Dormant Federal Funds Rate Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of a proposed commodity option contract and amendments to the underlying futures contract.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has applied for designation as a contract market in options on its federal funds rate futures contract. In addition, the CME proposes to amend the dormant federal funds rate futures contract that would underlie the proposed contract, and it has filed a request to list federal funds rate futures and option contracts for trading through GLOBEX. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before September 11, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581. Reference should be made to the CME federal funds rate futures option contract and the request to reactivate trading in the federal funds rate futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Regarding the dormant federal funds rate futures contract, the CME proposes to revise the trading unit to represent interest paid on a $3 million, rather than a $5 million, 30-day borrowing of overnight Federal funds. This proposal would lower the value of a basis point change to $25 from $41.67. The Exchange also proposes to reduce the minimum price fluctuation to .005 from .01 and to establish price limits for trading during the GLOBEX session.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CME, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on August 4, 1995.

Blake Imel,

Acting Director.

[FR Doc. 95–19814 Filed 8–9–95; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Availability of Funds for Innovative Community Service Demonstration Programs

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability of funds.

SUMMARY: The Corporation for National Service (the Corporation) announces the availability of up to $500,000 for innovative community service demonstration programs that integrate national service programs. The Corporation expects to make up to 15 grants. The expected range of grants is $25,000 to $100,000 depending on the circumstance, program scope and need. The successful applicant will demonstrate that community impact can be increased when the resources of the various programs it supports are joined to focus on specific, critical community problems. This program is subject to the availability of funds.

DATES: Application materials will be available beginning on August 9, 1995. Deadline for submission of applications is 3:30 p.m. Eastern Daylight Time, on Tuesday, September 12, 1995.

ADDRESSES: Applications must be submitted to: Corporation for National Service, 1201 New York Avenue NW, Ninth Floor, Washington, D.C. 20525, Attention: Margaret Rosenberry. Applications may not be submitted by facsimile. This notice may be requested in an alternative format for the visually impaired.

FOR FURTHER INFORMATION CONTACT: To obtain applications, contact the Corporation in writing via facsimile at (202) 565–2786, Attention: Margaret Rosenberry. For further information, contact Margaret Rosenberry, Director of Program Planning and Development, at (202) 606–5000, ext. 154.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a federal government corporation that engages Americans of all ages and backgrounds in community-based service. This service addresses the nation's education, public safety, human, and environmental needs to achieve direct and demonstrable results. In doing so, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for those who make a substantial commitment to service. Pursuant to the National and Community Service Act of 1990, as amended, the Corporation ''may undertake activities to . . . support innovative and model programs.'' 42 U.S.C. 12653(b).

Programs funded under these grants are intended to be innovative and demonstrate ways a wide variety of Corporation-funded programs and other volunteer efforts can work together to increase their impact on local communities. Therefore, grants will not fund programs per se, but will support models of collaboration among existing service programs. Development of a proposal for funds under these guidelines will require existing programs to meet to plan joint activities, identify mutual needs and priorities and develop a collaborative structure.

Eligible Applicants

The application must represent a partnership that includes at least four eligible partners. One of the partners in the collaborations must be designated as the legal applicant. Eligible partners for the application include: AmeriCorps* State grantees and their operating or project sites; AmeriCorps* National grantees and their operating or project sites; AmeriCorps* NCCC; Learn and Serve America programs; AmeriCorps* VISTA program sponsors; and National Senior Service Corps program sponsors.

Eligible partners—those entities that are currently operating programs under a Corporation grant or entities sponsoring AmeriCorps* VISTA or National Senior Service Corps—are eligible to apply as the legal applicant. AmeriCorps* NCCC, while an eligible partner, cannot be the legal applicant, or the recipient of any of these funds.

Period of Support

Grants are made on an annual basis and may be renewed for up to two additional years based on performance and availability of funds.

Overview of Application Requirements

Application requirements will be set forth in detail in the application materials. Each applicant must submit one bound original and four (4) copies of the application package. The requirements will include a completed application form, a narrative section, an implementation timeline, budget information, certifications and assurances pertaining to recipients of federal funding.

Application Review

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application complies with the application instructions and contains all the information required. The Corporation will assess applications based on the criteria listed below:

(1) Program Design and Impact (50%)
(2) Program Organizational Capacity (25%)
(3) Cost-Effectiveness/Sustainability (25%)

Dated: August 7, 1995.

Terry Russell,

General Counsel, Corporation for National and Community Service.

[FR Doc. 95–19815 Filed 8–9–95; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Performance Review Boards; List of Members

Below is a list of additional individuals who are eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Award System.

Air Force Materiel Command

Lt. Gen. Lawrence P. Farrell, Jr.

Air Staff and ''Others''

Brig. Gen. Ronald T. Sconyers
Brig. Gen. Thomas R. Case
Mr. Frank J. Colson

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–19799 Filed 8–9–95; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

MTMC's Regional Meetings to Discuss the Department of Defense (DOD) Personal Property Program

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Notice.

SUMMARY: MTMC is engaged in re-engineering the existing DOD Personal Property Program. As part of the re-engineering effort, MTMC on 30 June 1995 published a draft requirements document and on 1 August 1995 released the proposed acquisition strategy that together provides details to

industry concerning the anticipated requirements to participate in the movement of personal property for DOD under the new program. MTMC believes it is essential that dialogue continues with industry concerning the reengineering effort. Consequently, MTMC has set up regional meetings throughout the United States to discuss the reengineering effort.

DATES: The following dates and locations have been determined for the regional meetings:

22 August 1995 (morning) Miami, Florida (Double Tree Grand Hotel)
31 August 1995 (morning) Ft. Lewis, Washington
1 September 1995 (afternoon) San Diego, California (Naval Supply Depot)
6 September 1995 (morning) Wright Patterson AFB, Ohio
8 September 1995 (morning) McConnell AFB, Kansas (Emerald City Complex)
12 September 1995 (morning) Charleston AFB, South Carolina
15 September 1995 (morning) Bayonne, New Jersey (MTMC–Eastern Area)

FOR FURTHER INFORMATION CONTACT: Reservations and additional information concerning the meetings and times may be made by calling Ms Anne Dugger at (703) 681–6393 or Mr. Joe DeLucia at (703) 681–6753.

SUPPLEMENTARY INFORMATION: This is for informational planning purposes. More information on locations and times will be available through the MTMC reengineering bulletin board or through the carrier associations. All participants will be responsible for their own lodging arrangements, travel, and other expenses.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–19809 Filed 8–9–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 1 & 2 August 1995.

Time of Meeting: 0800–1700, 1 August 1995. 0800–1300, 2 August 1995.

Place: Huntsville, AL.

Agenda: The Army Science Board's (ASB) Independent Assessment on ''Hit-To-Kill Interceptor Lethality'' will hold an initial kick-off meeting. the focus is on establishing a current status of TMD lethality and preparing for future group direction. Following the required conflict of interest presentation, the group will receive an intelligence briefing from the U.S. Army Space and Strategic Defense Command. This will be followed by a review of study group direction, identification of future briefings, outlining action items and defining a future schedule. The last major topic of this meeting will be to define special study group activities. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically paragraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified information to be discussed is so inextricably intertwined so as to preclude opening any portion of these meetings. The ASB Administrative Officer may be contacted for further information at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–19746 Filed 8–9–95; 8:45 am]

BILLING CODE 3710–08–M

MTMC's Acquisition Strategy Concerning the Department of Defense (DOD) Personal Property Program

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Notice.

SUMMARY: MTMC is engaged in re-engineering the existing DOD Personal Property Program in an effort to enhance the quality of life for our service members and their families. As additional objectives of this re-engineering effort, MTMC desires to simplify the process, control program costs, and ensure quality of service. The re-engineering effort will adopt, to the fullest extent possible, proven commercial business practices and relieve carriers of DOD unique terms and conditions. As part of the re-engineering effort, MTMC on 30 June 1995 published a draft requirements document that provides details to industry concerning the anticipated requirements to participate in the movement of personal property for DOD. In conjunction with the previous release of the requirements document, MTMC is publishing the acquisition strategy. The acquisition strategy along with the requirements document should be considered a single package. MTMC requests that industry provide their combined input, suggestions, and constructive criticism concerning the draft requirement document and the acquisition strategy.

DATES: Comments must be received by 20 September 1995.

ADDRESSES: Mail comments to Headquarters, Military Traffic Management Command, ATTN: MTOP–Q, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Joe DeLucia, MTOP–QE, (703) 681–6753.

SUPPLEMENTARY INFORMATION: The acquisition strategy and the draft of the requirements document can be obtained by accessing MTMC's re-engineering update from the EasyLink Bulletin Board. To subscribed to AT&T EasyLink services carriers may contact AT&T EasyLink representative Lynn Phelps at 1–800–346–1557. Procedures to access the bulletin board system are as follows:

MTMC BBS Access

To access the MTMC BBS a communication software is required. The software could be EasyLink's Office Access, Procomm Plus, or some other type of off the shelf communication software. Also required is an account on the EasyLink network.

Office Access Software

- At the Main Menu type *C* for the On-line Communication Menu.
- At the On-line Communication Menu type *F* for FYI. The software will dial the network and exit into FYI.
- The network will ask for CATEGORY NAME, type *MTMC*. This will place you in the MTMC BBS.
- To maneuver within the BBS to ADCSOPS for Quality.

a. From the main menu TYPE *2* for the ADCSOPS for Quality.

b. TYPE *1* for the Re-Engineered Personal Property Program.

c. TYPE *1* for Contacts.

d. TYPE *2* for Information.

As information scrolls across the screen, the information is automatically downloaded to the hard drive on your computer.

- Press *END* key to disconnect from EasyLink.
- Press *ESC* key and return to the Main Menu.
- Type *I* to access the Inbound Journal.
- High light the message and Press *ENTER* to view the BBS categories that were scanned.

PROCOMM PLUS Software

- At the Dialing Directory press *R* to Revise Entry. Type in the entry name.
- The remaining setup entries are as follows:
- Number=*1–800–325–4112* or *1–800–445–7523*.
- BAUD=*2400*.
- PARITY=*Even*.
- DATA BITS=*7*.
- STOP BITS=*1*.
- DUPLEX=*HALF*.
- SCRIPT=BLANK.
- PROTOCOL=*ASCII*.
- TERMINAL=*ANSI*.

- Press *Enter* to dial the network.
- At the EASYLINK ID prompt type your *USERID AND PASSWORD*.
- At the PTS prompt type *EXIT*. This will exit the EasyLink network and provide an EasyLink Service Menu.
- Press *2* to select FYI.
- Hold down the *ALT* key and press *F1* and type a log name. This will open the log and allow the capture of the BBS data as it is scanned.
- The network will ask for CATEGORY NAME, type *MTMC*. This will place you in the MTMC BBS.

To maneuver within the BBS to ADCSOPS for Quality.

a. From the main menu *TYPW 2* for the ADCSOPS for Quality.

b. *TYPE 1* for the Re-Engineered Personal Property Program.

c. *TYPE 1* for Contacts.

d. *TYPE 2* for Information.

- The software will automatically capture the categories that are typed. After the category scan is completed, press *ALT* and the *H* keys to logoff.
- Hold down the *ALT* key and press *F1* to close the log.
- Hold down the *ALT* key and press *V*. Type the log name to view it. This will allow the captured BBS date to be viewed.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–19808 Filed 8–9–95; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.300]

Alaska and Native Hawaiian Cultural and Arts Development Program

AGENCY: Department of Education.

ACTION: Notice of funding available for fiscal year (FY) 1995 and procedures for certification of eligibility and application.

PURPOSE OF PROGRAM: The Native Hawaiian and Alaska Native Culture and Arts Development Program authorizes grants to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture; to establish programs that culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture; or to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in 20 U.S.C. 4417(b), (c).

BACKGROUND: In 1994, Congress amended the Native Hawaiian culture and arts development program to include programs for Alaska Native culture and arts development (20 U.S.C. 1441). The legislation authorizes grants to support programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution that primarily serves and represents Native Hawaiians or Alaska Natives, and has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

For FY 1995, $1,000,000 was originally appropriated for this program. However, a Congressional budget rescission has reduced the appropriated amount to $500,000. In addition, the rescission bill specifies that these funds shall be available only for Native Alaskans.

For any grants made under this program for Alaska Native arts and culture, the grant recipient must establish a governing board to manage and control the program for which the grant is made, the members of which—

(a) Include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture;

(b) Represent the Eskimo, Indian, and Aleut cultures of Alaska; and

(c) Serve for a fixed term.

ELIGIBLE APPLICANTS: An eligible applicant is any private, nonprofit organization or institution that primarily serves and represents Alaska Natives and has been recognized by the Governor of the State of Alaska for the purpose of making the organization or institution eligible to receive a grant under this program.

CERTIFICATION SUBMISSION: Potential applicants must submit their request for certification as an eligible entity for a grant under this program directly to the Governor of Alaska. This request for certification must be received by the Governor no later than August 16, 1995, at the following address: The Honorable Tony Knowles, Governor of Alaska, P.O. Box 110001, Juneau, Alaska 99811–0001.

Only those entities that have been certified by the Governor of the State of Alaska will be considered eligible to participate in this program.

APPLICATION REQUIREMENTS: If more than one eligible applicant is identified by the Governor of Alaska, the eligible applicants will compete for the funding available under this program. The criteria in 34 CFR 75.210 (the Education Department General Administrative Regulations) will be used to evaluate the applications submitted by multiple eligible applicants. The 15 additional points to be distributed among the evaluation criteria under 34 CFR 75.210(c) will be allocated to the ''Plan of Operation'' selection criterion for a possible total of 30 points.

If only one eligible applicant is certified by the Governor of Alaska, the application for funding should address the requirements of the statute and the Department will then review the application to ensure that the program meets the purposes of the statute (20 U.S.C. 4441).

DEADLINE FOR RECEIPT OF APPLICATIONS: September 18, 1995.

AVAILABLE FUNDING: $500,000.

PROJECT PERIOD: 12 months.

ESTIMATED NUMBER OF AWARDS: One.

PROGRAM AUTHORITY: 20 U.S.C. 4441.

FOR FURTHER INFORMATION CONTACT: Cathie Martin, Office of Indian Education, U.S. Department of Education, 600 Independence Avenue, SW, Portals Building-Room 4300, Washington, DC 20202–6335. Telephone 202–260–3774 or 1–800–501–5795. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

(Catalog of Federal Domestic Assistance Number: 84.300 Alaska and Native Hawaiian Cultural and Arts Development Program)

Dated: August 7, 1995.

Thomas W. Payzant,

Assistant Secretary Elementary and Secondary Education.

[FR Doc. 95–19870 Filed 8–9–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95–1394–000, et al.]

Central Illinois Light Company, et al.; Electric Rate and Corporate Regulation Filings

August 3, 1995.

Take notice that the following filings have been made with the Commission:

1. Central Illinois Light Company

[Docket No. ER95–1394–000]

Take notice that on July 19, 1995, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission an Index of Customer and six signed Service Agreements under

the Coordination Sales Tariff approved on April 25, 1995.

CILCO is requesting a waiver of the notice period to the extent necessary to allow the Service Agreements to be effective as of July 1, 1995.

Copies of the filing were served on all customers and the Illinois Commerce Commission.

Comment date: August 15, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Arizona Public Service Company

[Docket No. ER95–1422–000]

Take notice that on July 24, 1995, Arizona Public Service Company (APS), tendered for filing a Service Agreement under APS-FERC Electric Tariff Original Volume No. 1 (APS Tariff) with the following entity: Utility 2000 Energy Corporation.

A copy of this filing has been served on the above listed entity and the Arizona Corporation Commission.

Comment date: August 17, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Mid American Natural Resources, Inc.

[Docket No. ER95–1423–000]

Take notice that on July 24, 1995, Mid American Natural Resources, Inc. (Mid American), tendered for filing pursuant to Rules 205 and 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.205 and 385.206, a petition for waivers and blanket approvals under various regulations of the Commission, and an order accepting its Rate Schedule No. 1 to be effective on the date of the Commission order.

Mid American intends to engage in electric power and energy transactions as a marketer and broker. In transactions where Mid American sells electricity it proposes to make such sales at rates, terms, and conditions to be mutually agreed to with the purchasing party. Mid American is not in the business of generating, transmitting, or distributing electric power.

Comment date: August 17, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. CINergy Services, Inc.

[Docket No. ER95–1424–000]

Take notice that on July 24, 1995, CINergy Services, Inc. (CIN), tendered for filing on behalf of its operating company, PSI Energy, Inc. (PSI), a Third Amendment, dated June 30, 1995, to the Interconnection Agreement, dated May 1, 1992 as amended, by and between Indianapolis Power & Light Company and PSI.

The Third Amendment revises the definitions for Out-Of-Pocket Costs and Emission Allowances and provides for CINergy Services to act as agent for PSI. The following Service Schedules have also been revised:

A. Emergency Service
B. Interchange Energy
C. Short Term Power and Energy
D. Carmel Southeast Tap

CIN and IPL have requested an effective date of October 1, 1995 for Service Schedules A, B and C and an effective date of September 1, 1995 for Service Schedule D.

Copies of the filing were served on Indianapolis Power & Light Company, the Kentucky Public Service Commission, Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: August 17, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Pennsylvania Power & Light Company

[Docket No. ER95–1425–000]

Take notice that on July 24, 1995, Pennsylvania Power & Light Company (PP&L), tendered for filing with the Federal Energy Regulatory Commission eight Service Agreements (the Agreements) between PP&L and (1) Stand Energy Corporation, dated July 1, 1995, (2) LG&E Power Marketing, Inc., dated July 3, 1995, (3) Catex Vital Electric, L.L.C., dated July 7, 1995, (4) CMEX Energy, Inc., dated July 7, 1995, (5) CNG Power Services Corporation, dated July 7, 1995, (6) Heartland Energy Services, Inc., dated July 7, 1995, (7) InterCoast Power Marketing Company, dated July 7, 1995, and (8) New York State Electric & Gas Corporation, dated July 7, 1995. The Agreements supplement a Short Term Capacity and Energy Sales umbrella tariff approved by the Commission in Docket No. ER95–782–000 on June 21, 1995.

In accordance with the policy announced in *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified and reh'g granted in part and denied in part*, 65 FERC ¶ 61,081 (1993), PP&L requests the Commission to make the Agreement effective as of the date of execution of each, because service will be provided under an umbrella tariff and each service agreement is filed within 30 days after the commencement of service. In accordance with 18 CFR 35.11, PP&L has requested waiver of the sixty-day notice period in 18 CFR 35.2(e). PP&L has also requested waiver of certain filing requirements for information previously filed with the Commission in Docket No. ER95–782–000.

PP&L states that a copy of its filing was provided to the customers involved and to the Pennsylvania Public Utility Commission.

Comment date: August 15, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Pennsylvania Power & Light Company

[Docket No. ER95–1426–000]

Take notice that on July 24, 1995, Pennsylvania Power & Light Company (PP&L), tendered for filing with the Federal Energy Regulatory Commission one Borderline Service Agreement (the Agreement) between PP&L and Metropolitan Edison Company (Met-Ed) dated June 29, 1995. The Agreement supplements a borderline service umbrella tariff approved by the Commission in Docket No. ER93–847–000 by establishing the precise point of deliver, metering arrangements, and transmission losses associated with a new point of delivery under the umbrella tariff.

In accordance with the policy announced in *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified and reh'g granted in part and denied in part*, 65 FERC ¶ 61,081 (1993), PP&L requests the Commission to make the Agreement effective as of June 29, 1995, because service will be provided under an umbrella tariff and the service agreement is filed within 30 days after the commencement of service. In accordance with 18 CFR 35.11, PP&L has requested waiver of the sixty-day notice period in 18 CFR 35.2(e). PP&L has also requested waiver of certain filing requirements for information previously filed with the Commission in Docket No. ER93–847–000.

PP&L states that a copy of its filing was provided to Met-Ed and to the Pennsylvania Public Utility Commission.

Comment date: August 17, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Idaho Power Company

[Docket No. ER95–1427–000]

Take notice that on July 24, 1995, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission an amendment of a transmission service agreement with the Bonneville Power Administration.

Comment date: August 17, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. South Carolina Electric & Gas Company

[Docket No. ER95–1428–000]

Take notice that on July 24, 1995, South Carolina Electric & Gas Company, tendered for filing proposed cancellation of Rate Schedule T1.S5.1(FPC) between South Carolina Electric & Gas Company and The Commissioners of Public Works, Town of McCormick, South Carolina.

Under the proposed cancellation the contract will be replaced with the Rate Schedule included with this filing.

Copies of this filing were served upon The Commissioners of Public Works, Town of McCormick, South Carolina.

Comment date: August 17, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19720 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EG95–63–000, et al.]

EI Power, Inc., et al.; Electric Rate and Corporate Regulation Filings

August 4, 1995.

Take notice that the following filings have been made with the Commission:

1. EI Power, Inc.

[Docket No. EG95–63–000]

On July 28, 1995, EI Power, Inc. (''EI Power''), c/o Energy Initiatives, Inc., One Upper Pond Road, Parsippany, New Jersey 07054, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (''EWG'') status pursuant to 18 CFR Part 365 of the Commission's Regulations.

EI Power states that it is a Delaware corporation formed to engage in project development activities associated with the direct or indirect acquisition of ownership interests in one or more eligible facilities and/or EWGs. EI Power further states that it has previously been determined to be an EWG. According to EI Power, this filing is occasioned because EI Power intends to acquire all of the voting capital stock of (i) EI Barranquilla, Inc., a Delaware corporation and (ii) Guaracachi America, Inc., a Delaware corporation.

Comment date: August 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. EI International

[Docket No. EG95–64–000]

On July 28, 1995, EI International, c/o Energy Initiatives, Inc, One Upper Pond Road, Parsippany, New Jersey, 07054, filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to 18 CFR Part 365 of the Commission's Regulations.

According to the application, EI International (formerly known as EI Cayman) is a Cayman Islands corporation previously determined to be an EWG on the basis of its intention to acquire an ownership interest in Termobarranquilla S.A., Empresa de Servicios Publicos (''TEBSA''), a Colombian Corporation which was formed to develop, construct and own an eligible facility to be located in Soledad near Barranquilla, Colombia. This filing is occasioned because EI International no longer intends to acquire such ownership interest. Instead, according to the application, EI International is planning to acquire all of the capital stock of EI Services Colombia, a Colombian corporation which was formed to enter into an operation and maintenance agreement with TEBSA to operate such facility. All of the facility's electricity will be sold at wholesale to Corporacion Electrica de la Costa Atlantica, a Colombian entity. EI International also intends to enter into similar agreements (either directly or through wholly-owned subsidiaries) with one or more as-yet-unidentified eligible facilities and EWGs.

Comment date: August 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. EI Barranquilla, Inc.

[Docket No. EG95–65–000]

On July 28, 1995, EI Barranquilla, Inc. (''EI Barranquilla''), c/o Energy Initiatives, Inc., One Upper Pond Road, Parsippany, New Jersey 07054, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to 18 CFR Part 365 of the Commission's Regulations.

EI Barranquilla states that it is a Delaware corporation formed to acquire up to 30% but in no event less than 5% of the voting shares of Termobarranquilla S.A., Empresa de Servicios Publicos, a Colombian corporation which was formed to develop, construct and own an eligible facility located in Soledad, near Barranquilla, Colombia. Corporacion Electrica de la Costa Atlantica, a Colombian utility, will purchase all of the electrical output from the Facility.

Comment date: August 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Commonwealth Electric Company v. Dartmouth Power Associates Limited Partnership and EMI/Dartmouth, Inc.)

[Docket No. EL95–66–000]

Take notice that on July 27, 1995, Commonwealth Electric Company tendered for filing a complaint against Dartmouth Power Associates Limited Partnership and EMI/Dartmouth, Inc. concerning violation of filed rate schedule, motion for consolidation of proceedings, and motion for summary disposition.

Comment date: September 5, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Eastern Power Distribution, Inc.

[Docket No. ER94–964–006]

Take notice that on July 17, 1995, Eastern Power Distribution, Inc. (Eastern) filed certain information as required by the Commission's April 5, 1994, order in Docket No. ER94–964–000. Copies of Eastern Power's informational filing are on file with the Commission and are available for public inspection.

6. Morgan Stanley Capital Group, Inc.

[Docket No. ER94–1384–006]

Take notice that on July 26, 1995, Morgan Stanley Capital Group, Inc. tendered for filing certain information as required by the Commission's order dated November 8, 1994. Copies of the informational filing are on file with the Commission and are available for public inspection.

7. Mesquite Energy Services, Inc.

[Docket No. ER95–74–002]

Take notice that on July 31, 1995, Mesquite Energy Services Inc. tendered for filing certain information as required by the Commission's order dated

January 4, 1995. Copies of the informational filing are on file with the Commission and are available for public inspection.

8. National Power Management Company

[Docket No. ER95–192–002]

Take notice that on July 28, 1995, National Power Management Company (National Power) filed certain information as required by the Commission's January 4, 1995, order in Docket No. ER95–192–000. Copies of National Power's informational filing are on file with the Commission and are available for public inspection.

9. Wickland Power Services

[Docket No. ER95–300–003]

Take notice that on July 26, 1995, Wickland Power Services tendered for filing certain information as required by the Commission's order dated March 16, 1995. Copies of the informational filing are on file with the Commission and are available for public inspection.

10. Stand Energy Corporation

[Docket No. ER95–362–002]

Take notice that on July 26, 1995, Stand Energy Corporation filed certain information as required by the Commission's February 24, 1995, letter-order in Docket No. ER95–362–000. Copies of Stand Energy Corporation's informational filing are on file with the Commission and are available for public inspection.

11. CLP Hartford Sales L.L.C.

[Docket No. ER95–393–004]

Take notice that on July 28, 1995, CLP Hartford Sales L.L.C. filed certain information as required by the Commission's February 22, 1995, order in Docket No. ER95–393–000. Copies of CLP Hartford Sales L.L.C.'s informational filing are on file with the Commission and are available for public inspection.

12. Audit Pro Incorporated

[Docket No. ER95–878–001]

Take notice that on July 28, 1995, Audit Pro Incorporated (Audit Pro) filed certain information as required by the Commission's June 2, 1995, order in Docket No. ER95–878–000. Copies of Audit Pro's informational filing are on file with the Commission and are available for public inspection.

13. PECO Energy Company

[Docket No. ER95–1155–000]

Take notice that on July 19, 1995, PECO Energy Company tendered for filing an amendment in the above-referenced docket.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Dayton Power and Light Company

[Docket Nos. ER95–1158–000 and ER95–1256–000]

Take notice that on July 28, 1995, Dayton Power and Light Company tendered for filing an amendment in the above-referenced docket.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Prairie Winds Energy, Inc.

[Docket No. ER95–1234–000]

Take notice that on July 5, 1995, Prairie Winds Energy, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Power & Light Company

[Docket No. ER95–1384–000]

Take notice that on July 17, 1995, Wisconsin Power & Light Company (WP&L) tendered for filing an amended Wholesale Contract dated July 10, 1995, between Pioneer Power & Light Company and WP&L. WP&L states that this amended Wholesale Power Contract revises the previous agreement between the two parties dated December 15, 1977, and designated Rate Schedule Number 118 by the Commission.

The parties have amended the Wholesale Power Contract to add an additional delivery point. Service under this amended Wholesale Power Contract will be in accordance with standard WP&L Rate Schedule W–3.

WP&L requests an effective date of July 15, 1995 which is concurrent with the expected in service date. WP&L states that copies of the amended Wholesale Power Contract and the filing have been provided to Pioneer Power & Light Company and the Public Service Commission of Wisconsin.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Southern California Edison Company

[Docket No. ER95–1402–000]

Take notice that on July 20, 1995, Southern California Edison Company tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 246.18 and all supplements thereto in the above-referenced docket.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Southern California Edison Company

[Docket No. ER95–1403–000]

Take notice that on July 20, 1995, Southern California Edison Company tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 248.16 and FERC Rate Schedule No. 248.17 and all supplements thereto in the above-referenced docket.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Southern California Edison Company

[Docket No. ER95–1405–000]

Take notice that on July 20, 1995, Southern California Edison Company tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 249.17 and FERC Rate Schedule No. 249.18 and all supplements thereto in the above-referenced docket.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

20. JPower

[Docket No. ER95–1421–000]

Take notice that on July 21, 1995, Jpower tendered for filing a power marketing application under rate schedule No. 1 to become effective September 1, 1995.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

21. Southern Indiana Gas and Electric Company

[Docket No. ER95–1429–000]

Take notice that on July 25, 1995, Southern Indiana Gas and Electric Company (SIGECO), tendered for filing to a proposed Interchange Agreement with AES Power, Inc. (AES).

The proposed revised Interchange Agreement will provide for the purchase, sale, and transmission of capacity and energy by either party under the following Service Schedules: (a) SIGECO Power Sales; (b) AES Power Sales, and (c) Transmission Service.

Waiver of the Commission's Notice Requirements is requested to allow for an effective date of July 28, 1995.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

22. New England Power Company

[Docket No. ER95–1430–000]

Take notice that on July 25, 1995, New England Power Company, tendered

for filing a parallel transmission supply agreement executed by New England Power Company, Massachusetts Electric Company and General Electric in Lynn, Massachusetts.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

23. Virginia Electric and Power Company

[Docket No. ER95–1431–000]

Take notice that on July 25, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between LG&E Power Marketing Inc. and Virginia Power, dated December 31, 1994 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services LG&E Power Marketing Inc. under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Kentucky Public Service Commission, Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

24. Allegheny Power Service Corporation on Behalf of West Penn Power Company

[Docket No. ER95–1432–000]

Take notice that on July 26, 1995, Allegheny Power Service Corporation on behalf of West Penn Power Company and its wholesale Customers submitted Supplement No. 4 to the above-referenced docket, a filing to change rates to reflect a reduction in corporate net income tax legislated by the Pennsylvania General Assembly. Allegheny Power Service Corporation requests waiver of notice requirements and asks the Commission to grant a August 1, 1995, effective date.

Copies of the filing have been provided to the Pennsylvania Public Utility Commission and all parties of record.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

25. Proler Power Marketing, Inc.

[Docket No. ER95–1433–000]

Take notice that on July 25, 1995, Proler Power Marketing, Inc. (the Petitioner), tendered for filing pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, a petition for waivers and blanket approvals under various regulations of the Commission, and an order accepting its Rate Schedule No. 1.

The Petitioner intends to engage in wholesale electric power transactions as a marketer. The Petitioner will purchase power, including capacity and related services from electric utilities, qualifying facilities and independent power producers, and resell such power to other purchasers. The Petitioner proposes to charge rates mutually agreed upon by the parties. The Petitioner is not in the business of producing or transmitting electric power. The Petitioner does not currently have or contemplate acquiring title to any electric power transmission or generation facilities.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

26. CINergy Services, Inc.

[Docket No. ER95–1434–000]

Take notice that on July 26, 1995, CINergy Services, Inc. (CIN), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated June 1, 1995, between CIN, CG&E, PSI and MidCon Power Services Corp. (MidCon).

The Interchange Agreement provides for the following service between CIN and MidCon:

1. Exhibit A—Power Sales by MidCon
2. Exhibit B—Power Sales by CIN

CIN and MidCon have requested an effective date of August 1, 1995.

Copies of the filing were served on MidCon Power Services Corp., the Kentucky Public Service Commission, Public Utilities Commission of Ohio, Illinois Commerce Commission and the Indiana Utility Regulatory Commission.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

27. Great Bay Power Corporation

[Docket No. ER95–1435–000]

Take notice that on July 26, 1995, Great Bay Power Corporation (Great Bay), tendered for filing a service agreement between Catex Vitol Electric Inc. and Great Bay for service under Great Bay's Tariff for Short Term Sales. This Tariff was accepted for filing by the Commission on November 11, 1993, in Docket No. ER93–524–000. The service agreement is proposed to be effective August 1, 1995.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

28. Commonwealth Electric Company, Cambridge Electric Light Co.

[Docket No. ER95–1436–000]

Take notice that on July 27, 1995, Commonwealth Electric Company (Commonwealth) on behalf of itself and Cambridge Electric Light Company (Cambridge), collectively referred to as the ''Companies'', tendered for filing with the Federal Energy Regulatory Commission executed Service Agreements between the Companies and the following Customers:

Engelhard Power Marketing, Inc., New York State Electric & Gas Corporation, Northeast Utilities Service Company

These Service Agreements specify that the Customers have signed on to and have agreed to the terms and conditions of the Companies' Power Sales and Exchanges Tariffs designated as Commonwealth's Power Sales and Exchanges Tariff (FERC Electric Tariff Original Volume No. 3) and Cambridge's Power Sales and Exchanges Tariff (FERC Electric Tariff Original Volume No. 5). These Tariffs, approved by FERC on April 13, 1995, and which have an effective date of March 20, 1995, will allow the Companies and the Customers to enter into separately scheduled transactions under which the Companies will sell to the Customers capacity and/or energy as the parties may mutually agree.

The Companies request an effective date as specified on each Service Agreement.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

29. Union Electric Company

[Docket No. ER95–1437–000]

Take notice that on July 27, 1995, Union Electric Company, tendered for filing Fourth Revised Exhibit A to its Wholesale Electric Service Agreements with the Cities of California, Centralia, AWP, Fredericktown, Hannibal, Kahoka, Kirkwood, Linneus, Marceline, Owensville, Perry, Rolla, and St. James, Missouri; Citizens Electric Corporation; and Sho-Me Power; and the First Revised Exhibit C for the City of Jackson, Missouri, providing for a decrease in the rates charged pursuant to said Agreements.

Said decrease in rates follows a decrease in the Company's Missouri retail rates and is being applied to the Company's wholesale customer's settlement rates pursuant to Section 2 of said Wholesale Electric Service

Agreements (and Item 3 for the City of Jackson).

Copies of the filing were served upon the public utility's jurisdictional customers and the Missouri Public Service Commission.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

30. New England Power Company

[Docket No. ER95–1438–000]

Take notice that on July 27, 1995, New England Power Company and Massachusetts Electric Company tendered for filing an Agreement for Transmission Study Services executed with Boston Edison Company.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

31. IGM, Inc.

[Docket No. ER95–1439–000]

Take notice that on July 27, 1995, IGM, Inc. (IGM), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waiver and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective October 1, 1995.

IGM intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where IGM sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. IGM is not in the business of generating, transmitting, or distributing electric power.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

32. Portland General Electric Company

[Docket No. ER95–1440–000]

Take notice that on July 26, 1995, Portland General Electric Company (PGE), filed an executed Service Agreement with Coastal Electric Services Company. The Service Agreement is submitted pursuant to the tariff provisions pertaining to unit contingent capacity and/or energy sale agreement under Service Schedule E of FERC Electric Tariff, 1st Revised Volume No. 2 (Docket No. ER95–734–000).

PGE requests that the Service Agreement become effective on August 1, 1995 and requests waiver of the Commission's Regulations.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

33. Conoco Power Marketing Inc.

[Docket No. ER95–1441–000]

Take notice that on July 27, 1995, Conoco Power Marketing Inc. (CPMI), tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective on the date of the Commission's order accepting the Rate Schedule for filing.

CPMI intends to engage in electric power and energy transactions as a marketer. In these transactions, CPMI proposes to charge market-determined rates, mutually agreed upon by the parties. All sales and purchases will be arms-length transactions.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

34. Bangor Hydro-Electric Company

[Docket No. ER95–1442–000]

Take notice that on July 28, 1995, Bangor Hydro-Electric Company (Bangor), tendered for filing Rate Schedule No. FERC No. 7 (Fifteenth Revision) for partial requirements service to Eastern Maine Electric Cooperative, Inc.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

35. Montaup Electric Company

[Docket No. ER95–1443–000]

Take notice that on July 27, 1995, Montaup Electric Company (Montaup or the Company), filed amendments to the budgets included n the report titled Conservation and Load Management Annual Report Information Filing and Projected Revenue Requirements dated October 31, 1994 (the Informational Filing). Conservation and Load Management (C&LM) activities in Blackstone Valley Electric Company's (Blackstone) service area have been more successful than was originally expected when the 1995 C&LM budgets were developed. As a result, actual expenditures for C&LM in Blackstone's service area will be approximately 30 percent higher than was projected when the Informational Filing was submitted to the Commission. The purpose of the filing is to amend Montaup's 1995 C&LM budget to better reflect the actual C&LM expenses anticipated in Blackstone's service area and minimize the true-up that will follow in 1996. Montaup requests that the filing be allowed to become effective on October 1, 1995.

Comment date: August 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

36. Englehard Power Marketing, Inc.

[Docket No. ER94–1690–005]

Take notice that on July 28, 1995, Englehard Power Marketing, Inc. filed certain information as required by the Commission's December 29, 1994, letter-order in Docket No. ER94–1690–000. Copies of Englehard Power Marketing, Inc.'s informational filing are on file with the Commission and are available for public inspection.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19778 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2354–033 Georgia]

Georgia Power Company; Notice of Availability of Environmental Assessment

August 4, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR Part 380 (Order 486, 52 FR 47897), the Commission's Office of Hydropower Licensing has reviewed a non-capacity related amendment of license for the North Georgia Hydroelectric Project, No. 2354–033. The North Georgia Hydroelectric Project is located on Tallulah and Tugalo Rivers in Raburn, Habersham, and Stevens Counties, Georgia and Oconee County, South Carolina. The application is for approval to lease lands to the Georgia Department of Natural Resources for the

construction of the Tallulah Gorge State Park and Conservation Area. An Environmental Assessment (EA) was prepared for the application. The EA finds that approving the application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19779 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–653–000]

Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company; Notice of Application

August 4, 1995.

Take notice that on July 31, 1995, Columbia Gas Transmission Corporation (Columbia) and Columbia Gulf Transmission Company (Columbia Gulf), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314–1599, jointly as the companies, filed an application pursuant to Section 7(b) of the Natural Gas Act (NGA) for an order granting permission and approval to abandon certain transportation service which was one required to permit the transportation of gas for Cabot Corporation (Cabot), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia stated that Columbia Gulf received up to 1,000 Mcf/d of gas at an existing connection in Eugene Block 285, Gulf of New Mexico, Offshore Louisiana, from Cabot and delivered it to Columbia at an existing point of delivery in Boyd County, Kentucky for Cabot's account. Upon receipt of the gas in Kentucky, Columbia transported and delivered it to Cabot at an existing point of delivery at Columbia's Lanham Compressor Station in Kanawha County, West Virginia. Both Columbia and Columbia Gulf charged Cabot transportation for services rendered.

Columbia states that the transportation agreement has been terminated and no volumes flowed since December 1991. The rate schedule for which the companies are seeking abandonment authority is as follows:

Docket No.	Company	Volume Mcf/d	Rate schedule
CP76–450	Columbia.	1,000	X–65
CP76–450	Columbia Gulf.	1,000	X–44

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1995, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirement of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Linwood A Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19721 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–59–005 and Docket No. RP95–414–000]

Cove Point LNG Limited Partnership; Notice of Compliance Filing

August 4, 1995.

Take notice that on July 31, 1995, Cove Point LNG Limited Partnership (''Cover Point'') filed it First Revised FERC Gas Tariff, Original Volume No. 1, Sheet Nos. 1 to 205.

Cover Point states that this filing is being made in compliance with the Commission's order of September 28, 1994, in Docket No. CP94–59, *et al.* which *inter alia,* authorized Cove Point to provide peaking and transportation services subject to conditions contained therein. Although not addressed in the prior Commission orders Cover Point has revised the capacity release and assignment provisions of its tariff in accordance with the Commission's Order No. 577.

Cove Point states that a copy of the filing is being served on all parties to this proceeding, jurisdictional customers, and interested state commissions.

Any person desiring to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211 and 214 (1995). All such motions or protests should be filed on or before August 11, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19722 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–412–000]

K N Interstate Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

August 4, 1995.

Take notice that on August 2, 1995, K N Interstate Gas Transmission Co. (KNI) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1–B and First Revised Volume No. 1–D certain revised tariff sheets. KNI requests that the tendered sheets be accepted for filing and permitted to become effective July 10, 1995.

KNI states that the purpose of its filing is to comply with the Commission's Order Granting Rehearing (Order No. 577–A) issued May 31, 1995 in Docket No. RM95–5–001. KNI states

that in the instant filing, KNI submits tariff revisions to its general terms and conditions for services concerning short-term capacity releases the are exempt from advance posting and bidding requirements pursuant to Section 284.243(h)(1) of the Commission's Regulations. KNI's tariff revisions provide that short-term capacity releases of 31 days or less will be exempt from the Commission's advance posting and bidding requirements.

KNI states that a copy of its filing was served on all KNI jurisdictional customers, interested parties and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 11, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 95–19724 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2588 Wisconsin]

City of Kaukauna, WI; Notice of Intent to File an Application for a New License

August 4, 1995.

Take notice that the City of Kaukauna, WI, the existing licensee for the Little Chute Hydroelectric Project No. 2588, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 2588 was issued effective August 1, 1950, and expires July 31, 2000.

The project is located on the Fox River in Outagamie County, Wisconsin. The principal works of the Little Chute Project consist of an integral intake powerhouse, located at the right abutment of the United States Army Corps of Engineers Little Chute Dam, containing three units with a total installed capacity of 3,300 Kw; connections to three 2.4/12–Kv single phase transformers and a 12–Kv transmission line 1.25 miles long; and appurtenant facilities.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the Kaukauna Electric and Water Department, 777 Island Street, Kaukauna, WI 54130.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 31, 1998.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19723 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–1280–000]

Niagara Mohawk Power Corporation; Notice of Filing

August 4, 1995.

Take notice that on July 17, 1995, Niagara Mohawk Power Corporation tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 18, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19780 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–353–000]

NorAm Gas Transmission Company; Notice Rescheduling Informal Settlement Conference

August 4, 1995.

Take notice that an informal settlement conference scheduled for Tuesday, August 8, 1995 in this proceeding is rescheduled for Thursday, August 10, 1995, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Donald Williams (202) 208–0743 or Irene Szopo (202) 208–1602.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19725 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–411–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

August 4, 1995.

Take notice that on August 1, 1995, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, Seventeenth Revised Tariff Sheet Nos. 4, 5, 6, 7 and 8, and First Revised Sheet No. 15 which are proposed to become effective September 1, 1995.

Panhandle states that its filing implements, in accordance with Section 18.7 of the General Terms and Conditions of First Revised Volume No. 1 of Panhandle's FERC Gas Tariff, the recovery of Gas Supply Realignment (GSR) Costs by means of GSR Reservation Surcharges applicable to service under Rate Schedules FT, EFT, SCT and LFT and the comparable component applicable to interruptible rates under Rate Schedules IT and EIT.

Panhandle states that the costs included for recovery herein are costs which resulted from Panhandle having to terminate its existing gas supply contracts in connection with implementing Order No. 636, et seq., which, among other things, required Panhandle to restructure its services and

operations to provide its sales customers the choice of reducing and terminating their obligations under their existing sales contract.

Panhandle states that the purpose of this filing is to provide for Panhandle's recovery of $1,753,014 of Gas Supply Realignment (GSR) Costs, (actual payments with associated carrying charges from date of payment to September 1, 1995) as defined in Section 18.7(b)(1) of the General Terms and Conditions of Panhandle's FERC Gas Tariff, First Revised Volume No. 1 (General Terms and Conditions), plus $273,274 of levelized carrying charges calculated for the three year period these charges are to be in effect. The GSR Costs sought to be recovered in the present filing, which are associated with three gas supply termination agreements, were not included in Panhandle's prior GSR Cost Recovery filing in Docket No. RP94–325–000.

Panhandle states that the amounts included for recovery as GSR Reservation Surcharges under Rate Schedules FT, EFT, SCT and LFT and the amounts included for recovery under Rate Schedules IT and EIT have been calculated using the methods described which are consistent with the Commission's orders and pronouncements regarding the recovery of GSR Costs, and most particularly the so-called Natural discount attribution policies. Although Panhandle previously has objected to and sought rehearing of the application of that policy to its filings, Panhandle recognizes that the Natural approach is the Commission's current policy and Panhandle's present rate derivation conforms to it. Panhandle's use of that method is in compliance with prior Commission orders and is without prejudice to Panhandle's right to adjust the charges to shippers included in this filing by direct bill, surcharge or such other method as the Commission may permit, in the event of reversal, vacation or modification of that policy.

Panhandle states that a copy of this filing has been served on all customers affected by this filing and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 11, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19726 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–3–49–002]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

August 4, 1995.

Take notice that on August 2, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing a revised tariff sheet to Second Revised Volume No. 1 of its FERC Gas Tariff.

Williston Basin states that on July 7, 1995, Williston Basin filed Sub Fourteenth Revised Sheet No. 16 in compliance with the Commission's June 29, 1995, Order in the above-referenced docket to reflect the proper rate structure under Rate Schedule ST–1. Pursuant to a telephone conversation with a member of the FERC Staff, it came to Williston Basin's attention that the gas supply realignment surcharge amounts in Footnote C of that tariff sheet were incorrect.

Williston Basin states that it is filing 2nd Sub Fourteenth Revised Sheet No. 16, which reflects the correct gas supply realignment surcharge amounts in Footnote C. Williston Basin requests that the above referenced tariff sheet be made effective July 1, 1995.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before August 11, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19727 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–4–49–004]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

August 4, 1995.

Take notice that on August 2, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff.

Williston Basin states that it is filing as a supplement to its July 28, 1995, Annual Gas Supply Realignment Reconciliation Compliance Filing revised tariff sheets which reflect the Annual Fuel Reimbursement Adjustment Provision filed by Williston Basin on June 30, 1995 in Docket No. TM95–5–49–000.

Williston Basin has requested that the Commission accept this filing to become effective August 1, 1995.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before August 11, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–19728 Filed 8–9–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5275–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, Please refer to the EPA ICR No.

SUPPLEMENTAL INFORMATION:

OMB Responses to Agency PRA Clearance Requests

OMB Approvals

EPA ICR No. 0940.11; Air Quality Networks, Monitoring and Quality Precision Data; was approved 06/28/95; OMB No. 2060–0084; expires 01/31/96.

EPA ICR No. 0193.05; NESHAP for Beryllium—Subpart C; was approved 06/30/95; OMB No. 2060–0092; expires 06/30/98.

EPA ICR No. 1739.01; National Emission Standard for Hazardous Air Pollutants for the Printing and Publishing Industry; was approved 07/03/95; OMB No. 2060–0335; expires 07/31/98.

EPA ICR No. 1686.02; NESHAP for the Secondary Lead Smelter Industry; was approved 06/30/95; OMB No. 2060–0296; expires 06/30/98.

EPA ICR No. 1668.02; Oil Pollution Prevention National Survey; was approved 06/21/95; OMB No. 2050–0134; expires 12/31/95.

EPA ICR No. 1701.02; National Human Exposure Assessment Survey (NHEXAS): Phase I Field Study; was approved 07/07/95; OMB No. 2080–0053; expires 07/31/98.

EPA ICR No. 0794.07; Notification of Substantial Risk of Injury to Health and the Environment under Section 8(e) of the Toxic Substances Control Act (TSCA); was approved 06/30/95; OMB No. 2070–0046; expires 06/30/97.

EPA ICR No. 1656.02; Risk Management Program for Chemical Accident Prevention; was approved 06/21/95; OMB No. 2050–0144; expires 06/30/98.

EPA ICR No. 1189.05; Identification, Listing and Rulemaking Petitions; was approved 06/28/95; OMB No. 2050–0053; expires 06/30/95.

EPA ICR No. 1597.02; Universal Waste Handlers and Destination Facilities, Reporting and Recordkeeping Requirements; was approved 06/28/95; OMB No. 2050–0147; expires 06/30/98.

EPA ICR No. 1381.04; Compliance with 40 CFR Part 258 Solid Waste Disposal Facility Criteria, Recordkeeping and Reporting Requirements; was approved 06/21/95; OMB No. 2050–0122; expires 12/31/96.

EPA ICR No. 1681.02; Epoxy Resin and Non-Nylon Polyamide Resin Production, National Emission Standards for Hazardous Air Pollutants; was approved 07/03/95; OMB No. 2060–0290; expires 07/31/98.

EPA ICR No. 1713.01; Federal Operating Permits Program of the Clean Air Act—Part 71; was approved 07/14/95; OMB No. 2060–0336; expires 07/31/98.

EPA ICR No. 0107.05; Source Compliance and State Action Reporting; was approved 07/30/95; OMB No. 2060–0096; expires 07/31/98.

EPA ICR No. 1748.01; State Small Business Stationary Source Technical and Environmental Compliance Assistance Program; was approved 07/20/95; OMB No. 2060–0337; expires 07/31/98.

EPA ICR No. 0186.07; NESHAP for Vinyl Chloride 40 CFR Part 61, Subpart F; was approved 06/30/95; OMB No. 2060–0071; expires 06/30/98.

EPA Withdrawals

EPA ICR No. 1744.01; Carbamate Production Waste, Reporting and Recordkeeping Requirements for Needs Listed; was withdrawn from OMB Review.

EPA ICR No. 1692.01; NESHAP for Petroleum Refineries, Reporting and Recordkeeping Requirements, Part 63, Subpart CC; was withdrawn from OMB Review.

Dated: August 4, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 95–19792 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5275–6]

Office of the Federal Environmental Executive; Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds

AGENCY: Office of the Federal Environmental Executive, EPA.

ACTION: Notice.

SUMMARY: This document announces guidance developed by the interagency workgroup under the direction of the Federal Environmental Executive to assist federal agencies in the implementation of environmentally and economically beneficial landscape practices. This guidance is in response to the requirements of the executive memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds.

FOR FURTHER INFORMATION CONTACT: Debra Yap, (202) 260–9291.

SUPPLEMENTARY INFORMATION: On April 26, 1994, the President issued a memorandum to Federal agencies addressing landscape management practices on federal landscaped grounds. In developing the implementing guidance, the Federal Environmental Executive sought public comment through a **Federal Register** ''Notice, Review & Comment.'' This guidance, as written by the interagency taskforce, represents the culmination of discussions among interested parties, industry and government, and the responses to the **Federal Register** Notice.[1]

The principles identified here provide a framework for the use of environmentally and economically beneficial landscape practices on managed federal lands and federally-funded projects. They are meant to improve and expand upon current principles of landscape design, implementation and management. They are intended to assist in federal planning and decision-making and can be incorporated into federal agency guidance/policy for landscape management practices.

As identified in the memorandum the guidance focuses on 5 (five) guiding principles: (1) Use regionally native plants (see definition below) for landscaping; (2) Design, use or promote construction practices that minimize adverse effects on the natural habitat; (3) Seek to prevent pollution; (4) Implement water and energy efficient practices; (5) Create outdoor demonstration projects.

This guidance is intended to promote principles of ''sustainable landscape design and management'' which recognizes the interconnection of natural resources, human resources, site design, building design, energy management, water supply, waste prevention, and facility maintenance and operation. In general, sustainable design embodies the concept that,

> * * * human civilization is an integral part of the natural world and that nature must be preserved and perpetuated if the human community is to sustain itself indefinitely.[2]

Sustainable landscape management seeks to minimize impact on the environment and maximize the value received for the dollars expended.

Sustainable landscape design is economically beneficial in its principle of evaluating and optimizing the full life-cycle of products and processes: cost is considered from initial design through the life of the project. For example, although sustainable site design and development may have a higher initial cost, it may prove economical over the life of the project.

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[1] **Federal Register**, Vol. 59, No. 161, Monday August 22, 1994. The Executive Memorandum was incorporated and printed in the Notice, Review & Comment.

[2] p. 4, *Guiding Principles of Sustainable Design*, U.S. Department of the Interior, National Park Service, Denver Service Center, September 1993.

In this example, a well-designed and implemented plan can result in healthier, longer-lived plantings which rely less on pesticides and fertilizers, minimize water use, require less maintenance, and increase erosion control. Sustainable landscape design considers the characteristics of the site and soil, intended effect and use of the developed area, in addition to the selection of plants.

It is not the intent of this guidance to supersede federal agency directives, policy, or other guidance which relate to the mission of that agency or to health and safety concerns. It is not intended to supersede agency objectives or guiding principles such as those pertaining to the National Park Service's four primary management zones—natural, cultural, park development, special use—and their subzones; or those pertaining to the Forest Service's National Hierarchy and Recreation Opportunity Spectrum classification systems. Finally, this guidance does not advocate replacement of existing landscapes, unless it is cost-effective to do so.

Intent of Guiding Principles

The following describes the intent of the implementing guidance and discusses opportunities for federal initiatives. These opportunities are not all-inclusive and federal agencies are encouraged to investigate other initiatives for environmentally and economically beneficial landscaping practices.

1. Use Regionally Native Plants for Landscaping

In the selection of plants for managed federal lands and federally-funded projects, the federal government has the opportunity to choose plants which are aesthetically pleasing, require minimal care, and reflect a ''sense of place,'' i.e. the physical, or symbolic representations of a community or area. By carefully selecting the ''right plants for the right place'' and matching plant characteristics to site and soil conditions, federal agencies can promote sustainable landscapes. Characteristics of sustainable landscapes include: minimizing water use, reducing the need for pesticides and fertilizers, reducing maintenance costs, utilizing hardy plants, and increasing erosion control. Where the appropriate conditions exist, regionally native plants offer the advantages of natural adaptation to the climatic and geologic environments. In addition, use of regionally native plants can promote regional identity, and enhance wildlife habitat and biodiversity.

2. Design, Use or Promote Construction Practices That Minimize Adverse Effects on the Natural Habitat

Construction practices can adversely affect and alter natural and other habitat. Federal projects can be sited, designed, and constructed to minimize that impact. Federal agencies can incorporate elements of sustainable design into their architectural and engineering plans and specifications for projects planned, designed, and constructed by federal agency or contractor personnel.

Structures can be integrated with the existing plant and animal communities and cultural (human) environments. Considerations include such elements as: ecology of the site; human factors (i.e. historic issues, mission, adjacent land use, and local culture, neighboring communities); water/energy use; pollution prevention and other special issues.

Impact on existing vegetation can be minimized by protecting and integrating plants into the site design. Analyses of the soil and subsurface material are important to the later success of existing and future plantings. These analyses can also indicate the existence of toxic or other undesirable material.

Additional beneficial construction practices which minimize adverse impacts to natural habitat include the proper disposal of construction waste and debris such as paints and other chemicals, concrete, and other building material.

3. Seek to Prevent Pollution

Pollution prevention is a national policy and one of the principles of sustainable landscape management. The primary tenet is: whenever feasible, pollution should be prevented or reduced at the source, and where pollution cannot be prevented, it should be recycled in an environmentally safe manner. Executive Order 12856, ''Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements'' was issued to ensure that

> * * * all Federal agencies conduct their facility management and acquisition activities so that, to the maximum extent practicable, the quantity of toxic chemicals entering any wastestream, including any releases to the environment, is reduced as expeditiously as possible through source reduction; that waste that is generated is recycled to the maximum extent practicable; and that any wastes remaining are stored, treated or disposed of in a manner protective of public health and the environment * * *[3]

In keeping with the executive order and the principles of sustainable landscapes practices, the following initiatives have been identified as having a salutary effect on landscape management.

Manage Pesticides and Fertilizers

The improper use of pesticides and fertilizers contributes to the pollution of both surface and groundwater in the United States. Using effective landscape management practices, and appropriate application of pesticides and fertilizers, federal agencies may minimize that impact on water quality as well as to other aspects of the environment.

Further, federal agencies may better manage soil amendments and fertilizers by utilizing soil and plant tissue samples analyses which can indicate soil deficiencies and nutrient use. The recommended method of managing pests and pesticides is called Integrated Pest Management or IPM as described below.

Use IPM

Through the use of appropriate control measures and proper application, IPM can result in a reduction in the use of chemicals contained in pesticides which may adversely impact human health and the environment. Integrated Pest Management is a decision-making process which considers cultural, mechanical, biological, and chemical controls of pests. Control mechanisms are selected as each situation warrants. Where chemical control is used, specific pest populations are targeted when they are most vulnerable rather than indiscriminate application of these chemicals.

Minimize Runoff

Uncontrolled runoff adversely impacts the environment: (1) As a major contributor to soil erosion; and (2) the primary vehicle for chemical pollutants to be introduced into the environment (particularly non-point source runoff). Federal agencies can ameliorate adverse impacts associated with run-off through a variety of preventative mechanisms: physical; vegetative, and operational. For example, grasses have been demonstrated to be a viable mechanism for minimizing run-off and controlling soil erosion. A viable method of managing the pollutants associated with the first flush of stormwater run-off is bioretention of the storm water in an appropriately landscaped area.

[3] Executive Order 12856 of August 3, 1993 ''Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements'', **Federal Register** Vol. 58, No. 150, Friday, August 6, 1993.

Recycle Landscape Trimmings

Federal agencies have the opportunity to effect both good landscape management practices and good waste management practices by recycling and using recycled landscape trimmings. A significant portion of what is treated as waste is comprised of leaves, grass clippings, plant trimmings, and woody material. These elements are a desirable resource for composted material, mulches, and landscape amendments. By using these products, federal agencies can effectively and economically enrich the soil, promote plant growth, preserve soil moisture, reduce erosion, and inhibit weed growth.

4. Implement Water and Energy Efficient Practices

Irrigating lawns and landscapes can account for a significant proportion of total water use, particularly during peak watering season. Reducing the inefficient irrigation of lawns and landscapes with potable water can reduce water cost, and the energy usage/cost associated with water pumping. In addition, water use efficiency can relieve the increasing demand being placed on water resources, distribution systems, and wastewater treatment systems.

Federal facilities can effectively reduce water use and conserve potable water through a number of practices. For example, water usage can be reduced through the use of mulches and careful selection and siting of plants. Plants adapted to local conditions can be selected so supplemental water will not be required after an initial establishment period of 3–5 years. Other water-efficient landscape practices include: determining the water requirements for discrete water-use zones; using and maintaining efficient irrigation systems; and watering only as needed. A water-efficient and cost-effective manner of irrigation which is becoming increasingly popular, where available, is the use of recycled or reclaimed water.

Recent legislation, as well as recent executive orders, reflect the federal government's commitment to energy and water conservation. Water-efficient landscape practices contribute two-fold: first, to the conservation of fresh, potable water; and second, to the conservation of energy associated with the distribution and treatment of water. Landscape practices may also directly impact energy conservation by siting plants to provide shade and cooling to paved surfaces and building structures resulting in reduced building cooling loads. Conversely, plants may also be sited such that they optimize solar heat gain and inhibit heat loss during cooler periods to reduce building heating loads.

To assist agencies in meeting the energy and water conservation requirements mandated by the Energy Policy Act of 1992 [Public Law 102–486, October 24, 1992], the Department of Energy was directed to establish the Federal Energy Efficiency Fund. Administered by the Federal Energy Management Program office, the fund provides grants to agencies for energy and water conserving projects. Grant proposals are competitively assessed for their technical and economic effectiveness. Water conserving landscapes are eligible to compete for grants under this fund.

5. Create Outdoor Demonstration Projects

Landscape demonstration projects promote public awareness and education and can be a catalyst for similar initiatives by the general public as well as other governmental agencies. They can also aid in the development and expansion of beneficial techniques and technologies. Outdoor demonstration projects are an effective method of promoting and sharing information about environmentally sensitive landscape approaches and the use of environmentally and economically beneficial landscape practices. Outdoor demonstration projects can also showcase partnership opportunities among industry, academia, and other governmental agencies. Cooperative agreements can assist in the development of technologies and techniques in such areas as recycled or reclaimed water use.

Other Initiatives

To further promote and demonstrate that environmentally beneficial practices can be both beautiful and economical, the Executive Memorandum identified a number of initiatives. These include: (1) The establishment of annual awards to recognize outstanding efforts in site design, and development, landscaping management practices of agencies and individual employees; and (2) the requirement for the Department of Agriculture to conduct research on the sustainability, propagation and use of native plants.

- Establishment of Annual Award

The Office of the Federal Environmental Executive in conjunction with the Department of Energy's Federal Energy Management Program (FEMP), has established an annual award recognizing outstanding efforts by agencies and individual employees in the demonstration of beneficial landscape management practices. This annual award has been incorporated into FEMP's Annual Federal Energy and Water Conservation Award Program. In October 1995, the winners of the first annual Beneficial Landscape Practices award will be announced.

- Research by the Department of Agriculture in Cooperation With Other Agencies on Suitability, Propagation and Use of Native Plants for Landscaping

As identified in the *National Performance Review, Accompanying Report: Reinventing Environmental Management*, barriers to the use of native plants include: limited availability of native plants; lack of knowledge about the use, maintenance, and propagation of native plants; the more prevalent use of exotic species; and the spread of invasive exotics. The U.S. Department of Agriculture possesses experience and expertise in the development of plants, management of federal lands, and conservation of soils. By working with other federal agencies, universities, botanic gardens, arboreta, and commercial nurseries, the USDA's Agricultural Research Service and Natural Resource and Conservation Service can further the use of native plant species in the landscape. In addition, the USDA has been directed to make information available to agencies and the public on the suitability, propagation and use of native plants for landscaping.

Guidelines

Applicability

These guidelines are meant to assist Federal decision-making at the agency and facility level. Where cost effective and to the maximum extent practicable, they shall be incorporated into agency guidance and policy and reflected in agency landscape management practices, site design, and development. These guidelines apply to decisions regarding landscape management practices, site design, and development on Federal grounds and at Federal projects in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Federal facilities located outside the customs territory of

the United States and Federal agencies at overseas U.S. facilities are encouraged to abide by the principles set forth in the Executive Memorandum and these guidelines. Where Federal funding is provided to support landscaping projects on non-federal lands, these guidelines shall also apply.

The policies and recommendations set out in this document are not final action, but are intended solely as interpretive guidance for implementation of the Executive Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscape Grounds by affected Federal government agencies. This Guidance does not supersede Federal agency policies or directives or established regulation. Nothing in this document shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Definitions

Native Plant

A native plant species is one that occurs naturally in a particular region, ecosystem and/or habitat without direct or indirect human actions.

Pesticide

A pesticide is ''any substance or mixture of substances: (a) For preventing, destroying, repelling, or mitigating any pest, or (b) for use as a plant regulator, defoliant, or desiccant.'' [FIFRA Section 2(u)]

Pest

A pest is ''(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest.'' [FIFRA Section 2 (t)]

Compliance With the National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) provides a mandate and a framework for federal agencies to consider all reasonably foreseeable environmental effects of their actions. Where Federal projects or federally-funded activities or projects considered in the NEPA process include landscape considerations, draft and final NEPA documentation and Record of Decision for the proposed action and alternatives, as applicable, shall reflect the recommendations established in this Guidance.

1. Use of Regionally Native Plants for Landscaping

Federal agencies, Federal projects or federally-funded projects, shall incorporate regionally native plants in site design and implementation where cost-effective and to the maximum extent practicable. Federal agencies shall strive to avoid or minimize adverse impacts of proposed actions or projects on existing communities of native plants.

Federal agencies shall ensure that the appropriate site and soil analyses are performed during pre-design stages of the project. To aid in proper plant selection and to ensure success of the plantings, analyses should match plant characteristics with site and soil conditions. Site design and implementation as well as plant selection shall incorporate such considerations as their biological needs, minimal plant care, low water use, and minimal need for fertilizers and pesticides.

Plants selected shall be in character with the project site plant communities. Those plants selected for Federal landscape projects or federally-funded landscape projects shall be nursery propagated from sources as close as practicable to the project area. Native plants collected from existing indigenous populations shall not be used unless they are salvaged from an area where they would otherwise be destroyed in the near-term. Where native plant seeds are to be used for federal projects, they should be unadulterated by other plant species. Federal agencies should ensure that appropriate actions are taken to support the success of native plant species used for Federal or federally-funded landscaping projects.

2. Design, Use, or Promote Construction Practices That Minimize Adverse Impacts on the Natural Habitat

Federal agencies, Federal projects or federally-funded projects shall avoid or minimize adverse impacts to natural habitat. During preliminary selection of sites for Federal or federally-funded projects, Federal agencies shall avoid sites which are relatively undisturbed. If such areas cannot be avoided, Federal agencies should employ construction practices and procedures which minimize adverse impacts to natural habitat and incorporate existing vegetation and associated natural habitat into the project. Where new projects require use of a relatively undisturbed site, site clearing and preparation should be limited in order to prevent unnecessary adverse impacts. Where adverse impacts to natural habitat occur as a result of Federal or federally-funded projects, Federal agencies shall mitigate impacts to natural habitat on-site where feasible. On-site and off-site compensatory mitigation shall fully reflect lost natural habitat values.

Federal site design and development should consider: environmental elements, human factors, context, sustainability, and pertinent special issues. Development of the site should include assessments of the soil and subsurface material.

Project decision-makers, including designers, contract supervisors, contractors, field inspectors, site or facility master planners, and maintenance personnel shall either be knowledgeable of or informed of likely project related impacts to natural habitat. Where existing plantings are incorporated into the site design, they shall be adequately protected from construction activities. Project plans and specifications shall include explicit direction regarding construction practices to meet the goals of this guidance. On-site project managers and contractors shall ensure that practices which minimize impacts to natural habitat are followed during project construction. Such practices may include site management to control soil erosion and non-point source run-off and proper disposal of construction material and debris. Where practicable, personnel responsible for on-site construction practices, including contractors and construction inspectors, shall be knowledgeable about natural habitat resources.

3. Seek to Prevent Pollution

Federal agencies, Federal projects or federally-funded projects shall use chemical management practices which reduce or eliminate pollution associated with the use of chemical fertilizers and pesticides. Wherever practicable, Federal agencies shall employ practices which avoid or minimize the need for using fertilizers and pesticides. These practices include, but are not limited to: selection of plant species that do not require chemical fertilizers and pesticides; use of landscape management products and practices that limit growth of ''weed'' species; use of integrated pest management techniques and practices; use of chemical pesticides which biodegrade, and use of slow-release fertilizers.

Federal agencies shall recycle and/or compost leaves, grass clippings, and landscape trimmings for further use as both soil amendments and mulches. Woody debris such as tree trunks,

stumps, limbs, etc., resulting from federally-funded activities shall also be recycled as appropriate.

Federal agencies shall use landscape management practices, including plant selection and placement, which control and minimize soil erosion, runoff of chemicals, and pollution of groundwater. Federal agencies shall also consider energy and water conservation benefits in the siting and selection of plants.

Federal agencies and facilities subject to the requirements of Executive Order 12856 shall identify those chemicals used at their facilities for landscape management and develop alternative landscape management practices to reduce or eliminate the use of those chemicals.

4. Implement Water and Energy Efficient Landscape Practices

Federal agencies, Federal projects or federally-funded projects, shall use water-efficient landscape design and management practices. These practices (such as Xeriscape) shall include planning and designing landscaping projects with consideration to: watering requirements, existing vegetation, topography, climate, intended use of the property and water-use zones. In addition, facility managers shall conduct soil analyses and, as appropriate, amend the soil at the project site to improve its ability to support plants and retain water. Initial site design as well as the addition of plants in established areas shall seek to establish water-use zones and promote efficient irrigation practices.

Where irrigation systems have been installed, irrigation scheduling should be adjusted seasonally to the evapo-transpiration rate (ET) for the plants in that particular climate.

Irrigation with recycled or reclaimed water, where practicable, shall serve as a preferred alternative to the use of potable water. Finally, Federal agencies and facilities, Federal projects and federally-funded projects, are encouraged to use water audits to identify additional opportunities for water-efficient landscape practices.

5. Create Outdoor Demonstration Projects

Federal agencies, Federal projects or federally-funded projects, shall create and maintain outdoor demonstration projects exhibiting and promoting the benefits of economically and environmentally sound landscaping practices. These exhibits may include the selection and use of native plant species and the use of water-efficient and energy-conserving practices. Exhibits may include small scale projects, such as interpretive or wildlife gardens, that focus on environmentally sound landscape management practices, site design, and development appropriate for residential, commercial, and institutional application. Additionally, demonstration projects may highlight larger projects, such as wetland or grassland restoration or woodland rehabilitation, that are more likely implemented by groups or state and local governments. Federal agencies are encouraged to form public/private partnerships with groups such as educational institutions, arboreta, commercial nurseries, botanic gardens and garden clubs, to advance the goals of the Executive Memorandum. Federal agencies are encouraged to work with and share information with other interested nonfederal parties to promote the use of environmentally and economically sound landscaping practices.

Fran McPoland,

Federal Environmental Executive.

[FR Doc. 95–19795 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5275–4]

Proposed Assessment of Clean Water Act Class II Administrative Penalty and Opportunity to Comment

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 309(g) of the Federal Clean Water Act, 33 U.S.C. 1319(g), EPA is authorized to assess a Class II administrative penalty of up to $125,000 against any person who, without authorization, discharges a pollutant to a water of the U.S., as those terms are defined in section 502 of the Act, 33 U.S.C. 1362, and its implementing regulations. As required under section 309(g)(4), 33 U.S.C. 1319(g)(4), EPA Region IX hereby gives notice of the following proposed Class II penalty action and the public's opportunity to comment on it.

On June 22, 1995, EPA Region IX commenced proceeding to assess a Class II penalty of $60,000 against Sundance International, Ltd. and Kemper Development Company, Inc. (Docket No. CWA 404–09a–95–005) by filing a complaint with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1389. The complaint alleges that Sundance International used earth moving and other construction equipment to conduct certain grading, filling and vegetation removal activities below the ordinary high water mark of Vail Lake at the Marina site on property owned by Kemper Development Company. The complaint further alleges that these discharges never received required authorization from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act, 33 U.S.C. 1344. The public is invited to submit written comments on this proposed penalty action during a thirty day comment period.

DATES: The public comment period closes September 11, 1995.

ADDRESSES: Written comments on this proposed action should be submitted to the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of 40 CFR part 22, review the complaint or other documents filed by the parties in this proceeding, comment on the proposed penalty assessment, or participate in any hearing which may be held should contact the Regional Hearing Clerk at the address or phone number listed above. Unless otherwise noted, the public record for the proceeding is located in the regional office at the address above and is available for public inspection during normal business hours. All information submitted by the respondent will be part of the public record and subject to provisions of law restricting public disclosure of confidential information.

SUPPLEMENTARY INFORMATION: This penalty proceeding and the procedures for public comment and participation are governed by EPA's ''Consolidated Rules of Practice Governing and Administrative Permits,'' at 40 CFR part 22, which is available at most libraries. To provide an opportunity for public comment, EPA will not take final actions in the proceeding prior to thirty (30) days after publication of this notice.

Dated: August 1, 1995.

Karen Schwinn,

Acting Director, Water Management Division.

[FR Doc. 95–19793 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5275–5]

City Industries Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Settlement.

SUMMARY: Under Section 122(g) of the Comprehensive Environmental

Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the City Industries Superfund Site, Winter Park, Orange County, Florida with Storage Technology Corporation. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, Waste Management Division, U.S. EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 404/347–5059 X6169.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of publication.

Dated: August 1, 1995.

H. Kirk Lucius,

Chief, Waste Programs Branch, Waste Management Division.

[FR Doc. 95–19794 Filed 8–9–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to OMB for Review

August 7, 1995.

The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collections, as required by the Paperwork Reduction Act of 1980, (44 U.S.C. 3507). Comments concerning the Commission's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated information techniques are requested.

Persons wishing to comment on this information collection should submit comments on or before August 17, 1995.

Direct all comments to Timothy Fain, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395–3561. and Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov. Copies may also be obtained via fax by contacting the Commission's Fax on Demand System. To obtain fax copies call 202–418–0177 from the handset on your fax machine, and enter the document retrieval number indicated below, when prompted.

On 2/7/95, the Commission adopted a Report and Order in MM Docket No. 93–24, Amendment of Part 74 of the Commission's Rules With Regard to the Instructional Television Fixed Service, which will increase the efficiency of Commission processing of applications for new stations, major amendments for new stations, and major changes to existing stations. By this Report and Order we have revised the FCC 330 to reflect the following: (1) An instruction was added that advises licensees assigning CPs for unbuilt ITFS facilities of the requirement to submit documentation of reasonable and prudent out-of-pocket expenses with their assignment applications; (2) the form was modified to reflect the following changes as adopted in the Report and Order: (a) permit an educator, if it chooses, to execute a 10-year lease agreement without regard to the duration of the educator's current license term; (b) service area protection will only be granted when applicant request the protection in the application; (c) interference protection for receive sites will be 35 miles or less from the transmitter; (d) we have modified the current classification of facility changes to increase processing efficiency; (e) we will require applicants to identify the contact person responsible for implementation of the ITFS program at receive site; and (f) we will require additional information on the accreditation status of an applicant. In addition to the above changes, the Commission will no longer require prior Commission approval for the deletion of a receive site. We have requested that OMB approval the above changes by August 17, 1995.

OMB Approval Number: 3060–0062.

Title: Application to Construct New or Make Changes in an Instructional Television Fixed and/or Response Station(s), or to Assign or Transfer Such Station(s).

Form No.: FCC 330.

Type of Review: Revision of an existing collection.

Respondents: Not-for-profit institutions; State, Local or Tribal Governments.

Number of Respondents: 2,000.

Estimated Time Per Response: 5 hours.

Total Annual Burden: 10,000 hours.

Needs and Uses: FCC Form 330 is used to apply for authority to construct a new or make changes in an Instructional Television Fixed or response station and low power relay station, or for consent to license assignment or transfer of control. The requirement for filing FCC 330 is in accordance with Sections 154(i), 303, 308, and 309 of the Communications Act of 1934, as amended. The data is used by FCC staff to determine if the applicant meets basic statutory requirements and is qualified to become a licensee of the Commission.

Fax Document Retrieval Number: 600062.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 95–19829 Filed 8–9–95; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–010889–003.

Title: Port of Galveston/Container Terminal of Galveston, Inc. Terminal Agreement.

Parties: Port of Galveston, Container Terminal of Galveston, Inc.

Synopsis: The filed amendment clarifies the default terms of the Agreement.

Agreement No.: 224–200563–004.

Title: Port of Oakland/Trans Pacific Container Service Corporation Terminal Agreement.

Parties: Port of Oakland, Trans Pacific Container Service Corporation (''Trapac'').

Synopsis: The filed amendment revises the formula that permits Trapac a credit against a portion of the amounts

payable under the Agreement due to Trapac's payment of financing costs associated with bonds issued to construct marine terminal facilities.

Agreement No.: 224–200959.

Title: Agreement by and between Trans Pacific Container Service Corporation/Marine Terminals Corporation.

Parties: Trans Pacific Container Service Corporation (''TRAPAC''), Marine Terminals Corporation (''MTC'')

Synopsis: The filed Agreement authorizes the parties to cooperate in operating TRAPAC's facility at the Port of Seattle's Terminal 30. Among other things, TRAPAC will provide administrative and support services and MTC will provide necessary stevedoring, maintenance, marketing, and related services.

Dated: August 7, 1995.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–19784 Filed 8–9–95; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Briz Forwarding, Inc., 1 George Street, Brooklyn, NY 11206, Officer: Bella Foss

Logistics International, Inc., 10159 East 11th Street, Ste. 310, Tulsa, OK 74128, Officers: Mitchell L. Bray, President; Maria U. Canteras, Secretary

Matrix CT, Inc., 200 Connecticut Avenue, Norwalk, CT 06854, Officers: Douglas Cruikshank, Co-President; Ronald S. Cruse, Co-President

International Transportation Consultant, 162 Oakridge K, Deerfield Beach, FL 33442, Officers: Claudio Rozentzvaig, President; Celia J. Garcio, Vice President

BNX Shipping Inc., 500 S. Carson Plaza Dr., #210, Carson, CA 90746, Officer: Dae K. Kim, President

Elaine Blair, 4404 Trilby Avenue, Tampa, FL 33616, Sole Proprietor.

Dated: August 7, 1995.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–19785 Filed 8–9–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

James Walker Branyon; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than August 24, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. James Walker Branyon, Fayette, Alabama; to acquire a total of 19.11 percent of the voting shares of F.B.H. Corporation, Fayette, Alabama, and thereby indirectly acquire Citizens Bank of Fayette, Fayette, Alabama.

Board of Governors of the Federal Reserve System, August 4, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95-19759 Filed 8-9-95; 8:45 am]

BILLING CODE 6210-01-F

Financial Trust Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 5, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Financial Trust Corp., Carlisle, Pennsylvania; to acquire 100 percent of the voting shares of Washington County National Bank, Williamsport, Maryland.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Heart of Georgia Bancshares, Inc., Mount Vernon, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank & Trust Company of Mount Vernon, Mount Vernon, Georgia.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Star Valley Bancshares, Inc., Afton, Wyoming; to become a bank holding company by acquiring 100 percent of the voting shares of Star Valley State Bank, Afton, Wyoming (in organization).

Board of Governors of the Federal Reserve System, August 4, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95-19760 Filed 8-9-95; 8:45 am]

BILLING CODE 6210-01-F

HSBC Holdings, PLC, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or

control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than August 24, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. HSBC Holdings PLC, London, United Kingdom, and HSBC Holdings BV, Amsterdam, Netherlands; to acquire through its subsidiary, James Capel Incorporated (JCI), New York, New York, an office of NatWest Securities Corporation and thereby engage in investment and financial advice, pursuant to § 225.25(b)(4)(iv) of the Board's Regulation Y.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First American Corporation, Nashville, Tennessee; to acquire Charter Federal Savings Bank, Bristol, Virginia, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y. The proposed activities will be conducted throughout the State of Virginia.

Board of Governors of the Federal Reserve System, August 4, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95-19761 Filed 8-9-95; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Proposed Agency Information Activities Under OMB Review

The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to renew expiring information collection 3090–0246, 48 CFR 552.210–79 Packing List.

A uniquely numbered Government commercial credit card has been authorized for making payment for orders under $25,000 placed against certain schedule contracts. Acceptance of the card by vendors is not mandatory. In order to verify receipt of orders placed orally, the cardholders names and telephone number must be included in the packing list.

AGENCY: Office of GSA Acquisition Policy.

ADDRESSES: Send comments to Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), 18th & F Streets NW., Washington, DC 20405.

ANNUAL REPORTING BURDEN: 105,000 responses per year; 2 minutes per response; annual burden hours 875.

FOR FURTHER INFORMATION CONTACT: Ida Ustad (202–501–1043).

COPY OF PROPOSAL: A copy of this proposal may be obtained from the Information Collection Management Branch (CAIR), Room 7102, GSA Building, 18th & F Streets NW., Washington, DC 20405, or by telephoning (202) 501–2691, or by faxing your request to (202) 501–2727.

Dated: August 2, 1995.

Kenneth S. Stacey,

Acting Director, Information Management Division (CAI).

[FR Doc. 95–19736 Filed 8–9–95; 8:45 am]

BILLING CODE 6820–61–M

Proposed Agency Information Collection Activities; Comment Request

The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to renew expiring information collection 3090–0080, General Services Administration Acquisition Regulation (GSAR) Part 532, Contract Financing.

To ensure that all adjustments have been made and claims submitted before contract closeout, building service contractors are required to submit a release of claims before final payment. Use of GSA Form 1142 standardizes information and eliminates the need for GSA regions or contractors to prepare their own release.

AGENCY: Office of GSA Acquisition Policy.

ADDRESSES: Send comments to Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), 18th & F Streets NW., Washington, DC 20405.

ANNUAL REPORTING BURDEN: 2,000 responses per year; 10 minutes per response; annual burden hours 200.

FOR FURTHER INFORMATION CONTACT: Ida Ustad (202–501–1043).

COPY OF PROPOSAL: A copy of this proposal may be obtained from the Information Collection Management Branch (CAIR), Room 7102, GSA Building, 18th & F Streets NW., Washington, DC 20405, or by telephoning (202) 501–2691, or by faxing your request to (202) 501–2727.

Dated: August 2, 1995.

Kenneth S. Stacey,

Acting Director, Information Management Division (CAI).

[FR Doc. 95–19737 Filed 8–9–95; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Development of New Types of Therapeutic Compounds for Acquired Immunodeficiency Syndrome (AIDS) and Other Human and Animal Diseases of Retroviral Etiology Identified Using Novel Screening Assays

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (FTTA, 15 U.S.C. § 3710; Executive Order 12591 of April 10, 1987), the National Cancer Institute (NCI) of the National Institutes

of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks a Cooperative Research and Development Agreement (CRADA) with a pharmaceutical or biotechnology company to develop novel therapeutics for AIDS and other human and animal diseases of retroviral etiology based upon a newly identified highly conserved HIV target protein. Any CRADA for the biomedical use of this technology will be considered. The CRADA would have an expected duration of one (1) to five (5) years. The goals of the CRADA include the rapid publication of research results and their timely commercialization. The CRADA Collaborator will have an option to negotiate the terms of an exclusive or nonexclusive commercialization license to subject inventions arising under the CRADA.

ADDRESSES: Proposals and questions about this CRADA opportunity may be addressed to Cindy K. Fuchs, J.D., Office of Technology Development, National Cancer Institute-Frederick Cancer Research and Development Center, P.O. Box B, Frederick, MD 21702–1201, Telephone: (301) 846–5465, Facsimile: (301) 846–6820. Background information, including abstracts and reprints, is available. In addition, pertinent information not yet publicly disclosed may be obtained under a confidential disclosure agreement.

Requests for copies of the patent applications, license application form, or other questions and comments concerning the licensing of this technology should be directed to Steven M. Ferguson, Acting Chief, Infectious Disease Branch, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804, Telephone: (301) 496–7735 ext. 266, Facsimile: (301) 402–0220. A signed confidentiality agreement will be required to receive copies of the patent applications.

EFFECTIVE DATE: In view of the high priority for developing new drugs for the treatment of HIV infection, interested parties should notify the NCI Office of Technology Development in writing no later than sixty (60) days from the date of this announcement. Respondents will then be provided an additional ninety (90) days for submitting formal CRADA proposals.

SUPPLEMENTARY INFORMATION: Current antivirals are ineffective against HIV–1 largely due to the emergence of drug resistant viral mutants. HIV–1 contains regions known as CCHC zinc fingers in the retroviral nucleocapsid protein. These CCHC zinc fingers are highly conserved throughout nearly all retroviruses. The CCHC zinc fingers are sequences of 14 amino acids with four invariant residues, $Cys(X)_2Cys(X)_4His(X)_4Cys$, that chelate zinc and perform essential functions in viral infectivity. Mutations in the CCHC zinc fingers render HIV–1 non-infectious. Many compounds that disrupt the CCHC zinc fingers also inactivate the HIV–1 virus. HIV–1 has two zinc fingers, both of which are necessary for infectivity. The invariant nature of the retroviral zinc fingers and the requirement of both fingers would make the development of drug resistant viral mutants unlikely. HIV–1 CCHC zinc fingers exhibit a previously unrecognized susceptibility to attack by certain types of compounds. Compounds with this activity may be useful for developing new types of anti-retroviral drugs.

The AIDS Vaccine Program at the National Cancer Institute-Frederick Cancer Research and Development Center (NCI–FCRDC) has developed novel screening assays for identifying compounds capable of inactivating retroviruses, including HIV–1. The screening assays are based on the ability of a compound to disrupt the CCHC zinc fingers. Retroviral CCHC zinc fingers complex with two zinc ions, each with a formal charge of +2. Compounds that react with the CCHC zinc fingers and remove the zinc ions cause a change in the conformation and charge of the nucleocapsid protein, which can be detected as a change in its electrophoretic mobility using capillary zone electrophoresis (CZE). Purified CCHC zinc fingers may be reconstituted with radioactive $zinc^{65}$. By monitoring the release of radioactive $zinc^{65}$ caused by the reaction of a test compound with a retroviral CCHC zinc finger, it is possible to determine the reactivity of the test compound. Changes in the intrinsic fluorescence, fluorescence of artificial probes, or fluorescent zinc chelators can be used to monitor the loss of zinc from the HIV–1 CCHC zinc fingers. Reverse phase high performance liquid chromatography (HPLC) can be used to separate CCHC zinc fingers that have been reacted with compounds resulting in covalent changes in these proteins. Nuclear magnetic resonance (NMR) can be used to monitor the loss of zinc from retroviral CCHC zinc fingers. Because these assays do not utilize live virus, special containment facilities are not required for the screening procedures. Several of these assays are adaptable for high through-put screening. Gel mobility shift assays also can be used to identify and study compounds which are able to penetrate intact virus and to induce conformational changes in the CCHC zinc fingers. These assays can utilize HIV–1 or retroviruses that are not pathogenic for humans. Since CCHC zinc fingers are highly conserved among nearly all retroviruses, assays based upon these structures are suitable for screening for drugs that would be effective against viruses for adult T-cell leukemia, tropical spastic paraparesis caused by Human T-Cell Leukemia Virus-I and -II (HTLV-I and HTLV-II) as well as retroviral infections in animals such as feline leukemia virus and feline immunodeficiency virus in cats, equine infectious virus in horses, and lentivirus isolated from sheep, goats and cattle.

The patent portfolio for this technology includes the following pending patent applications:

Serial Numbers: 08/312,331 and 08/379,420

Title: ''A Method for Identifying and Using Compounds that Inactivate HIV–1 and Other Retroviruses by Attacking Highly Conserved Zinc Fingers in the Viral Nucleocapsid Protein''

Inventors: Dr. Louis E. Henderson, Dr. Larry O. Arthur, and Dr. William G. Rice.

The patent rights in these inventions have been assigned to the United States of America. Parties interested in submitting a CRADA proposal should be aware that it may be necessary to secure a license to the foregoing patent applications in order to commercialize products arising from the CRADA.

The role of the National Cancer Institute in this CRADA will include but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience to the research project.
2. Planning research studies and interpreting research results.
3. Providing screening assay reagent(s) to the CRADA Collaborator in ''start-up'' quantities.
4. Contracting, as needed, support services at the NCI-FCRDC such as antigen and antibody production.
5. Screening candidate therapeutic compounds using the novel assays described above.
6. Screening promising candidates in HIV viral infectivity assays.
7. Publishing research results.

The role of the CRADA Collaborator may include but not be limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.
2. Planning research studies and interpreting research results.

3. Providing support for ongoing CRADA-related research in the development of candidate therapeutic compounds:
   (a) financial support to facilitate scientific goals;
   (b) technical or financial support for further design of candidate therapeutic compounds; and
   (c) financial and logistical support for clinical trials Phases I-III.
4. Providing and implementing plans to independently secure future continuing supplies of candidate therapeutic compounds to assure continued preclinical and clinical development.
5. Providing plans and supporting clinical development leading to FDA approval of candidate therapeutic compounds.
6. Producing, packaging, marketing, and distributing successful therapeutic compounds.
7. Using the proposed technology for other novel biopharmaceutical and/or veterinary applications.
8. Publishing research results.

Selection criteria for choosing the CRADA Collaborator may include but not be limited to:

1. The ability to collaborate with NCI on further research and development of this technology. This ability can be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to ongoing research and development.

2. The demonstration of adequate resources to perform the research, development and commercialization of this technology (e.g. facilities, personnel and expertise) and accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

3. The ability to perform clinical testing or trials, and obtain IND, NDA and FDA approval for a new drug or treatment modality.

4. The willingness to commit best effort and demonstrated resources to the research, development and commercialization of this technology.

5. The demonstration of expertise in the commercial development, production, marketing and sales of products related to this area of technology.

6. The level of financial support the CRADA Collaborator will provide for CRADA-related Government activities.

7. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

8. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

9. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the equitable distribution of patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization which is the employer of the inventor, with (1) the grant of a research license to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to negotiate for an exclusive or nonexclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated July 28, 1995.

Thomas D. Mays,

Director, Office of Technology Development, National Cancer Institute, National Institutes of Health.

[FR Doc. 95–19733 Filed 8–9–95; 8:45 am]

BILLING CODE 4140–01–P

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: August 14, 1995.

Time: 1:30 p.m.

Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–1340.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Numbers: 93.242, Mental Health Research Grants; 93.281, Mental Research Scientist Development Award and Research Scientist Development Award for Clinicians; 93.282, Mental Health Research Service Awards for Research Training.

Dated: August 4, 1995.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 95–19732 Filed 8–9–95; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License: Tumor Infiltrating Lymphocytes as a Treatment Modality for Human Cancer

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the inventions embodied in U.S. Patent 5,126,132 and corresponding foreign patent applications entitled, ''Tumor Infiltrating Lymphocytes as a Treatment Modality for Human Cancer'' to Applied Immune Systems, Inc. of Santa Clara, California. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Conventional chemotherapy is relatively ineffective in the treatment of patients with metastatic cancer. An effective therapy of patients with malignancy is needed. New cancer therapy modalities utilizing the augmentation of a cancer patient's immune system (immunotherapy) have attracted much scientific interest. The present invention covers a method of providing immunotherapy to cancer patients using a combination of tumor infiltrating lymphocytes (TIL) and interleukin-2. Tumors that are removed from cancer patients are used for the isolation of lymphocytes (tumor infiltrating lymphocytes). Single cell suspensions are prepared which consist largely of tumor cells but with occasional lymphocytes. These lymphocytes are cultured in presence of IL–2 which expands their numbers and activates them to destroy the tumor cells. Patients with cancer are then

treated with these TIL along with interleukin-2. At the site of tumor, these TIL destroy tumor either by direct contact or by the secretion of cytokines. Several clinical studies have demonstrated the efficacy of this cancer therapy.

ADDRESSES: Requests for copies of the patent applications, inquiries, comments and other materials relating to the contemplated licenses should be directed to: Raphe Kantor, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804. Telephone: (301) 496–7735 ext. 247; Facsimile: (301) 402–0220. A signed Confidentiality Agreement will be required to receive copies of the patent applications. Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by NIH on or before October 10, 1995 will be considered. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 26, 1995.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 95–19734 Filed 8–9–95; 8:45 am]

BILLING CODE 4140–01–P

Office of Inspector General

Publication of OIG Special Fraud Alerts: Home Health Fraud, and Fraud and Abuse in the Provision of Medical Supplies to Nursing Facilities

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This **Federal Register** notice sets forth two recently issued OIG Special Fraud Alerts concerning fraud and abuse practices in the home health industry and in the provision of medical supplies to nursing facilities. For the most part, the OIG Special Fraud Alerts address national trends in health care fraud, including potential violations of the Medicare anti-kickback statute. These two Special Fraud Alerts, issued directly to the health care provider community and now being reprinted in this issue of the **Federal Register**, specifically address fraud and abuse in the provision of (1) home health services and (2) medical supplies to nursing facilities, including the submission of false claims and anti-kickback violations.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, Office of Management and Policy, (202) 619–0089.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Inspector General (OIG) issues Special Fraud Alerts based on information it obtains concerning particular fraudulent and abusive practices within the health care industry. These Special Fraud Alerts provide the OIG with a means of notifying the industry that we have become aware of certain abusive practices which we plan to pursue and prosecute, or bring civil and administrative action, as appropriate. The alerts also serve as a powerful tool to encourage industry compliance by giving providers an opportunity to examine their own practices.

The Special Fraud Alerts are intended for extensive distribution directly to the health care provider community, as well as those charged with administering the Medicare and Medicaid programs. On December 19, 1994, the OIG published in the **Federal Register** the texts of 5 previously-issued Special Fraud Alerts, and announced the intention to publish in the same manner subsequent issuances as a regular part of distribution of these Special Fraud Alerts (59 FR 65372).

The first of these new Special Fraud Alert serves to point out the prevalence of certain types of home health care fraud, including (1) cost report frauds; (2) billing for excessive services or services not rendered; (3) use of unlicensed or untrained staff; (4) falsified plans of care; (5) forged physician signatures on plans of care; and (6) kickbacks that the OIG has uncovered.

The second new Special Fraud Alert, focusing on the provision of medical supplies to nursing facilities, identifies some of the illegal practices that the OIG has recently uncovered. These include (1) the submitting of claims to Part B of Medicare for medical supplies and equipment that are not medically necessary; (2) submitting claims for items that are not provided as claimed; (3) double billings; and (4) paying or receiving kickbacks in exchange for Medicare or Medicaid referrals.

These two issuances are the first in a series of new Special Fraud Alerts being developed by the OIG over the next year to heighten both the public's and industry's awareness of fraudulent health care practices. A reprint of both of these Special Fraud Alerts follows.

II. Special Fraud Alert: Home Health Fraud

(June 1995)

The Office of Inspector General was established at the Department of Health and Human Services by Congress in 1976 to identify and eliminate fraud, abuse and waste in Health and Human Services programs and to promote efficiency and economy in departmental operations. The OIG carries out this mission through a nationwide program of audits, investigations and inspections.

To help reduce fraud and abuse in the Medicare and Medicaid programs, the OIG actively investigates schemes to fraudulently obtain money from these programs and, when appropriate, issues Special Fraud Alerts which identify segments of the health care industry that are particularly vulnerable to abuse. This Special Fraud Alert focuses on the home health industry and identifies some of the illegal practices the OIG has uncovered.

What Is Home Health Care And Who Is Eligible To Receive It?

Medicare's home health benefit allows people with restricted mobility to remain non-institutionalized and receive needed care at home. Home health services and supplies are typically provided by nurses and aides under a physician-certified plan of care.

Medicare will pay for home health services if a beneficiary's physician certifies that he or she:

- is homebound—i.e., confined to the home except for infrequent or short absences or trips for medical care, and
- requires one or more of the following qualifying services: physical therapy, speech-language pathology, or intermittent skilled nursing.

If a homebound patient requires a qualifying service, Medicare also covers services of medical social workers and certain personal care such as bathing, feeding, and assistance with medications. However, a beneficiary who needs only this type of personal or custodial care does not qualify for the home health benefit.

Fraud and Abuse in the Home Health Industry

Home care is consuming a rapidly increasing portion of the federal health budget. This year, Medicare payments for home health will reach close to $16 billion, up from $3.3 billion in 1990—nearly a five fold increase. Home health care is particularly vulnerable to fraud and abuse because:

- Medicare covers an unlimited number of visits per patient;
- Beneficiaries pay no co-payments except on medical equipment;
- Patients don't receive explanations of benefits (EOBs) for bills submitted for home health services; and
- There is limited direct medical supervision of home health services provided by non-medical personnel.

The OIG has learned of several types of fraudulent conduct, outlined below, which have or could result in improper Medicare reimbursement for home health services.

False or Fraudulent Claims Relating to the Provision of Home Health Services

The government may prosecute persons who submit or cause false or fraudulent claims for payment to be submitted to the Medicare or Medicaid programs. Examples of false or fraudulent claims include claims for services that were never provided, duplicate claims submitted for the same service, and claims for services to ineligible patients. A claim for a service that a health care provider knows was not medically necessary may also be a fraudulent claim.

Submitting or causing false claims to be submitted to Medicare or Medicaid may subject a person to criminal prosecution, civil penalties including treble damages, and exclusion from participation in the Medicare and Medicaid programs. OIG has uncovered the following types of fraudulent claims related to the provision of home health services.

Claims For Home Health Visits That Were Never Made And For Visits to Ineligible Beneficiaries

OIG has uncovered instances where home health agencies are submitting false claims for home health visits. These include:

- Claims for visits not made.
- Claims for visits to beneficiaries not homebound.
- Claims for visits to beneficiaries not requiring a qualifying service.
- Claims for visits not authorized by a physician.

One home health agency billed Medicare for 123 home health visits to a patient who never received a single visit, and submitted claims for beneficiaries who were in an acute care hospital during the period the agency claimed to have provided home visits. Another agency provided a home health aide to a beneficiary so mobile that he volunteered at a local hospital several times a week.

A third agency claimed nearly $26 million during one year in visits that were not made, visits to patients that were not homebound, and visits not authorized by a physician. OIG interviews indicated that beneficiary signatures were forged on visit logs and physician signatures were forged on plans of care. This agency had subcontracted with other entities to provide home health care to its patients, and claimed that the subcontractors falsely documented that visits were made and services were provided.

Medicare permits a home health agency to contract with other organizations, including agencies not certified by Medicare, to provide care to its patients. However, the agency remains liable for all billed services provided by its subcontractors. The use of subcontracted care imposes a duty on home health agencies to monitor the care provided by the subcontractor.

Home health agencies, as well as the physicians who order home health services, are responsible for ensuring the medical necessity of claims submitted to Medicare. A physician who orders unnecessary home health care services may be liable for causing false claims to be submitted by the home health agency, even though the physician does not submit the claim. Furthermore, if agency personnel believe that services ordered by a physician are excessive or otherwise inappropriate, the agency cannot avoid liability for filing improper claims simply because a physician has ordered the services.

Fraud in Annual Cost Report Claims

In addition to submitting claims for specific services, home health agencies submit annual cost reports to Medicare for reimbursement of administrative, overhead and other general costs. For these costs to be allowable, Medicare regulations require that they be (1) reasonable, (2) necessary for the maintenance of the health care entity, and (3) related to patient care. However, the OIG has audited cost reports which include costs for entertainment, travel, lobbying, gifts, and other expenses unrelated to patient care such as luxury automobiles and cruises. One home health agency claimed several million dollars in unallowable costs during one cost reporting year. These included utility and maid service payments for the owner's condominium, golf pro shop expenses, lease payments on a luxury car for the owner's son at college, and payment of cable television fees for the owner's mother.

Medicare also requires home health agencies to disclose in their cost reports the identity of related parties with whom they conduct business, in order to adjust costs that are likely to be inflated by health care providers who self-deal (i.e., purchase goods or services from related companies). A related party issue exists when there is common control or common interest between the provider and the organization with whom it is doing business. OIG has investigated home health agencies which failed to disclose ownership or other relationships with entities with whom they contracted for accounting services, management/consulting services, and medical supplies. These agencies billed Medicare unallowable amounts for marked-up supplies and services.

Paying Or Receiving Kickbacks In Exchange For Medicare or Medicaid Referrals

Kickbacks in exchange for the referral of reimbursable home health services is another type of fraud that OIG has observed. The Medicare program guarantees freedom of choice to its beneficiaries in the selection of health care providers. Because kickbacks violate that principle and also increase the cost of care, they are prohibited under the Medicare and Medicaid programs. Under the anti-kickback statute, it is illegal to knowingly and willfully solicit, receive, offer or pay anything of value to induce, or in return for, referring, recommending or arranging for the furnishing of any item or service payable by Medicare or Medicaid.

OIG is aware of home health providers offering kickbacks to physicians, beneficiaries, hospitals, and rest homes in return for referrals. Kickbacks have taken the following forms:

- Payment of a fee to a physician for each plan of care certified by the physician on behalf of the home health agency.
- Disguising referral fees as salaries by paying referring physicians for services not rendered, or in excess of fair market value for services rendered.
- Offering free services to beneficiaries, including transportation and meals, if they agree to switch home health providers.
- Providing hospitals with discharge planners, home care coordinators, or home care liaisons in order to induce referrals.
- Providing free services, such as 24 hour nursing coverage, to retirement homes or adult congregate living facilities in return for home health referrals.
- Subcontracting with retirement homes or adult congregate living facilities for the provision of home

health services, to induce the facility to make referrals to the agency.

Parties that violate the anti-kickback statute may be criminally prosecuted, and also may be subject to exclusion from the Medicare and Medicaid programs.

Marketing Uncovered Or Unneeded Home Care Services to Beneficiaries

OIG has learned of high pressure sales tactics employed by some agencies in the home health community to maximize their patient population and their profits. These agencies target healthy beneficiaries on the street or in their homes and offer non-covered services, such as grocery shopping or housekeeping, in exchange for Medicare identification numbers. Physicians have also reported that some agencies attempt to pressure them to order unnecessary personal care services by informing them that their patients are requesting these services and will find another physician if their demands are not met.

These abusive marketing practices can result in false claims liability on the part of agencies and/or physicians, and may also constitute illegal kickbacks.

III. Special Fraud Alert: Medical Supplies to Nursing Facilities

(August 1995)

The Office of Inspector General was established at the Department of Health and Human Services by Congress in 1976 to identify and eliminate fraud, abuse and waste in Health and Human Services programs and to promote efficiency and economy in departmental operations. The OIG carries out this mission through a nationwide program of audits, investigations and inspections.

To help reduce fraud and abuse in the Medicare and Medicaid programs, the OIG actively investigates schemes to fraudulently obtain money from these programs and, when appropriate, issues Special Fraud Alerts which identify segments of the health care industry that are particularly vulnerable to abuse. This Special Fraud Alert focuses on the provision of medical supplies to nursing facilities and identifies some of the illegal practices that the OIG has uncovered.

How Nursing Facility Benefits are Reimbursed

Many nursing facilities receive reimbursement from Medicare and Medicaid for care and services provided to eligible residents. Under Medicare Part A, skilled nursing facility services are paid on the basis of cost, and compensate the provider for covered nursing stays of a limited length. For Medicaid-eligible residents, extended nursing facility stays may be reimbursed by state-administered programs financed in part by Medicaid. Nursing facility residents may be concurrently eligible for benefits under Medicare Part B. These benefits may include payment for medically necessary equipment, prosthetic devices and supplies.

Nursing facilities and their residents have become common targets for fraudulent schemes involving medical supplies. The OIG has become aware of a number of fraudulent arrangements by which medical suppliers profit from inappropriate business dealings, in the name of unwitting nursing facility residents.

Sometimes, nursing facility management and staff also are involved in these schemes.

False or Fraudulent Claims Relating to the Provision of Medical Supplies

The government may prosecute persons who submit or cause the submission of false or fraudulent claims to the Medicare or Medicaid program. Examples of false or fraudulent claims include claims for items that were never provided or were not provided as claimed, duplicate claims submitted for the same item, and claims for items that the supplier knows are not medically necessary.

Submitting or causing false claims to be submitted to Medicare or Medicaid may subject the individual or entity to criminal prosecution, civil penalties including treble damages, and exclusion from participation in the Medicare and Medicaid programs. The OIG has uncovered the following types of fraudulent transactions related to the provision of medical supplies to nursing facilities.

Claims for Medical Supplies and Equipment That Are Not Medically Necessary

- Many of the supplies and equipment used in the care of nursing facility residents are provided by the nursing facility and should be reflected in the facility's Medicare cost report. The OIG has uncovered numerous instances in which suppliers provide the nursing facility with general medical supplies such as tape, adhesive remover, skin creams and syringes, but rather than bill the facility, the supplier submits claims to Medicare Part B. The claims misrepresent that the items are medically necessary for individual beneficiaries and therefore reimbursable under Part B.

For example, one supplier billed Part B for an ''oral/nasal hygiene program'' which consisted of supplies, such as saline solution, latex gloves and cotton swabs, marketed as prepackaged kits. Upon investigation, the OIG determined that these items, which were shipped to the facility in bulk quantities, were neither medically necessary, nor used for the care of the residents identified on the claims. In such a case, the supplier may be liable under criminal, civil and administrative laws for submitting fraudulent claims. The nursing facility may also be liable if the OIG determines that the nursing facility knew or should have known that the claims were false and participated in the offense.

Claims for Items That Are Not Provided as Claimed or Double Billed

- Many inappropriate transactions involve marketing of incontinence supplies. In one case, a supplier was found to have delivered adult diapers, which are not covered by Medicare Part B, and improperly billed these items as expensive prosthetic devices called ''female external urinary collection devices.'' In another case, a supplier delivered only incontinence care products, such as lubricants and cleansers. These items are covered only as accessories to medically necessary prosthetic devices such as female external urinary collection devices. Medicare received bills for each accessory, even though the primary item was not provided.

- In some cases, multiple payments are made for particular items shipped to nursing facilities. For instance, a nursing facility ordered and accepted delivery of certain medical supplies for the facility's general use. The nursing facility appropriately claimed the supplies as expenses related to patient care on its Medicare cost report. However, the supplier also submitted separate claims to Medicare Part B on behalf of each resident in the facility. In order to receive Part B reimbursement, the supplier misrepresented its entitlement to payment, as well as the eligibility and coverage of individual beneficiaries. Other payment sources, such as Medicaid or private payers, may also have been billed by the supplier. The supplier may be liable under criminal, civil and administrative provisions if the supplier claimed falsely that the beneficiary met the required eligibility and coverage criteria. The nursing facility may also be liable for falsifying its Part A cost report if it knew or should have known of the duplicate billing and participated in the offense.

Paying or Receiving Kickbacks in Exchange for Medicare or Medicaid Referrals

It is illegal under the anti-kickback statute to knowingly and willfully solicit, receive, offer or pay remuneration in cash or in kind to induce or in return for referring, recommending or arranging for the furnishing of any item or service payable by Medicare or Medicaid.

Violation of the anti-kickback statute may carry criminal penalties, program exclusion, or both. Immunity may be available where otherwise illegal conduct meets the criteria specified in ''safe harbor'' regulations published by the Secretary of the Department of Health and Human Services. These regulations may be found in 42 CFR part 1001.

• A supplier gives a nursing facility non-covered medical products at no charge, provided the facility assists in the ordering of Medicare-reimbursed products. For instance, incontinence care kits may consist of reimbursable supplies as well as non-reimbursable items, such as disposable underpads or adult diapers. The OIG has identified instances where suppliers have billed the program for providing nursing facilities with thousands of medical supplies contained within incontinence kits which were not medically necessary for the care of the patients. The nursing facilities accepted delivery of the kits, removed the diapers and other items useful in general patient care, and discarded the remainder of the kits. At the same time, the supplier received Medicare reimbursement for shipment of products which were not medically necessary and often not used.

Both the supplier and the nursing facility may be liable for false claims as in the previous examples. However, both parties may also be liable under the anti-kickback statute, if one purpose of providing the free diaper was to induce the nursing facility to arrange for the procurement of items paid for by Medicare or Medicaid.

Other Examples of Fraudulent Practices

The OIG has received many complaints from nursing facility administrators and staff about suppliers that deliver unordered goods which are billed to Medicare. Analysts and investigators also have found that many nursing facilities do not always report such abuses, perhaps because the nursing facilities may gain a benefit from the use of these ''free'' supplies. In other cases, nursing facilities actively solicit unauthorized deliveries or other items of value, such as cash and in-kind rewards. In exchange, the nursing facility offers the equipment supplier access to patients' medical records and other information needed to bill Medicare.

Note: Under 42 CFR 483.10(e), it is a violation of a resident's rights, and therefore of the facility's conditions of participation, to make unauthorized disclosures from the resident's medical records.

• The OIG has investigated suppliers who supply nursing facilities with low-cost items, but submit Part B claims for high-priced items. For instance, one supplier provided simple restraining devices, but claimed that custom-made orthotic body jackets were provided to specified Part B beneficiaries.

• The OIG also has investigated a case in which a supplier gathered information on the death of nursing facility residents. Immediately thereafter, the supplier back-dated orders of medical supplies in quantities consistent with Medicare's 30-day limitation on after-death shipments.

What To Look For in Nursing Facility Supply Transactions

Suppliers engaged in the fraudulent schemes described above attempt to avoid detection in a variety of ways. Nursing facility administrators and staff aware of supplier fraud may be bribed through the payment of kickbacks and other illegal remuneration. Also, beneficiaries may be kept unaware of fraudulent billings if a supplier routinely ''waives,'' or fails to collect, co-payments from the residents for Part B items. The following factors may also indicate improper supply transactions:

• Excessive volumes of medical supplies delivered to, or solicited by, nursing facilities and kept as inventory for lengthy periods.

• Items provided directly to nursing facility residents that are unordered, unnecessary or unused.

• Unusually active presence in nursing facilities of medical supply sales representatives who are given, or request, unlimited access to patient medical records.

• Questionable documentation for medical necessity of supplies.

IV. Contacting the OIG About Fraud and Abuse

The following common language is set forth in both OIG Special Fraud Alerts:

What To do If You Have Information About Fraud and Abuse Against the Medicare and Medicaid Programs

If you have information about the types of activities described above, contact any of the regional offices of the Office of Investigations of the Office of Inspector General, U.S. Department of Health and Human Services, at the following locations:

Regions	States served	Telephone
Boston	MA, VT, NH, ME, RI, CT	617–565–2660
New York	NY, NJ, PR, VI	212–264–1691
Philadelphia	PA, MD, DE, WV, VA	215–596–6796
Atlanta	GA, KY, NC, SC, FL, TN, AL, MS (No. District)	404–331–2131
Chicago	IL, MN, WI, MI, IN, OH, IA, MO	312–353–2740
Dallas	TX, NM, OK, AR, LA, MS (So. District)	214–767–8406
Denver	CO, UT, WY, MT, ND, SD, NE, KS	303–844–5621
Los Angeles	AZ, NV (Clark Co.), So. CA	714–836–2372
San Francisco	No. CA, NV, AZ, HI, OR, ID, WA	415–556–8880
Washington, D.C.	DC and Metropolitan areas of VA & MD	202–619–1900

To Report Suspected Fraud, Call or Write: 1–800–HHS–TIPS, Department of Health and Human Services, Office of Inspector General, P.O. Box 23489, L'Enfant Plaza Station, Washington, D.C. 20026–3489.

Dated: August 4, 1995.

June Gibbs Brown,

Inspector General.

[FR Doc. 95–19731 Filed 8–9–95; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–95–1220–00; N2–21–95]

Nevada; Temporary Closure of Certain Public Lands in the Winnemucca District for Management of the 1995 Running of the ''Reno 300'' Off-Highway Vehicle (OHV) Race

AGENCY: Bureau of Land Management (Interior).

ACTION: Temporary closure of certain Public Lands in Washoe, Pershing, Churchill and Lyon Counties, Nevada on and adjacent to the 1995 ''Reno 300'' race course on August 26, 1995. Access will be limited to race officials, entrants, law-enforcement and emergency personnel, licensed permittee(s) and right-of-way grantees.

SUPPLEMENTARY INFORMATION: Certain public lands in the Winnemucca District, Washoe, Lyon, Churchill and Pershing Counties will be temporarily closed to public access from 0600 hours, August 26, 1995 to 2400 hours August 26, 1995, to protect persons, property and public land resources on and adjacent to the 1995 ''Reno 300'' OHV race course. The Sonoma-Gerlach Area Manager is the authorized officer for the 1995 ''Reno 300'' OHV race, permit number N2–21–95. These temporary closures and restrictions are made pursuant to 43 CFR Part 8364. The public lands to be closed or restricted are those lands adjacent to and including roads, trails and washes identified as the 1995 ''Reno 300'' OHV race course.

The following public lands administered by the BLM restricted or closed are described as the following: T. 21 N., R. 24 E., Sec. 36; T. 22 N., R. 24 E., Sec. 2 and 12; T. 23 N., R. 24 E., Sec. 2, 10, 14 and 26; T. 24 N., R. 24 E., Sec. 9, 10, 12, 16, 17, 20, 22, 26, 28 and 34; T. 25 N., R. 24 E., Sec. 36; T. 20 N., R. 25 E., Sec. 4 and 6; T. 21 N., R. 25 E., Sec. 6, 8, 12, 14, 20, 22, 28 and 32; T. 22 N., R. 25 E., Sec. 18 and 30; T. 23 N., R. 25 E., Sec. 2, 10 and 12; T. 24 N., R. 25 E., Sec. 10, 22, 28 and 34; T. 25 N., R. 25 E., Sec. 28, 30, 31 and 34; T. 21 N., R. 26 E., Sec. 6; T. 22 N., R. 26 E., Sec. 2, 14, 22, 28 and 32; T. 23 N., R. 26 E., Sec. 4, 16, 22, 26 and 36; T. 24 N., R. 26 E., Sec. 28 and 32.

The lands involved are located in the Mount Diablo Meridian and are located north and northeast of Fernley, Nevada. They are within Washoe, Pershing, Churchill and Lyon Counties. A map showing the exact route of the course is available from the following BLM office: the Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada, 89445, (702) 623–1500.

Any person who fails to comply with this closure order issued under 43 CFR Part 8364 may be subject to the penalties provided for in 43 CFR 8360.7.

FOR FURTHER INFORMATION CONTACT: Lynn Clemons, 705 East Fourth Street, Winnemucca, Nevada 89445, (702) 623–1500.

Dated: July 25, 1995.

Ron Wenker,

District Manager, Winnemucca.

[FR Doc. 95–19707 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–HC–P

[ID–014–05–1430–01; IDI–31387]

Notice of Intent to Amend to Cascade Resource Management Plan, Idaho.

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to the BLM Planning Regulations (43 CFR part 1600) this notice advises the public that the Cascade Resource Area of the Boise District, Lower Snake River Ecosystem, Bureau of Land Management, is proposing to amend the Cascade Resource Management Plan. This amendment will allow consideration of an application for Indemnity School Land Selection from the State of Idaho which would allow the transfer of 920 acres of public land in Valley County to the State of Idaho. The public lands are described as:

Boise Meridian, Idaho

T. 17 N., R. 4 E.,
Section 21: S½NW¼, S½SE¼,
Section 22: N½SE¼NE¼, E½SE¼,
Section 33: E½SW¼, W½SE¼,
Section 35: SW¼, NE¼SE¼, W½SE¼,
T. 18 N., R. 4 E.,
Section 17: SE¼NE¼,
Section 19: E½E½.

The main issue anticipated in this plan amendment is whether it is appropriate to transfer the subject lands to the State of Idaho to satisfy part of the remaining entitlement for lands which the State of Idaho did not receive at statehood.

A land use plan amendment and environmental analysis will be prepared for the subject lands by an interdisciplinary team including recreation, visual, botany, wildlife, fisheries, forestry, minerals, range, soils, and cultural resource specialists.

DATES: For a period of 30 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Ecosystem Manager at the address shown below.

ADDRESSES: Comments should be sent to the Ecosystem Manager, Bureau of Land Management, Lower Snake River Ecosystem, Boise District, 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Effie Schultsmeier, Cascade Area Realty Specialist, 3948 Development Avenue, Boise, Idaho 83705, (208) 384–3300 to obtain additional information regarding this plan amendment. The existing land use plan and maps are available for review at the Cascade Resource Area office in Boise, Idaho.

SUPPLEMENTARY INFORMATION: The subject lands have been segregated from the public land laws, including the mining and mineral leasing laws by submission of the State's application on July 6, 1995. The segregative effect of this Notice on the public lands shall end upon issuance of a clearlist or two years from the date of the application, whichever occurs first.

Dated: August 2, 1995.

Sharon L. Sita,

Acting Ecosystem Manager.

[FR Doc. 95–19798 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Washington, Oregon, and California Population of the Marbled Murrelet (Brachyramphus marmoratus marmoratus) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery the availability for public review of a draft recovery plan for the threatened Marbled Murrelet, *Brachyramphus marmoratus marmoratus* (Washington, Oregon, and California Population). This species feeds primarily on fish and invertebrates

in near-shore marine waters. In Washington, Oregon and California, they nest on large limbs of mature or old-growth conifers, flying inland up to 80 kilometers (50 miles) to nest. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before October 10, 1995 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the State Supervisor, U.S. Fish and Wildlife Service, Oregon State Office, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon 97266 (telephone: 503–231–6179), or the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181 (telephone: 503–231–6131). Written comments and materials regarding the plan should be addressed to Mr. Russell D. Peterson, State Supervisor, at the above Portland Field Office address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above Oregon State Office address.

FOR FURTHER INFORMATION CONTACT: Mr. Gary S. Miller at the above Oregon State Office address (telephone: 503–231–6179).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for reclassification or delisting, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

In North America, Marbled Murrelets range along the Pacific coast from Alaska to California. The Washington, Oregon and California population breeds along a coastal strip from the Olympic Peninsula and northern Cascades, Washington, and along the coasts of Oregon and California. Their at-sea distribution becomes discontinuous in this area. The southern end of the breeding range occurs in central California. Some wintering birds are found in southern California and as far south as northern Baja California, Mexico. Marbled Murrelets feed primarily on fish and invertebrates in near-shore marine waters. In Washington, Oregon and California, they nest on large limbs of mature or old-growth conifers, flying inland up to 80 kilometers (50 miles) to nest. Currently, breeding populations are not distributed continuously throughout the forested portion of the three-state area. Recent at-sea survey work also indicates that current populations of Marbled Murrelets are experiencing extremely low recruitment. The principal causes of decline are nesting habitat modification (both loss and fragmentation of nesting habitat) and mortality from net fisheries and oil spills. Critical habitat was proposed for the species on January 27, 1994 (59 FR 3811). Recovery of this species will require securing currently suitable nesting habitat, decreasing adult and juvenile mortality, increasing suitable habitat quality and quantity, and continued research to address more specific life-history requirements.

Public Comment Solicited

The Service solicits written comments on the draft recovery plan described. All comments received by the date specified will be considered prior to approval of the plan.

Author

The author of this notice is Gary Miller (see Oregon State Office address above).

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 21, 1995.

Michael Spear,

Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 95–19354 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–55–M

Availability of a Finding of No Significant Impact

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of the availability of a Finding of No Significant Impact.

SUMMARY: The purpose of this Notice is to make available to the public the Finding of No Significant Impact pursuant to an Environmental Assessment regarding the release in the United States of three nonindigeneous insects *Galerucella calmariensis, Galerucella pusilla,* and *Hylobius tansversovittatus*. The purpose of the release is to reduce and control *Lythrum salicaria* on Service-managed wetlands and to assist the States in the reduction and control of purple loosestrife on non-Service wetlands.

FOR FURTHER INFORMATION CONTACT: Sean Furniss, Refuge Program Specialist, Division of Refuges, U.S. Fish and Wildlife Service, 600 ARLSQ, 1849 C Street NW., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service made available for public comment an Environmental Assessment through publication on June 19, 1995, in the **Federal Register** (60 FR 32023). Upon review of the comments received and the scientific evidence supporting the Environmental Assessment, it was determined that the introduction of the three nonindigeneous insects would have no significant impact on the quality of the human environment. This finding of no significant impact (FONSI) reads in whole as follows:

Finding Of No Significant Impact

The United States Fish and Wildlife Service (Service), U.S. Department of the Interior, proposes to release in the United States three nonindigeneous insects *Galerucella calmariensis, Galerucella pusilla,* and *Hylobius tansversovittatus* in addition to the two previously approved nonindigeneous insects *Nanophyes marmoratus* and *N. brevis*. The Service proposes to release these five insect species so they can contribute to the biological control of purple loosestrife (*Lythrum salicaria*), an introduced weed, on Service-managed wetlands and to assist the States to reduce and control this plant

on non-Service wetlands. These insects are not native to North America.

During the summer of 1995, the Service proposes to acquire and begin releasing the beetles at selected refuges in Fish and Wildlife Service Regions 3 and 5. In following years, the Service will acquire and release the beetles throughout the range of purple loosestrife in the United States.

The primary reason for releasing these five insect species as a tool for purple loosestrife control is to lessen the negative environmental impacts caused by purple loosestrife infestations themselves and the methods used currently to control the weed plant. The intended result of the proposed action is to cause positive environmental impacts.

In addition to the proposed action, the Service also considered the alternative of continuing current management of purple loosestrife on Service lands without biological control agents as well as the alternative of using the two previously approved biological control agents *Nanophyes marmoratus* and *N. brevis* in addition to the current management practices. The selected alternative is the proposed action of releasing the five insects to develop a continuous biological control of the plant.

Based on my review and evaluation of the subject Environmental Assessment, I find that the proposed release in the United States of *G. calmariensis, G. pusilla, Hylobius tansversovittatus, Nanophyes marmoratus* and *N. brevis* as tools for the control of purple loosestrife *Lythrum salicaria,* as described in the environmental assessment, is not expected to have a significant negative impact on the quality of the human environment. This finding is supported by the following:

1. The host ranges of *G. calmariensis, G. pusilla, Hylobius tansversovittatus, Nanophyes marmoratus* and *N. brevis* are restricted to the genus of the target host *Lythrum salicaria.* Once released, these species are not expected to feed on any plant species other than the nonindigenous target weed, purple loosestrife.

2. Releases of these insect species are not expected to have negative impacts on any endangered or threatened species listed by any Federal Government or State Government.

3. Use of chemical pesticides and fire to control purple loosestrife would be reduced if, as expected, the proposed biological control agents prove to be both safe and efficacious.

4. The proposed release is expected to have a positive effect on biotic diversity in aquatic natural resources.

Dated: July 13, 1995.

Robert Streeter,

Assistant Director, Refuges and Wildlife, U.S. Fish and Wildlife Service.

Dated: August 2, 1995.

Robert C. Lesino,

Acting Assistant Director, Refuges and Wildlife.

[FR Doc. 95–19781 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–55–M

Availability of an Environmental Assessment, Habitat Conservation Plan, and Receipt of an Application for an Incidental Take Permit for the Sam Houston Resource Conservation & Development Areas, Inc., Native Gulf Coast Prairie Restoration Project

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Sam Houston Resource Conservation & Development Area, Incorporated has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a) of the Endangered Species Act (Act). The proposed permit, which is for a period not to exceed 99 years, would authorize the future take of the endangered Attwater's prairie chicken Tympanuchus cupido attwateri (APC) and the endangered Houston toad Bufo houstonensis incidental to such lawful activities as farming, ranching, residential development, etc., on private land in the Gulf Coast Prairie Ecosystem of Texas. The proposed permit would authorize incidental take only on land that is enrolled in the ''safe harbor'' program.

An Environmental Assessment (EA) and Habitat Conservation Plan (HCP) have been prepared for the incidental take permit application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application should be received on or before September 11, 1995.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA and/or HCP may obtain a copy by contacting either Mr. Steven D. Arey or Ms. Edith A. Erfling, Clear Lake Field Office, 17629 El Camino Real, Suite 211, Houston, Texas 77058 (713/286–8282). Documents will be available by written request for public inspection, by appointment, during normal business hours at the Clear Lake Field Office (8:00 a.m. to 5:00 p.m.). Written data or comments concerning the application or EA should be submitted to the Field Supervisor (see **ADDRESS** above). Please refer to Permit Number PRT–805073).

FOR FURTHER INFORMATION CONTACT: Mr. Steven D. Arey or Ms. Edith A. Erfling at the above Clear Lake Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Attwater's prairie chicken or the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Sam Houston Resource Conservation & Development Area, Incorporated has initiated a program to restore, conserve, enhance, and maintain the historic Gulf Coast Prairies of Texas and to ensure the continued existence of the coastal prairie ecosystem. A significant component of the success of the program is the development of a plan under Section 10(a)(1)(B) of the Act that encourages restoration, conservation and/or enhancement of prairie habitats that support either endangered or threatened species of fish or wildlife on private land in return for protection—a ''safe habor''—from any additional future liabilities under the Act.

Only land that is enrolled in the ''safe habor'' program for which a landowner Prairie Restoration Agreement (Agreement) has been signed will be covered by the proposed permit. The Agreement will specify the proposed habitat improvements and record the general condition of the site through maps, photos, and biological surveys. Agreements will be for a minimum of 10 years and subject to a potential repayment obligation to RC&D, of an amount equal to 100% of the amounts expended, if the Agreement is terminated due to a cooperator's breach of the Agreement.

This proposal does not involve the incidental take of *existing* endangered species habitat; i.e., the baseline habitat on private land will be protected. Nor does the proposal allow an endangered species to be shot, captured or otherwise directly ''taken''.

The area to be affected by the proposed action encompasses 19 counties within the Gulf Coast Prairies

of Texas and includes only those areas that historically contained coastal prairie habit. The counties included within this program are as follows: Aransas, Austin, Brazoria, Calhoun, Chambers, Colorado, Fort Bend, Galveston, Goliad, Harris, Jackson, Jefferson, Liberty, Matagorda, Orange, Refugio, Victoria, Waller, and Wharton.

Priority will be placed on securing Agreements with landowners located adjacent to, or near, one of the remaining APC populations. Specifically targeted are tracts within a 5-mile radius of Attwater's Prairie Chicken National Wildlife Refuge, sites in southern Galveston and Brazoria Counties that are located between the Nature Conservancy's Galveston Bay Coastal Prairie Preserve and Brazoria National Wildlife Refuge, and sites within a 5-mile radius of known prairie chicken populations in Refugio County.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–19770 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–55–M

Availability of an Environmental Assessment/Habitat Conservation Plans and Receipt of Applications for Incidental Take Permits for Construction of Single Family Residences in Austin, Travis County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Applicants have applied to the Fish and Wildlife Service (Service) for an incidental take permits pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permits would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction of single family residences in Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plans (EA/HCP) for the incidental take applications. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the applications should be received September 11, 1995.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCPs may obtain a copy by contacting Joseph E. Johnston or Mary Orms, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by appointment only, during normal business hours (8:00 to 4:30) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas (see **ADDRESSES** above). Please refer to the permit numbers when submitting comments.

FOR FURTHER INFORMATION CONTACT: Joseph E. Johnston or Mary Orms at the above Austin Ecological Service Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

APPLICANT: Walter Jonas plans to construct a single family residence on Lot 135, Unit 2, Cardinal Hills Subdivision, 15106 Flamingo Drive N., Austin, Travis County, Texas. The Applicant has been issued the Permit Number PRT–804388 for a period of 1 year. This action will eliminate less than one-half acre of land and indirectly impact less than one-half additional acre of golden-cheeked warbler habitat. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing $1,500 into the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler.

APPLICANT: David W. DiJoy plans to construct a single family residence on Lot 67, Block B, Rob Roy on the Lake Subdivision, 101 Lowell Lane, Austin, Travis County, Texas. The Applicant has been issued the Permit Number PRT–804125 for a period of 1 year. This action will eliminate less that one-half acre of land and indirectly impact less than one-half additional acre of golden-cheeked warbler habitat. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing $1500 into the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler.

APPLICANT: Richland SA, Ltd. plans to construct single family residences on the following lots:

Lot 1, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804126)
Lot 2, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804127)
Lot 3, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804128)
Lot 4, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804129)
Lot 5, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804130)
Lot 6, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804131)
Lot 7, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804132)
Lot 8, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804133)
Lot 9, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804135)
Lot 10, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804136)
Lot 12, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804137)
Lot 13, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804138)
Lot 14, Block D, Phase One, Canyon Mesa Subdivision, Kabar Trail, Austin, Travis County, Texas, (PRT–804139)

The Applicant has been issued the Permit Numbers PRT–804126 to PRT–133 and PRT–804135 to PRT–804139 above. The permits are for a period of 20 years. This action will eliminate less than one-half acre of land per residence and indirectly impact less than one-half additional acres of golden-cheeked warbler habitat per residence. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing $1,500 per residence into the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to these actions were rejected because selling or not developing the subject properties with federally listed species present was not economically feasible.

Dated: July 8, 1995.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–19651 Filed 8–9–95; 8:45 am]

BILLING CODE 4510–55–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–363–364 and 731–TA–711–717 (Final)]

Oil Country Tubular Goods (OCTG) from Argentina, Austria, Italy, Japan, Korea, Mexico, and Spain

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b) and 1673d(b), respectively), that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of OCTG [2] from the following countries that have been found by the Department of Commerce (Commerce) to be subsidized and/or sold in the United States at less than fair value (LTFV):

Country	OCTG excluding drill pipe [1]	Drill pipe [2]
Argentina	731–TA–711 [3]	731–TA–711
Italy	701–TA–364 [4] & 731–TA–713 [4]	
Japan	731–TA–714 [5]	731–TA–714
Korea	731–TA–715 [3]	
Mexico	731–TA–716 [3]	731–TA–716

[1] These determinations are based on findings of material injury.

[2] These determinations are based on findings of threat of material injury (Chairman Watson and Commissioner Crawford finding material injury).

[3] Chairman Watson and Commissioner Crawford dissenting.

[4] Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford dissenting.

[5] Chairman Watson dissenting.

The Commission further determines that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of OCTG from the following countries that have been found by Commerce to be subsidized and/or sold in the United States at LTFV:

Country	OCTG excluding drill pipe	Drill pipe
Austria	701–TA–363 [1] & 731–TA–712 [1].	701–TA–363 & 731–TA–712
Italy		701–TA–364 & 731–TA–713
Korea		731–TA–715
Spain	731–TA–717 [1]	731–TA–717

[1] Commissioners Newquist and Bragg dissenting.

Background

The Commission instituted these investigations effective December 2, 1994; January 24, 1995; February 2, 1995; and June 20, 1995, following determinations by Commerce that imports of OCTG from Austria and Italy were being subsidized within the meaning of section 703(b) of the Tariff Act of 1930 (19 U.S.C. § 1671b(b)) and that imports of OCTG from Argentina, Austria, Italy, Japan, Korea, Mexico, and Spain were being sold at LTFV within the meaning of section 733(b) of the Tariff Act of 1930 (19 U.S.C. § 1673b(b)). The petitions for these investigations were filed on June 30, 1994, prior to the effective date of the Uruguay Round Agreements Act. Thus, these investigations were subject to the substantive and procedural rules of the Tariff Act of 1930 as it existed prior to the Uruguay Round Agreements Act.[3]

Notices of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the **Federal Register** of January 12, 1995; February 23, 1995; and June 23, 1995. (60 FR 2983; 60 FR 10107; and 60 FR 32708). The hearing was held in Washington, DC, on June 27, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on August 2, 1995. The views of the Commission are contained in USITC Publication 2911 (August 1995), entitled ''OIL COUNTRY TUBULAR GOODS FROM ARGENTINA, AUSTRIA, ITALY, JAPAN, KOREA, MEXICO, AND SPAIN: Investigations Nos. 701–TA–363 and 364 (Final) and Investigations Nos. 731–TA–711–717 (Final).''

Issued: August 3, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–19706 Filed 8–9–95; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] OCTG are hollow steel products of circular cross-section. These products include oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether or not conforming to API or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). These investigations do not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. OCTG other than drill pipe are provided for in subheadings 7304.20 (excluding subheadings 7304.20.70 and 7304.20.80), 7305.20, and 7306.20 of the Harmonized Tariff Schedule of the United States; drill pipe is provided for in subheadings 7304.20.70 and 7304.20.80.

[3] *See* P.L. 103–465, approved December 8, 1994, 108 Stat. 4809, at § 291.

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32746]

Consolidated Rail Corporation—Trackage Rights Exemption—Norfolk and Western Railway Company

Norfolk and Western Railway Company (NW) has agreed to grant local trackage rights to Consolidated Rail Corporation (Conrail) as follows: over a line of railroad between the NW/Conrail property line at the connection track in the southeast quadrant between the tracks of Conrail and NW at or near NW's milepost D113.9 at Butler, IN and the northernmost connection to the industrial trackage of Steel Dynamics, Inc. (SDI), in Wilmington Township, DeKalb County, IN, at or near NW's milepost 118.4, a distance of approximately 5 miles. The proposed transaction will allow Conrail to better serve its customer, SDI.[1] The trackage rights will be effective on such date as the parties may agree in writing, but not sooner than seven days after the filing date of this notice.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, 2001 Market St., 16A, P.O. Box 41416, Philadelphia, PA 19101–1416.

[1] Conrail is restricted to using the trackage rights to provide local rail service to SDI only.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: August 3, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–19810 Filed 8–9–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–55 (Sub-No. 507X)]

CSX Transportation, Inc.—Abandonment Exemption—in Duplin County, NC

CSX Transportation, Inc. (CSXT) has filed a verified notice under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon 0.35-miles rail of rail line between milepost AC–208.07 and milepost AC–208.42 at the end of track in Wallace, Duplin County, NC.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), and 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective September 7, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,[1] statements of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by August 18, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 28, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 11, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 4, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–19771 Filed 8–9–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Pub. L. 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Application for Posthumous Citizenship.

(2) Form N–644. Immigration and Naturalization Service. United States Department of Justice.

(3) Primary: Individuals or households. Other: None. The information collected will be used to determine an applicant's eligibility to request posthumous citizenship status for a decedent and to determine decedent's eligibility for such status.

(4) 100 annual respondents 1.833 hours per response.

(5) 183 annual burden hours.

(6) Not applicable under section 3504(h) of Pub. L. 96–511.

Public comment on this item is encouraged.

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[1] The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Dated: August 7, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–19789 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and

(6) An indication as to whether section 3504(h) of Pub. L. 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Monthly Report Naturalization Papers Forwarded.

(2) Form N–4. Immigration and Naturalization Service. United States Department of Justice.

(3) Primary: Federal Government. Other: State, Local or Tribal Government. This form will be used by the clerk of a Naturalization Court to report to the Immigration and Naturalization Service (INS) the Oath Administration ceremonies held each month and to account for certificates of naturalization delivered to individuals by the court. INS will use this information to complete the records on naturalization cases, and to audit costs incurred by the courts, which are charged to the INS.

(4) 1,920 annual respondents.

(5) 960 annual burden hours.

(6) Not applicable under section 3504(h) of Pub. L. 96–511.

Public comment on this item is encouraged.

Dated: August 7, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–19788 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Pub. L. 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

New Collection

(1) Data Base of Providers for Offender Job Training and Placement Services.

(2) None. National Institute of Corrections, United States Department of Justice.

(3) Primary: State, Local or Tribal Government. Others: Federal Government. The Department of Justice has established the Office of Correctional Job Training and Placement within the National Institute of Corrections, pursuant to Section 20418 of the Violent Crime Control and Law Enforcement Act of 1994. The purpose of this office is to encourage and support job development, training, and placement programs, which provide services to incarcerated and ex-offenders. The information gathered from the survey will be placed in a data base to identify service providers to support the program.

(4) 3,500 annual respondents at .166 per response.

(5) 581 annual burden hours.

(6) Not applicable under section 3504(h) of Pub. L. 96–511.

Public comment on this item is encouraged.

Dated: August 7, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–19787 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–36–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Pursuant to 42 U.S.C. § 9622(d)(2), and 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *CCL Custom Manufacturing, Inc.*, Civil Action No. 95–0397–P, was lodged on July 27,

1995, with the United States District Court for the District of Rhode Island.

The complaint in the *CCL Custom Manufacturing* action was filed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9601 *et seq.*, to recover costs incurred by the United States in taking response actions in connection with the first operable unit cleanup at the Peterson/Puritan, Inc. Superfund Site (''Site'') located in the towns of Lincoln and Cumberland, Providence County, Rhode Island, and to obtain an order requiring the defendants to implement the remedy for the first operable unit at the Site selected by EPA in a record of decision dated September 30, 1993 (''ROD''). The first operable unit at the Site includes the facilities owned and operated by CCL Custom Manufacturing, Inc. and Pacific Anchor Chemical Company, the facility formerly owned and operated by SUPERVALU Operations, Inc., as well as the geographical extent of the contamination emanating from those facilities including, but not limited to, the Quinnville Wellfield to the extent that it is affected by contamination emanating from the CCL Custom Manufacturing, Inc. facility.

The proposed Consent Decree embodies an agreement by defendants CCL Custom Manufacturing, Inc., CPC International Inc. (as indemnitor of CCL Custom Manufacturing, Inc.), Lonza Inc., Pacific Anchor Chemical Company, and SUPERVALU Operations, Inc. to implement the remedy for the first operable unit set forth in the ROD, to reimburse the United States in the amount of $1,090,615.56 for past response costs incurred in connection with the first operable unit, and to reimburse the United States for future response costs that will be incurred in connection with the first operable unit. The defendants have also agreed to make a payment of $43,883 to the United States in order to settle a potential claim of the United States pursuant to Section 107(a)(4)(C) of CERCLA, 42 U.S.C. 9607(a)(4)(C), for damages for injury to, destruction of, or loss of natural resources at the first operable unit. The proposed Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. § 6973.

The proposed Consent Decree also embodies a settlement involving Lonza Inc., Pacific Anchor Chemical Company, and SUPERVALU Operations, Inc. of certain claims of the State of Rhode Island related to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *CCL Custom Manufacturing, Inc.*, DOJ Ref. #90–11–3–1233. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed Consent Decree may be examined at the Region I Office of the Environmental Protection Agency, One Congress Street, Boston Massachusetts, at the United States Attorney's Office located at the Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence 02903, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $146.25 for the decree and all appendices, or in the amount of $51.75 for the decree and Appendices A (Statement of Work) and C–F (lists of settling defendants) (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–19738 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. § 9622(d)(2), notice is hereby given that on July 26, 1995, two Consent Decrees in *United States* v. *Hercules, et al.*, Civil Action No. 89–562–SLR, were lodged with the United States District Court for the District of Delaware.

The complaint in this case, as amended, was filed under Section 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. §§ 9606 and 9607, with respect to the Delaware Sand & Gravel Superfund Site (''DS&G Site'') located in New Castle County, Delaware, against numerous defendants, many of whom have agreed to settlement terms under a prior consent decree. The two consent decrees lodged with the Court on July 26, 1995 settle claims brought by the United States against Avon Products, Inc. and MRC Holdings, Inc. Under the first of these two Consent Decrees, Avon Products, Inc. has agreed to reimburse EPA for costs incurred in the amount of $375,000. Under the terms of the second consent decree, MRC Holdings, Inc. has agreed to reimburse EPA for costs incurred in the amount of $300,000.

The Department of Justice will receive comments relating to the proposed Consent Decrees for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Hercules, et al.*, Civil Action No. 89–562–SLR, Ref. No. 90–11–2–298. The proposed Consent Decrees may be examined at the office of the United States Attorney, District of Delaware, Chemical Bank Plaza, 1201 Market Street, Suite 100, Wilmington, Delaware 19899. Copies of the Consent Decrees may also be examined and obtained by mail at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, D.C. 20005 (202–624–0892) and the offices of the Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. When requesting a copy by mail, please enclose a check in the amount of $5.50 for the Avon Products, Inc. agreement or $5.75 for the MRC Holdings, Inc. agreement (twenty-five cents per page reproduction costs) payable to the ''Consent Decree Library.''

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–19739 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Princeton Enterprises, Inc., et al.*, Civil Action No. 90–76–C, was lodged on July 25, 1995 with the United States District Court for the Northern District of West Virginia. The

consent decree requires three defendants, Kenneth Riffle, Riffle Equipment Company, and Myron Jackson d/b/a Myron Jackson Trucking to gather asbestos containing materials at the Site and bury them in existing foundations at the Site, in accordance with the National Emissions Standards for Hazardous Air Pollutants applicable to asbestos. The Consent Decree also requires the defendants to pay a civil penalty of $500.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Princeton Enterprises, Inc., et al.,* DOJ Ref. #90–5–2–1–1462.

The proposed consent decree may be examined at the office of the United States Attorney, 12th and Chapline Streets, Room 236, Federal Building, Wheeling, WV 26033; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–19805 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

United States v. FTD Corporation; Florists' Transworld Delivery, Inc.; and FTD Association; Proposed Enforcement Order

Notice is hereby given that a proposed enforcement order has been filed with the United States District Court for the Eastern District of Michigan in a civil antitrust case, *United States* v. *FTD Corporation, et al.,* Supp. to Civ. Action No. 56–15748.

On August 2, 1995, the United States filed a petition for an order to show cause why the respondents FTD Corporation, Florists' Transworld Delivery, Inc. (''FTDI'') and FTD Association should not be found in civil contempt for violating a consent decree entered by the court in 1990. That decree prohibited FTD, then a single entity, from exploiting its position to induce florists to forgo membership in competing floral wire associations. The United States' petition states that the three respondents violated the decree by promoting FTDI's incentive program called ''FTD Only.'' Under the proposed enforcement order, agreed to by the parties, FTD will stop its practice of inducing member florists to use its floral wire service exclusively and will not adopt any similar program in the future. In addition, the corporate ties between FTDI and FTD Association will be significantly curtailed.

The public is invited to comment on the proposed enforcement order. Comments should be addressed to Christopher J. Kelly, Acting Chief, Civil Task Force I, U.S. Department of Justice, Antitrust Division, 3525 7th Street, N.W., Room 400, Washington, D.C. 20530 (202/514–8348). Comments must be received within sixty days.

Copies of the papers filed with the court are available for inspection in Room 207 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, N.W., Washington, DC 20530 (telephone: (202) 514–2481), and at the office of the Clerk of the United States District Court for the Eastern District of Michigan, 231 West Lafayette Street, Detroit, Michigan 48226 (313/226–7200). Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Rebecca P. Dick,

Acting Deputy Director of Operations.

[FR Doc. 95–19811 Filed 8–9–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Accident Investigation Procedures Review

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: The Mine Safety and Health Administration (MSHA) is conducting a review of its accident investigation procedures and policies, which were last reviewed in 1991. The typical MSHA accident investigation includes a physical inspection of the mine site, equipment testing and analysis, and witness interviews. Although the Agency is interested in the public's views on its complete investigation procedures, the Agency particularly seeks comments on the witness interview phase. MSHA will use these comments to assist in its review.

DATES: Written comments must be submitted on or before October 10, 1995.

ADDRESSES: The accident investigation procedures apply to all mines, and comments may be sent to either the Administrator, Coal Mine Safety and Health, 4015 Wilson Boulevard, Room 828, Arlington, Virginia 22203, Fax: 703–235–1517 or to the Administrator, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Boulevard, Room 728, Arlington, Virginia 22203, Fax: 703–235–9173, as appropriate. Commenters are encouraged to send comments on a computer disk along with an original hard copy.

FOR FURTHER INFORMATION CONTACT: Jack Tisdale, Accident Investigation Program Manager, Division of Coal Mine Safety and Health, 703–235–1140, or David Park, Accident Investigation Program Manager, Division of Metal and Nonmetal Mine Safety and Health, 703–235–1565.

SUPPLEMENTARY INFORMATION: MSHA accident investigation procedures are designed to identify all relevant facts about a mining accident in an orderly manner and then to determine the contributory causes of a particular accident. After MSHA reviews and analyzes the facts, the Agency issues a report describing its findings and conclusions regarding the accident. The purpose of the report is to help prevent similar accidents from occurring in the future.

The investigation process itself is composed of three phases—physical inspection of the areas of the affected mine, analysis and testing of mining equipment which may have been involved in the accident, and interviews of persons who may have relevant information about the conditions or practices surrounding the accident. While these phases have not changed over the years, issues such as who should be present during witness interviews have been raised.

Specifically, in investigations involving fatalities, concerns have been raised over the attendance of mine operators and their representatives, miners' representatives, families of the victims and their representatives, and the news media. It is MSHA's experience that the attendance of these parties at a witness interview session

can adversely affect the Agency's ability to ascertain the facts important to understanding the cause of the accident.

In order to seek a wide range of viewpoints in its review of these procedures, particularly as they pertain to witness interviews, the Agency is soliciting comments, especially from people who would be directly affected if revised witness interview procedures result from this review. The principal procedures that are the subject of the review are contained in this notice.

I. Legislative and Regulatory Background

The responsibility of MSHA to conduct accident investigations is found in the statutory provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. section 801 et seq. (Mine Act).

Among other responsibilities, section 103(a) of the Mine Act directs that MSHA shall make frequent inspections and investigations for the purpose of obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in mines. MSHA is also given the responsibility in section 103 to gather information with respect to mandatory health and safety standards, determine whether an imminent danger exists, and whether there is compliance with the mandatory health and safety standards or with any citation, order, or decision issued under the Mine Act.

In addition to the general provisions of section 103(a) for the investigation of accidents, the Mine Act provides significant and specific responsibilities for MSHA to assume in connection with those investigations. For example, section 103(b) provides that the Agency may hold a public hearing and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. In connection with any public hearing, oaths may be administered as well.

Other statutory authority in section 103 can indirectly affect accident investigations. Section 103(j) provides that in the event an accident occurs, the operator shall notify MSHA and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the causes of the accident. MSHA is authorized, where rescue and recovery work is necessary, to take whatever action is deemed appropriate to protect the life of any person, and the Agency may supervise and direct the rescue and recovery activities in such mine.

Finally, section 103(d) requires that accidents are to be investigated by the mine operator or his agent to determine the cause of the accident and means of preventing a recurrence. Records regarding the accident and investigation are to be made available to MSHA. Regulations regarding operator accident investigations and recordkeeping are contained in 30 CFR part 50.

II. Current Investigation Procedures

MSHA currently has guidelines and instructions for conducting investigations of accidents in the MSHA handbook, ''Investigation of Mining Accidents and Other Occurrences Relating to Health and Safety.'' The guidelines and instructions are primarily procedural and administrative, and are intended to serve as organizational and technical aids for MSHA's accident investigators. The handbook, originally dated September 1988, was last substantively revised in July 1991.

MSHA's objective is to conduct its investigations in an independent and unbiased manner. As part of each accident investigation, Agency staff in various areas of expertise thoroughly examine the circumstances, determine the causes, and disseminate information which may be used to prevent future similar accidents. MSHA conducts its investigations in a manner designed to assure that the information gathered is complete and accurate. Each investigation is composed of three phases including a physical inspection of the affected mine, complete analysis and testing of mining equipment which may have been involved in the accident, and interviews of persons who may have relevant information about the conditions or practices surrounding the accident. The following discussion addresses each phase.

A. Physical Examination of the Accident Site

The physical examination of an accident site is usually conducted in cooperation with the relevant state agency that has authority over matters of mine safety and health, the mine operator, and the miners' representative. State mine safety and health agencies generally have some statutory or regulatory authority to conduct accident investigations. Consistent with the Mine Act, mine operators accompany MSHA personnel during the physical examination of the accident site. Section 103(f) of the Mine Act provides rights for miners' representatives to participate in enforcement-related activities of MSHA. In the accident investigation context, these rights include the participation of miner representatives during the physical examination of accident sites.

B. Equipment Analysis

Another phase of MSHA accident investigations involves the analysis of mining equipment which may have been involved in the accident. In these cases, MSHA investigators have invited the equipment manufacturer's representative to participate as an information source for MSHA. The equipment manufacturer assists the MSHA investigators in making determinations relative to equipment failures or malfunctions. MSHA may also perform testing of equipment or other physical evidence as necessary to identify contributing or causative factors. Other private interests may participate in these testing activities if MSHA believes that their participation will assist in the Agency's analysis of the cause of the accident. State officials, representatives of the mine operator, the manufacturer, and miners' representatives ordinarily may observe equipment testing.

C. Witness Interviews

The witness interview phase is an important part of the accident investigation. Because witness recollections can become vague with the passage of time, these interviews usually occur as soon as possible after the accident scene has been physically examined. The goal of the interview is to obtain a candid, precise, and accurate statement from the witness. Cooperation between the mine operator, miners, and any other interested parties in the investigation during the interview phase is essential. It results in a greater opportunity for MSHA to develop a comprehensive accident report based on accurate facts, resulting in valid conclusions as to the cause of the accident. These conclusions, in turn, lead to better guidance for MSHA and the public in preventing future accidents.

Under current accident investigation policy, each person is interviewed separately to obtain his or her personal recollection of the relevant events and circumstances. The witness' statement is completely voluntary. The witness may refuse to answer any question or may terminate the interview at any time. Witnesses are advised prior to the interview that they have a right to have a personal representative of their choice present during the interview process. They are also advised that there will be a verbatim record of the interview, which will be made available to the public at the conclusion of the

investigation (except in those cases where a confidential interview is given). Witnesses are advised of their option to make a confidential statement, which MSHA will protect from public disclosure to the extent allowed by law.

MSHA accepts relevant information from any source, public or confidential. Information obtained by others is considered on its merits but, as the fact finder and investigating authority, MSHA makes its own evaluation of the probative value of such information.

MSHA recognizes that many states have a responsibility for the investigation of mining accidents which occur in their jurisdiction. For this reason, MSHA cooperates extensively with state mining officials in conducting all phases of its accident investigations, including witness interviews.

The MSHA investigator considers the following factors when determining the appropriate procedures for conducting witness interviews:

1. The role of the mine operator, miners' representative, and the state mining agency;

2. Ground rules for the questioning of witnesses by parties other than MSHA;

3. The method for recording the interviews (e.g., tape recorder, stenographic reporter); and

4. The location of the interviews.

The procedures which are used depend upon the circumstances of each accident investigation, and the decisions are made by the investigator at the scene on a case-by-case basis. Witness interviews conducted with the participation of the mine operator, the representative of the miners, where the miners have representation, and the state inspection agency is the normal procedure. This multi-party format results in an investigation where the affected parties are afforded an opportunity to bring their viewpoints to the investigation and enhance the completeness of the report. Under current policy, MSHA may limit the participation and/or attendance of parties either directly or indirectly involved in the investigation during the witness interview phase. Additionally, the attendance of other persons, particularly persons not directly involved in the investigation, may also be restricted.

The MSHA Accident Investigation Manual lists five factors for the MSHA investigator to consider when determining who may be present for a witness interview. These factors are:

1. Public statements or disclosures from participants that may compromise the integrity of the investigation;

2. Behavior during interviews that could interfere with the effectiveness of the interview process;

3. Otherwise creating an atmosphere not conducive to MSHA's carrying out its investigatory responsibilities;

4. Indications of disruptive conduct as evidenced during the physical inspection of the mine; and

5. Requests by the witness for a private interview.

The existence of one or more of these factors may cause the accident investigator to conduct witness interviews in private; that is, with only federal and state mining officials present.

In all instances, however, each witness is afforded the opportunity to be accompanied by a personal representative of his or her choosing.

III. Court Decisions Which Have Affected the Procedure

For many years, MSHA and its predecessor agencies used the multi-party format for conducting accident investigations, including the witness interview process. Typically, the operator and the representative of the miners, if any, joined with MSHA and state mining officials in all aspects of the accident investigation process. The witness statements were voluntary and public hearings were normally not held. (The last public hearings in an accident investigation were held in 1976 and 1977 as part of MSHA's investigations of the Scotia mine explosions and the Tower City, Pennsylvania, inundation.)

In 1984 there was high media interest in the Wilberg Mine accident investigation. Twenty-seven miners lost their lives in a fire. Media representatives sued MSHA, seeking access to the witness interview sessions. In *Society of Professional Journalists* v. *Secretary of Labor,* 616 F.Supp. 569 (D.D.C. Utah, 1985), the Court ruled that while the government could conduct private questioning (excluding the media) solely by government officials, MSHA could not selectively permit some members of the public to attend a questioning session while excluding other members of the public, specifically, the media. The Court did not explicitly resolve the issue of exactly who was to be considered a member of the public. MSHA appealed the decision to the Tenth Circuit Court of Appeals. The Circuit Court directed that the judgment be vacated and dismissed the case on the ground that the issue was moot since MSHA's investigation was completed 832 F.2d. 1180 (10th Cir., 1987).

After that case, MSHA instituted an investigative process which provided that the operator and the miners' representative be excluded as participants in the witness interview phase, except when either party was acting as the personal representative of an individual witness. Later, during an accident investigation at a union-affiliated mine, the United Mine Workers of America (UMWA) filed a court challenge to change this process. In *International Union, UMWA* v. *Martin,* 785 F.Supp. 1025 (D.D.C., 1992), the Federal District Court for the District of Columbia upheld the right of the government to conduct completely private government questioning of witnesses. The practical effect of this legal decision was to create a witness interview procedure which neither the mine operator nor the miners' representative favored. MSHA then decided that it would give the Agency's accident investigators discretion to conduct interviews in a manner most conducive to a complete and accurate accident report. Revised procedures, issued in 1991, included this discretionary authority and are in effect today.

IV. Discussion of the Witness Interview Process

In the past, MSHA has successfully conducted joint interviews with the participation of the mine operator, the representative of the miners, and the state inspection agency, and has found that such procedures often result in the most complete account of an accident. However, MSHA is concerned that in some circumstances the presence of nongovernmental parties in the interviews can discourage witnesses from being candid and forthcoming. Therefore, in some investigations MSHA has conducted ''government participants only'' interviews, allowing only state enforcement personnel to be present along with MSHA.

In recent years, this issue has been raised in various circumstances. For example, MSHA investigators have had to determine whether a victim's family member and attorney should be permitted to attend witness interview sessions. In other instances, MSHA investigators have found reason to conduct interviews with only MSHA and state officials present, and the operator or the operator's attorney have requested to serve as the personal representative for employee witnesses. In similar situations, attorneys for the operator have requested to observe the witness interview sessions. The issue of ''government participants only'' interviews has also been raised when attorneys representing equipment manufacturers requested to participate

as observers at witness interview sessions. Also, on occasion several persons from the involved interests have requested to be present at witness interviews, creating a large group of participants.

V. Request for Comments

MSHA is specifically soliciting public comment on the Agency's accident investigation policy. MSHA is particularly interested in comments and suggestions for improving the witness interview phase of the investigation.

As stated earlier, MSHA's goal is an accident investigation procedure that provides a forum for collecting the most accurate information about the causes of accidents. This information will be used to develop an investigation report that provides the most effective tool to the Agency and the public in preventing future accidents.

Dated: August 8, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95–19786 Filed 8–9–95; 8:45 am]

BILLING CODE 4510–43–P

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health: Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Maritime Advisory Committee for Occupational Safety and Health (MACOSH); Notice of Meeting.

SUMMARY: Notice is hereby given that the Maritime Advisory Committee for Occupational Safety and Health, established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor on matters relating to occupational safety and health programs, policies, and standards in the maritime industries of the United States will meet September 7 and 8, 1995, at the Inn on Bourbon Street, 541 Bourbon Street, New Orleans, Louisiana.

ADDRESSES: Any written comments in response to this notice should be sent to the following address: OSHA, Office of Maritime Standards, Room N–3621, 200 Constitution Avenue, NW, Washington, DC 20210. Phone (202) 219–7234, fax (202) 219–7477.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Liberatore, Office of Maritime Standards, OSHA, (202) 219–7234.

SUPPLEMENTARY INFORMATION: The third meeting of the Maritime Advisory Committee on Occupational Safety and Health will be held September 7 from 9 to 5, and September 8 from 9 to 1 at the Inn on Bourbon Street, 541 Bourbon Street, New Orleans, Louisiana. At this meeting, the Committee will continue its discussions on maritime enforcement, standards, and outreach initiatives. An extensive discussion of safety and health programs is planned.

All interested persons are invited to attend the public meetings of MACOSH. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Theda Kenney at 202–219–8061, no later than August 25, 1995, to obtain appropriate accommodations.

Written data, views or comments for consideration by the Committee may be submitted, preferably with 20 copies, to Larry Liberatore at the address provided above. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Members of the general public may request an opportunity to make oral presentations at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants unless these questions have been specifically approved by the chairperson. Anyone wishing to make an oral presentation should notify Larry Liberatore before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chair of the Advisory Committee.

Signed at Washington, DC, this 3rd day of August 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–19791 Filed 8–9–95; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted For OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting an expedited notice of information collection that will affect the public. Interested persons are invited to submit comments by September, 7, 1995. Copies of materials may be obtained at the NSF address or telephone number shown below.

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306–1243. Comments may also be submitted to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, ATTN: Jonathan Winer, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: Collaborative for Excellence in Teacher Preparation.

Affected Public: Not for profit institutions.

Respondents/Reporting Burden:

Surveys	Respondents	Average burden
Faculty	50	30 minutes.
Preservice Teachers	50	20 minutes.
Interview/Focus Groups:		
Principal Investigators.	2	2 hours.
Education Faculty	3	20 minutes.
Math/Science Faculty.	6	20 minutes.
Dean/Chair	3	30 minutes.
K–12 Teachers	4	20 minutes.
Student Focus Group.	5	30 minutes.
Total Hours 324		

Abstract: Information is needed to assess the planning process, characteristics, and impact of the Collaborative for Excellence in Teacher Preparation. Data obtained through surveys and interviews of college faculty, surveys and focus groups of preservice students and interviews of K–12 teachers will be used for this purpose and for program planning within the Directorate for Education and Human Resources.

Dated: August 8, 1995.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 95–19762 Filed 8–9–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: August 28, 1995, 8 a.m.–5 p.m.

Place: Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Anthony Centodocati, Program Director, SBIR Office, (703) 306–1390, Dr. John Cozzens, Program Director, CISE, (703) 306–1936, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1390.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 7, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–19801 Filed 8–9–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: August 29, 1995, 8 a.m.–5 p.m.

Place: Room 565, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Charles Hauer, Program Director, SBIR Office, (703) 306–1390, Dr. Shih-Chi Liu, Program Director, CMS, (703) 306–1362, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 7, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–19802 Filed 8–9–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: August 30, 1995, 8 a.m. – 5 p.m.

Place: Room 380, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Darryl Gorman, Program Director, SBIR Office, (703) 306–1390, Dr. Bruce McDonald, Program Director, DMR, (703) 306–1835, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 7, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–19803 Filed 8–9–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meetings

In accordance with the Federal Advisory Committee Act (Pub L. 92–463, as amended), the National Science Foundation announces that the Special Emphasis Panel in materials Research (1203) will be holding panel meetings for the purpose of reviewing proposals submitted to the Small Business Innovation Research Program in the area of Materials Research. In order to review the large volume of proposals, panel meetings will be held on August 29–30 (2), August 30, September 6, 11, 13, and October 6. All meetings will be closed to the public and will be held at the National Science Foundation, 4201 Wilson Blvd., Arlington, Va. from 8:30 to 5 each day.

Contact Person: Dr. Robert J. Reynik, Senior Staff Scientist, Division of Materials Research, NSF, Room 1065, 4201 Wilson Blvd., Arlington, VA 22230 (703) 306–1814.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: August 7, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–19804 Filed 8–9–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Polar Programs (#1209).

Date and Time: August 28–29, 1995, 9 am–5 pm.

Place: Room 320, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Julie Palais, Polar Glaciology Manager, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1033.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Polar Glaciology Antarctic proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 7, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–19800 Filed 8–9–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–313 and 50–368]

Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. DPR–51 and NPF–6, issued to Entergy Operations, Inc. (the licensee), for operation of Arkansas Nuclear One, Units 1 and 2 (ANO–1&2), located in Pope County Arkansas.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated October 24, 1994, for exemption from certain requirements of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.'' The exemption would allow implementation of a hand geometry biometric system for site access control such that picture badges and access control cards for certain non-employees can be taken offsite.

The Need for the Proposed Action

Pursuant to 10 CFR 73.55, paragraph (a), the licensee shall establish and maintain an onsite physical protection system and security organization.

10 CFR 73.55(d), ''Access Requirements,'' paragraph (1), specifies that ''licensee shall control all points of personnel and vehicle access into a protected area.'' 10 CFR 73.55(d)(5) specifies that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' 10 CFR 73.55(d)(5) also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual ''receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area * * *.''

Currently, employee and contractor identification/access control badges are issued and retrieved on the occasion of each entry to and exit from the protected areas of the Arkansas Nuclear One site. Station security personnel are required to maintain control of the badges while the individuals are offsite. Security personnel retain each identification/access control badge when not in use by the authorized individual, within appropriately designed storage receptacles inside a bullet-resistant enclosure. An individual who meets the access authorization requirements is issued the individual picture identification/access control card which allows entry into preauthorized areas of the station. While entering the plant in the present configuration, an authorized individual is ''screened'' by the required detection equipment. The individual provides a personal identification number (PIN) to the issuing guard and is screened again by the issuing security officer using the picture identification on the access card. Having received the badge, the individual proceeds to the access portal, inserts the access control card into the card reader, and passes through the turnstile which is unlocked by the access card. Once inside the station, the access card allows entry only to preauthorized areas and the individual's PIN is no longer required.

This present procedure is labor intensive since security personnel are required to verify badge issuance, ensure badge retrieval, and maintain the badge in orderly storage until the next entry into the protected area. The regulations permit employees to remove their badge from the site, but an exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badge offsite instead of returning them when exiting the site.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the licensee's application. Under the proposed system, all individuals authorized to gain unescorted access will have the physical characteristics of their hand (hand geometry) recorded with their badge number. Since the hand geometry is unique to each individual and its application in the entry screening function would preclude unauthorized use of a badge, the requested exemption would allow employees and contractors to keep their badges at the time of exiting the protected area. The process of verifying badge issuance, ensuring badge retrieval, and maintaining badges could be eliminated while the balance of the access procedure would remain intact. Firearm, explosive, and metal detection equipment and provisions for conducting searches will remain as well. The security officer responsible for the last access control function (controlling admission to the protected area) will also remain isolated within a bullet-resistant structure in order to assure his or her ability to respond or to summon assistance.

Use of a hand geometry biometrics system exceeds the present verification methodology's capability to discern an individual's identity. Unlike the photograph identification badge, hand geometry is nontransferable. During the initial access authorization or registration process, hand measurements are recorded and the template is stored for subsequent use in the identity verification process required for entry into the protected area. Authorized individuals insert their access authorization card into the card reader and the biometrics system records an image of the hand geometry. The unique features of the newly recorded image are then compared to the template previously stored in the database. Access is ultimately granted based on the degree to which the characteristics of the image match those of the ''signature'' template.

Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge offsite, would not enable an unauthorized entry into protected areas.

The access process will continue to be under the observation of security personnel. The system of identification/access control badges will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. Addition of a hand geometry biometrics system will provide a significant contribution to effective implementation of the security plan at each site.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant

nonradiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternate action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements related to operation of ANO–1&2 dated February 1973 and June 1977 respectively.

Agencies and Persons Consulted

In accordance with its stated policy, on July 26, 1995, the staff consulted with the Arkansas State official, Don Green of the Arkansas Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this proposed action, see the request for exemption dated October 24, 1994, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Tomlinson Library, Arkansas Tech University, Russellville Arkansas 72801.

Dated at Rockville, Maryland this 3rd day of August 1995.

For the Nuclear Regulatory Commission.

George Kalman,

Senior Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19768 Filed 8–9–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–382]

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License No. NPF–38, issued to Entergy Operations, Inc. (the licensee), for operation of the Waterford Steam Electric Station, Unit 3 (Waterford 3) located in St. Charles Parish, Louisiana.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated October 24, 1994, for exemption from certain requirements of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.'' The exemption would allow implementation of a hand geometry biometric system for site access control such that picture badges and access control cards for certain non-employees can be taken offsite.

The Need for the Proposed Action

Pursuant to 10 CFR 73.55, paragraph (a), the licensee shall establish and maintain an onsite physical protection system and security organization.

10 CFR 73.55(d), ''Access Requirements,'' paragraph (1), specifies that ''licensee shall control all points of personnel and vehicle access into a protected area.'' 10 CFR 73.55(d)(5) specifies that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' 10 CFR 73.55(d)(5) also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual ''receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area * * *''

Currently, employee and contractor identification/access control badges are issued and retrieved on the occasion of each entry to and exit from the protected areas of the Waterford 3 site. Station security personnel are required to maintain control of the badges while the individuals are offsite. Security personnel retain each identification/access control badge when not in use by the authorized individual, within appropriately designed storage receptacles inside a bullet-resistant enclosure. An individual who meets the access authorization requirements is issued the individual picture identification/access control card which allows entry into preauthorized areas of the station. While entering the plant in the present configuration, an authorized individual is ''screened'' by the required detection equipment. The individual provides a personal identification number (PIN) to the issuing guard and is screened again by the issuing security officer using the picture identification on the access card. Having received the badge, the individual proceeds to the access portal, inserts the access control card into the card reader, and passes through the turnstile which is unlocked by the access card. Once inside the station, the access card allows entry only to preauthorized areas and the individual's PIN is no longer required.

This present procedure is labor intensive since security personnel are required to verify badge issuance, ensure badge retrieval, and maintain the badge in orderly storage until the next entry into the protected area. The regulations permit employees to remove their badge from the site, but an exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badge offsite instead of returning them when exiting the site.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the licensee's application. Under the proposed system, all individuals authorized to gain unescorted access will have the physical characteristics of their hand (hand geometry) recorded with their badge number. Since the hand geometry is unique to each individual and its application in the entry screening function would preclude unauthorized use of a badge, the requested exemption would allow employees and contractors to keep their badges at the time of exiting the protected area. The process of verifying badge issuance, ensuring badge retrieval, and maintaining badges could be eliminated while the balanced of the access procedure would remain intact. Firearm, explosive, and metal detection equipment and provisions for conducting searches will remain as well. The security officer responsible for the last access control function (controlling admission to the protected area) will also remain isolated within a bullet-resistant structure in order to assure his or her ability to respond or to summon assistance.

Use of a hand geometry biometrics system exceeds the present verification

methodology's capability to discern an individual's identity. Unlike the photograph identification badge, hand geometry is nontransferable. During the initial access authorization or registration process, hand measurements are recorded and the template is stored for subsequent use in the identity verification process required for entry into the protected area. Authorized individuals insert their access authorization card into the card reader and the biometrics system records an image of the hand geometry. The unique features of the newly recorded image are then compared to the template previously stored in the database. Access is ultimately granted based on the degree to which the characteristics of the image match those of the ''signature'' template.

Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge offsite, would not enable an unauthorized entry into protected areas.

The access process will continue to be under the observation of security personnel. The system of identification/access control badges will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. Addition of a hand geometry biometrics system will provide a significant contribution to effective implementation of the security plan at each site.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternate action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements related to operation of Waterford Steam Electric Station, Unit 3 dated September 1981.

Agencies and Persons Consulted

In accordance with its stated policy, on July 24, 1995, the NRC staff consulted with the Louisiana State official, Dr. Stan Shaw, Assistant Administrator of the Louisiana Radiation Protection Division, Department of Environmental Quality, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this proposed action, see the request for exemption dated October 24, 1994, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Dated at Rockville, Maryland, this 2nd day of August 1995.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19765 Filed 8–9–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–277 and 50–278]

Peco Energy Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., Atlantic City Electric Co., Peach Bottom Atomic Power Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–44 and DPR–56, issued to PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company (the licensee), for operation of the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3 located in York County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would extend the allowed-out-of-service-times (AOTs) for the PBAPS Energy Diesel Generators (EDGs) based on the availability of an alternate AC (AAC) power source. The AAC is a direct tie line between the PBAPS and the Conowingo Hydroelectric Station located approximately 9 miles down the Susquehanna River from PBAPS. Currently, the AOT for a single inoperable EDG is 7 days. The amendments would allow the AOT for a single EDG inoperable to be a maximum of 14 days provided the Conowingo line is verified to be available. However, under no circumstances will the AOT be more than 7 days without the Conowingo line being available.

The proposed action is in accordance with the licensee's application for amendments dated April 7, 1994, as supplemented by letters dated June 2, 1994, September 6, 1994, June 16, 1995 and July 13, 1995.

The Need for the Proposed Action

The proposed action will provide increased flexibility in scheduling and performing maintenance activities on the EDGs. The licensee currently faces significant challenges to complete periodic maintenance and modification activities within the existing TS 7-day AOT. Expiration of the AOT for EDGs without restoring all EDGs to an operable status requires shutting down both Peach Bottom units in accordance with the existing TS. In addition, the 7-day maximum EDG AOT in the current TS precludes the performance of certain major beneficial maintenance activities

and modifications without shutting down both Peach Bottom units.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and based on the information presented in the licensee's application, concludes that the proposed extension of the EDG's AOT in conjunction with the availability of the Conowingo line, will not increase the probability of initiating events leading to a design basis accident. The additional reliability of the offsite source afforded by the Conowingo line would improve the potential for mitigating loss-of-offsite power events. Consequently, the consequences of accidents would not be significantly increased, nor would the post-accident radiological releases be greater than previously determined.

The proposed action would not otherwise affect radiological plant effluents. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action (extending EDG AOTs) does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Peach Bottom Atomic Power Station, Units 2 and 3, dated April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on July 24, 1995, the staff consulted with the Pennsylvania State official, Stan Maingi, of the Pennsylvania Department of Environmental Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated April 7, 1994, as supplemented by letters dated June 2, and September 6, 1994, and June 16, and July 13, 1995, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at Government Publications Section, State Library of Pennsylvania, (Regional Depository) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania.

Dated at Rockville, MD, this 4th day of August 1995.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19764 Filed 8–9–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

GPU Nuclear Corporation, Oyster Creek Nuclear Generating Station; Issuance of Partial Director's Decision Under 10 CFR § 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC) has denied in part a Petition, dated September 19, 1994, and supplemented December 13, 1994, submitted by Oyster Creek Nuclear Watch, Reactor Watchdog Project, and Nuclear Information and Resource Service (Petitioners). The Petition requested that the NRC take action regarding the Oyster Creek Nuclear Generating Station (OCNGS) pursuant to 10 C.F.R. § 2.206.

The September 19, 1994, Petition requests that the NRC (1) immediately suspend the OCNGS operating license until the Licensee inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking, (2) immediately suspend the OCNGS operating license until the Licensee submits an analysis regarding the synergistic effects of through-wall cracking of multiple safety-class components, (3) immediately suspend the OCNGS operating license until the Licensee has analyzed and mitigated any areas of noncompliance with regard to irradiated fuel pool cooling as a single-unit boiling-water reactor (BWR), and (4) issue a generic letter requiring other licensees of single-unit BWRs to submit information regarding fuel pool boiling in order to verify compliance with regulatory requirements, and to promptly take appropriate mitigative action if the units are not in compliance.

The December 13, 1994, supplemental Petition requests that the NRC: (1) suspend the license of the OCNGS until the Petitioners' concerns regarding cracking are addressed, including inspection of all reactor vessel internal components and other safety-related systems susceptible to intergranular stress corrosion cracking (IGSCC) and completion of any and all necessary repairs and modifications; (2) explain discrepancies between the response of the NRC staff dated October 27, 1994, to the Petition of September 19, 1994, and the time-to-boil calculations for the FitzPatrick plant; (3) require the GPU Nuclear Corporation to produce documents for evaluation of the time-to-boil calculation for the OCNGS irradiated fuel pool; (4) identify redundant components that may be powered from onsite power supplies to be used for spent fuel pool cooling as qualified Class 1E systems; (5) hold a public meeting in Toms River, New Jersey, to permit presentation of additional information related to the Petition; and (6) treat the Petitioners' letter of December 13, 1994, as a formal appeal of the denial of the Petitioners' request of September 19, 1994, to immediately suspend the OCNGS operating license.

The Director of the Office of Nuclear Reactor Regulation has denied Requests (1) and (2) of the September 19, 1994, Petition and Request (1) of the December 13, 1994, supplemental Petition to suspend the operating license of the OCNGS until the Licensee inspects and repairs, modified, or replaces all safety-class reactor internal component parts subject to embrittlement and intergranular stress corrosion cracking. The reasons for this denial are explained in the ''Partial Director's Decision Under 10 CFR § 2.206'' (DD–95–18), the complete text of which follows this notice, and which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local

public document room for the Oyster Creek Nuclear Generating Station located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753. A decision regarding Requests (3), and (4) of the September 19, 1994 Petition, and Requests (2), (3), and (4), of the December 13, 1994, supplemental Petition will be issued under separate cover upon completion of the NRC staff's review.

A copy of this Partial Director's Decision will be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c). As provided in that regulation, the Decision will constitute the final action of the Commission 25 days after the date of the issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 4th day of August 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

Appendix A—Partial Director's Decision Under 10 CFR § 2.206 (DD95–18)

I. Introduction

By letter dated September 19, 1994, Reactor Watchdog Project, Nuclear Information and Resource Service (NIRS), and Oyster Creek Nuclear Watch (Petitioners), submitted a Petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 C.F.R. § 2.206), requesting that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Oyster Creek Nuclear Generating Station (OCNGS), operated by the GPU Nuclear Corporation (GPUN or the Licensee). By letter dated December 13, 1994, Petitioners supplemented the Petition.

The September 19, 1994, Petition requests that the NRC (1) immediately suspend the OCNGS operating license until the Licensee inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking, (2) immediately suspend the OCNGS operating license until the Licensee submits an analysis regarding the synergistic effects of through-wall cracking of multiple safety-class components, (3) immediately suspend the OCNGS operating license until the Licensee has analyzed and mitigated any areas of noncompliance with regard to irradiated fuel pool cooling as a single-unit boiling-water reactor (BWR), and (4) issue a generic letter requiring other licensees of single-unit BWRs to submit information regarding fuel pool boiling in order to verify compliance with regulatory requirements, and to promptly take appropriate mitigative action if the unit is not in compliance.

The December 13, 1994, supplemental Petition requests that the NRC: (1) suspend the license of the OCNGS until the Petitioners' concerns regarding cracking are addressed, including inspection of all reactor vessel internal components and other safety-related systems susceptible to intergranular stress corrosion cracking (IGSCC) and completion of any and all necessary repairs and modifications; (2) explain discrepancies between the response of the NRC staff dated October 27, 1994, to the Petition of September 19, 1994, and the time-to-boil calculations for the FitzPatrick plant; (3) require GPUN to produce documents for evaluation of the time-to-boil calculation for the OCNGS irradiated fuel pool; (4) identify redundant components that may be powered from onsite power supplies to be used for spent fuel pool cooling as qualified Class 1E systems; (5) hold a public meeting in Toms River, New Jersey, to permit presentation of additional information related to the Petition; and (6) treat the Petitioners' letter of December 13, 1994, as a formal appeal of the denial of the Petitioners' request of September 19, 1994, to immediately suspend the OCNGS operating license.

The September 19, 1994, Petition sought relief concerning safety-class reactor internal components based on the following premises: (a) the core shroud in General Electric BWRs is vulnerable to age-related deterioration; (b) 12 domestic and foreign BWR owners have found extensive cracking on welds of the core shroud; (c) only 10 of 36 U.S. BWR owners have inspected their core shrouds and 9 of the 10 core shrouds had cracks; (d) 19 of 25 selected BWR internal components are susceptible to stress corrosion cracking and 6 of 19 are susceptible to irradiation-assisted stress corrosion cracking; (e) as the oldest operating General Electric Mark I BWR and the third oldest operating reactor in the United States, OCNGS has been subjected to the longest period of operational conditions that cause embrittlement and cracking; (f) the BWR Owners Group (BWROG) stated that cracking of the core shroud is a warning signal that additional safety-class reactor internals are increasingly susceptible to age-related deterioration; (g) cracking of any single part or multiple components jeopardizes safe operation of that nuclear station; (h) Oyster Creek did not inspect for core shroud cracking prior to the current refueling outage and other safety-class reactor internals have not been adequately inspected for cracking; and (i) a safety analysis has not been performed on the potential synergistic effects of multiple-component cracking.

The September 19, 1994, Petition also sought relief concerning fuel pool cooling design deficiencies, based on the following premises: (a) various design defects in BWR fuel pool cooling systems pose a significant increase in risk to the public safety and violate 10 CFR 50.59; 10 CFR Part 50, Appendix A, Criterion 63; 10 CFR Part 50, Appendix B, Criterion III; and Regulatory Guides 1.13, 1.89, and 1.97; (b) OCNGS is a single-unit facility with no adjacent units to rely upon in the event that a design-basis event were to disable the fuel pool cooling system; and (c) OCNGS has not docketed any material with regard to BWR design deficiencies identified in the 10 CFR Part 21 Report of Substantial Safety Hazard (November 27, 1992) of Messrs. Lochbaum and Prevatte, and thus OCNGS may be in violation of NRC regulatory requirements.

The Petitioners assert the following bases to support their requests in the December 13, 1994, supplemental Petition: (a) the October 27, 1994, letter of the NRC staff, acknowledging receipt of the Petition and denying the requests for immediate suspension of the operating license, failed to address concerns central to the Petition, such as the Licensee's failure to recognize that IGSCC indicates that cracking could be occurring in additional safety-class reactor internal components and the Licensee's failure to perform inspections of all safety-class components to determine whether cracking is occurring; (b) recently discovered cracking in the top guide and core plates in foreign BWRs and cracking discovered on December 8, 1994, at the New York Power Authority's (NYPA's) FitzPatrick reactor underscore the Petitioners' concern that additional safety-class components at OCNGS are degrading; (c) the Licensee did not conduct an enhanced inspection of the core plate and top guide of the OCNGS facility during the current outage, despite notification by the General Electric Rapid Information Communication Service Information Letter (GE RICSIL) 071 dated November 22, 1994; (d) the Licensee, the NRC, and the BWR Owners Group (BWORG) have failed to provide an analysis of the synergistic effects of multiple-component cracking of additional safety-class reactor internal

components; (e) the time-to-boil calculation is dictated by the amount of decay heat generated and the volume of water in the fuel pool rather than the number of reactors at a site that store irradiated fuel in a separate pool; (f) NRC documents state that the time-to-boil calculation for FitzPatrick following a loss-of-coolant accident is 8 hours, and NYPA documents state that the time-to-boil calculations in two cases are 11.86 and 5.36 hours. Finally, nothing indicates that the time-to-boil calculation at OCNGS is longer than the time-to-boil calculation at the Susquehanna facility; and (g) the NRC and the licensee have failed to establish whether redundant components and power supplies to the OCNGS fuel pool cooling system have been qualified as Class 1E systems.

The Petitioners' requests that the Commission immediately suspend the OCNGS operating license were denied in my letter of October 27, 1994, to the Petitioners, because (1) OCNGS was in a refueling outage, had inspected core shroud welds, and was making structural modifications before restart of the unit to address some weld cracks found during the inspection, and (2) inspections and corrective actions recommended by General Electric Company and the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for various reactor internals had been and continued to be performed by the Licensee.

The Petitioners' request for treatment of their letter of December 13, 1994, as a formal appeal of the NRC staff's denial of their request of September 19, 1994, for immediate suspension of the OCNGS operating license, was denied in my letter of April 10, 1995, to the Petitioners. The Petitioners provided no basis for revisiting the denial of their request of September 19, 1994, for immediate suspension of the license. As discussed below, the Licensee completed all ASME Code Section XI reactor vessel internal inspections and BWROG recommended inspections and took appropriate remedial action before re-start of OCNGS in December 1994. The NRC staff was also aware of the potential problem for United States BWRs raised by cracking in top guide and core plates of foreign BWRs before the restart of OCNGS. The NRC staff determined, as explained below, that cracks in these components would not adversely affect safety of the plant because of differences in the OCNGS design as compared to the affected foreign reactors.

Regarding the OCNGS spent fuel pool cooling system capability, the staff determined that the time to the onset of spent fuel pool boiling following a loss of spent fuel pool cooling during periods where the reactor vessel contains irradiated fuel at single unit BWR sites, such as OCNGS, is long enough to allow compensatory measures. The probability of a sustained loss of spent fuel pool cooling creating adverse environmental conditions that may cause failure of essential equipment is extremely low. Therefore, the staff has concluded that immediate action to address the concerns the Petitioners have identified at OCNGS is not justified. As stated in my letter of October 27, 1994, spent fuel pool safety is being reviewed generically by the staff and this review has not yet been completed.

The Petitioners' request for a public meeting was denied in my letter of April 10, 1995.[1] The issue of internals cracking has been discussed at several public meetings, including a public meeting on November 4, 1994, that a representative of NIRS attended regarding the OCNGS core shroud. With respect to spent fuel pool cooling, the staff has held several public meetings and public briefings with the Advisory Committee on Reactor Safeguards. Summaries of these public meetings are available in the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document rooms for the affected BWR plants. Transcripts of ACRS meetings are also available.

The NRC staff's review of the issues related to cracking of reactor internal components, raised by Requests (1) and (2) of the September 19, 1994, Petition, and Request (1) of the December 13, 1994, supplemental Petition, is now complete. For the reasons set forth below, the Petition is denied with respect to these requests. A Director's Decision concerning the issues related to irradiated fuel pool cooling and fuel pool boiling, raised by Requests (3) and (4) of the September 19, 1994, Petition and Requests (2), (3), and (4) of the December 13, 1994, supplemental Petition will be issued upon completion of the NRC staff's review regarding those matters.

II. Background

Intergranular stress corrosion cracking (IGSCC) of BWR internal components has been identified as a technical issue of concern by both the NRC staff and the nuclear industry. The core shroud is among the internal reactor components susceptible to IGSCC. Identification of cracking at the circumferential beltline region welds in several plants during 1993 led to the publication of NRC Information Notice (IN) 93–79, ''Core Shroud Cracking at Beltline Region Welds in Boiling-Water Reactors,'' issued on September 30, 1993. Several licensees inspected their core shrouds during planned outages in the spring of 1994 and found cracking at the circumferential welds. The NRC has closely monitored these inspection activities. Additionally, licensees have inspected other BWR reactor vessel internal components as discussed below. NRC issued IN 94–42, ''Cracking in the Lower Region of the Core Shroud in Boiling-Water Reactors,'' on June 7, 1994, and Supplement 1 to IN 94–42, on July 19, 1994, concerning cracking in the core shroud found at Dresden Unit 3 and Quad Cities Unit 1. IN 95–17, ''Reactor Vessel Top Guide and Core Plate Cracking,'' issued on March 10, 1995, concerned reactor vessel top guide and core plate cracking. The NRC has monitored Licensee inspection activities of these components at the OCNGS as discussed below.

III. Discussion

A. Petitioners request that the NRC suspend the OCNGS license until the Licensee inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking. Nuclear power reactor licensees, including GPUN, are required by 10 C.F.R. § 50.55a to implement inservice inspection programs in accordance with the guidelines of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). The scope of the inservice inspection programs for reactor pressure vessels and their internal components is prescribed by ASME Code, Section XI, Division 1, Subsections IWA and IWB. The Licensee is also required by ASME Code, Section XI, Article IWA–6000, to submit the results of these inspections to the NRC within 90 days of completion. The NRC staff performs periodic audits of licensee-implemented inservice inspection programs to determine compliance with applicable codes and regulations. These audits are documented in NRC inspection reports, which are publicly available at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the OCNGS located at the Ocean County Library, Reference

[1] In addition, the NRC staff determined, in accordance with the guidance in NRC Management Directive 8.11, ''Review Process for 10 CFR 2.206 Petitions,'' that an informal public hearing was not warranted because the Petition did not present new information or a new approach for evaluating the concerns Petitioners raised.

Department, 101 Washington Street, Toms River, NJ 08753.

The Licensee performed inspections of the OCNGS reactor vessel and its internal safety-related components in accordance with the requirements of ASME Code, Section XI, and the NRC staff has reviewed the Licensee's inservice inspection programs, as discussed below.

Cracking of the core spray piping was first detected during Licensee inspections at OCNGS in 1978, and its extent has been evaluated by the Licensee during each subsequent outage. The core spray piping was repaired in 1978 and 1980. Since that time, additional visual inspections by the Licensee have not identified any significant degradation of the piping or of the repairs made to the piping. The NRC's review of the Licensee's inspection results and disposition during the 14R outage, documented in NRC Inspection Report 50–219/92–22, dated March 19, 1993, and a letter to GPUN dated November 18, 1994, regarding the 15R inspection concluded that the Licensee inspections and dispositions of core spray system findings were appropriate.

The Licensee first detected cracking of the top guide in 1991 and has closely monitored it in successive outages. The NRC staff conducted an inspection in June 1991, and concluded that the Licensee's disposition of the top guide crack as ''acceptable as is'' was adequate. The results of the inspection were reported in NRC Inspection Report 50–219/91–21, dated August 9, 1991. During an NRC inspection conducted in December 1992 and January 1993, the NRC staff evaluated the results of a remote visual inspection of the top guide conducted by General Electric Corporation for GPUN. The staff evaluated the quality of the Licensee's visual inspection of the top guide and agreed with the Licensee's determination that the top guide was acceptable to ''use as is''. The results of the inspection were reported in NRC Inspection Report 50–219/92–22, dated March 19, 1993.

The Licensee notified the NRC staff during an October 11, 1994, telephone call that additional cracking in the top guide had been found. The Licensee also reported that cracks found in earlier inspections of the top guide had not shown any measurable growth. In addition, during the refueling outage for Cycle 15 of operation (15R refueling outage), which began in September 1994, the Licensee assessed all the cracks that had been identified to ensure they would not jeopardize the structural integrity or function of the top guide.

It should be noted that the location of the cracks that have been detected in the OCNGS top guide is different from that in the foreign reactor cited in the NIRS letter of December 13, 1994, and the subject of GE RICSIL–071. Moreover, both the top guide and the core plate at OCNGS are components of a GE BWR while the foreign plant is a non-GE BWR. Furthermore, the OCNGS core plate is bolted in place, and the top guide is restrained vertically by hold-down devices and horizontally by lateral supports. These configurations result in a highly redundant structure, and even if cracking similar to that observed in the foreign plant were to occur, it would not adversely affect the safety of the plant, and these components could still perform their safety-related functions.

The BWROG has addressed the issue of cracking in the internal components of reactor pressure vessels by recommending that BWR licensees perform inspections of various components pursuant to vendor recommendations of the General Electric Company. Among inspections recommended by the BWROG are examination of core spray spargers, core shrouds, top guides, return line nozzles, and in-core instrumentation, which in the case of OCNGS are the intermediate power range monitors. The BWROG has also formed the Boiling Water Reactor Vessels & Internals Project (BWRVIP), chaired by five nuclear industry vice presidents, to develop a proactive program to address and mitigate cracking in reactor pressure vessel internal components. NRC staff correspondence with the BWRVIP, staff evaluation of the BWRVIP generic submittals, summaries of meetings with the BWRVIP, and staff assessments of plant-specific submittals in regard to these subjects are also available to the public for review at the local public document room of each BWR plant.

The Licensee inspected the following safety-related components during the 15R refueling outage, which began in September 1994: core spray sparger and annular piping, steam dryer and separator assembly, core shroud head bolts, core support plate holddown bolts, guide rod and steam dryer support brackets, feedwater spargers, top guide assembly, four intermediate-power range monitors, one low-power range monitor, core shroud brackets, conical support to shell weld, and the core shroud. Cracking was observed on the core shroud and a steam dryer bracket, and required repairs to these components were made. Minor cracking was observed on the core spray piping, a tack weld on the keeper bolt of the feedwater spargers, and the top guide cross beams. None of these cracks would have prevented the components from performing their normal operating and postulated accident functions. These indications were dispositioned as is. The Licensee submitted results of its core shroud inspection and its core spray sparger inspection to the NRC in separate letters, both dated November 3, 1994. As a result of a conference call on January 19, 1995, the Licensee submitted a summary of the results of its inspections of reactor vessel internal components performed during the 15R refueling outage. By a letter dated March 16, 1995, in accordance with 10 CFR § 50.55a(g) and ASME Section XI, IWA 6220, (1986 Edition with no addenda), GPUN forwarded the reports of its inservice inspection activities conducted during the 15R refueling outage. In the report GPUN lists the inspections performed and discusses unacceptable indications of certain components and their disposition. Inservice inspection of reactor vessel internal components is required by the ASME Code and the licensee's inservice inspection program for future outages provides assurance that degradation of components will be detected and appropriate action will be taken. The documents discussed above are available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

The Licensee's inspection of the OCNGS core shroud found that one of the ten circumferential welds (the H4 weld) had indications of substantial cracking. To ensure shroud integrity under all postulated accidents, the Licensee elected to install a modification, consisting of ten stabilizing tie-rods, designed to ensure that the core shroud would perform its design functions under normal operation and postulated accidents even if it were to develop 360° through-wall cracks. The NRC staff reviewed this modification and issued a safety evaluation on November 25, 1994, which concluded that the core shroud modification proposed by the Licensee is acceptable and, therefore, is approved. The safety evaluation is also available at the public document rooms previously listed.

On the basis of the NRC staff's review of various plant-specific and industry programs implemented by the Licensee, the NRC staff concluded that the Licensee took appropriate actions to address embrittlement and cracking in,

and thus to ensure the reliability of, the OCNGS reactor vessel internal components.

Based on the above, the staff has concluded that suspension of the Oyster Creek Nuclear Generating Station operating license due to embrittlement and cracking of the reactor vessel internal components is not warranted. As stated previously, continued monitoring of reactor vessel internals as required by the ASME Code and the licensee's inservice inspection program will provide assurance that degradation of components will be detected and appropriate action will be taken.

B. Petitioners request that the NRC suspend the OCNGS operating license until the Licensee provides an analysis regarding the synergistic effects of through-wall cracking of multiple safety-class components. The majority of reactor internals are fabricated from high-toughness materials such as stainless steel and were designed with significant margins on allowable stresses. As such, cracking must be severe to adversely impact plant safety. It is unlikely that licensee inspections would not find such severe degradation. In fact, identification and sizing of the cracks in the H4 location on the OCNGS core shroud are good examples of the effectiveness of the inspections. In addition, NRC staff evaluation of the results from internals inspections performed to date at OCNGS resulted in the conclusion that ASME Code safety margins have been maintained.

The Licensee has not provided an analysis to NRC that addresses the synergistic effects of cracking in multiple safety-class components. The NRC staff does not consider the lack of such an analysis to be a safety concern because of the inspection requirements that pertain to reactor internals and the results of inspections performed to date. See Section III.A, *supra.*

Continued monitoring of reactor vessel internals as required by the ASME Code and the licensee's inservice inspection program will provide information about the structural integrity of reactor vessel internals in the long term. The NRC has asked the BWR Vessel Internals Project (BWRVIP), an industry group, to develop an assessment to address cracking in BWR reactor vessel internals. A report from the BWRVIP is expected on the long term effects of reactor vessel internals cracking in late 1995. In addition, the NRC has undertaken a longer term evaluation of the effects of cracking in multiple reactor vessel internal components that will be approached with appropriate treatment of the key variables (safety function, material susceptibility, loading, environment, etc.).

Based on the above, the staff has concluded that suspension of the Oyster Creek Nuclear Generating Station license, due to the lack of an analysis of the synergistic effects of through-wall cracking of safety-class reactor internal components, is not warranted.

IV. Conclusion

The Petitioners requested that the NRC suspend the operating license of Oyster Creek Nuclear Generating Station until: (1) the Licensee inspects, repairs, or replaces, all safety-class reactor internal components subject to embrittlement and cracking, and (2) the Licensee provides an analysis regarding the synergistic effects of through-wall cracking of multiple safety-class components. For the reasons discussed above, I conclude that the issues raised by the Petitioners are being adequately addressed and that there is no basis for suspending the OCNGS operating license or taking the other requested action. Accordingly, the Petitioners' above-referenced requests are denied.

A copy of this Partial Director's Decision will be filed with the Secretary of the Commission for review as stated in 10 CFR 2.206(c). This Decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 4th day of August 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19766 Filed 8–9–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–280 and 50–281]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment Nos. 203 and 203 to Facility Operating License Nos. DPR–32 and DPR–37 issued to Virginia Electric and Power Company, which revised the License and the Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments modified the Licenses and the Technical Specifications to increase the authorized core power level for Surry, Units 1 and 2, from 2441 MWt to 2546 MWt.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on December 16, 1994 (59 FR 65085). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement.

Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (60 FR 32356).

For further details with respect to the action see (1) the application for amendment dated August 30, 1994, and supplemented February 6, February 13, February 27, March 23, March 28, April 13, April 20, April 28, May 5, and June 8, 1995, (2) Amendment Nos. 203 and 203 to License Nos. DPR–32 and DPR–37, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Swen Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 3rd day of August 1995.

For The Nuclear Regulatory Commission.

Bart C. Buckley,

Senior Project Manager, Project Directorate II–1, Division of Reactor Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19767 Filed 8–9–95; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: Michael E. Bartell (202) 942–8800

Upon written request copy available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, D.C. 20549

Extensions:

Form 144, File No. 270–112

Regulations S, File No. 270–315

Notice is hereby given pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), that the Securities and Exchange Commission (''Commission'') has submitted for OMB approval extension of the following currently approved form and regulation:

Form 144 provides notice of a proposed sale of securities pursuant to Rule 144 under the Securities Act of 1933. It is estimated that 31,136 respondents would incur 62,672 burden hours annually to comply with Form 144.

Regulation S contains rules governing the offer and sale of securities made outside of the United States without registration under the Securities Act of 1933. Regulation S does not directly impose burden hours on filers (the burden hours are reflected in submissions for forms that refer to the disclosure requirements in Regulation S) and therefore is assigned one burden hour for administrative convenience.

General comments regarding the estimated burden hours should be directed to the OMB Clearance Officer at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549 and Clearance Officer, Project Numbers 3235–0101 (Form 144) and 3235–0357 (Regulation S), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: July 31, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–19718 Filed 8–9–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36060; File No. SR–NYSE–95–27]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Initial Listing Fees

August 4, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 3, 1995 the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend the Exchange's fee schedule for listed companies by (i) limiting the initial listing fee component of the Original Listing Fee for common shares to the first 125 million common shares issued and (ii) establishing a flat $5,300 ''technical fee'' for reserve stock splits.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange routinely reviews its pricing relative to listed and prospective listed companies. This proposal is intended to address certain anomalies within the Exchange's current pricing relating specifically to very large capitalization companies. The proposed rule change would limit the Initial Fee component of the Original Listing Fee for common shares to the first 125 million common shares issued. In addition, the initial fee for additional shares subsequently listed will be based on the fee bracket appropriate to the new shares being listed, in relation to the company's total number of shares issued.

The proposal also amends the Exchange's listing fees with respect to reverse stock splits. The Exchange currently charges an initial fee on all shares issued in connection with a reverse stock split. A listed company effecting a reverse stock split, however, has already paid an initial fee on all its outstanding shares, and the reverse split will result in there being fewer shares outstanding. Thus, the Exchange is proposing to charge only $5,300 for reverse stock splits, the ''technical fee'' that it currently charges for a reincorporation or a change in corporate structure, such as the formation of a holding company.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[3] in general and furthers the objectives of Section 6(b)(4)[4] in particular in that it provides for the equitable allocation of reasonable dues, fees and other charges among the Exchange's members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) the Exchange provided the Commission with notice of its intent to file the proposed rule change at least five days prior to the filing date, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[5] and Rule 19b–4(e)(6)[6] thereunder.

A proposed rule change filed under Rule 19b–4(e)[7] does not become operative prior to thirty days after the date of filing or such shorter time as the Commission may designate if such action is consistent with the protection of investors and the public interest. The

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[1] 15 U.S.C. 78s(b)(1).

[2] NYSE Listed Company Manual ¶ 902.02.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(e)(6).

[7] 17 CFR 240.19b–4(e).

NYSE has requested, in order for it to reduce its listing fees as quickly as possible, that the Commission accelerate the implementation of the proposed rule change so that it may take effect prior to the thirty days specified under Rule 19b–4(e)(6)(iii).[8] The Commission finds that the proposed rule change is consistent with the protection of investors and the public interest and therefore has determined to make the proposed rule change operative as of the date of this order.

At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the New York Stock Exchange. All submissions should refer to File No. SR–NYSE–95–27 and should be submitted by August 31, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–19790 Filed 8–9–95; 8:45 am]

BILLING CODE 8010–01–M

[8] 17 CFR 240.19b–4(e)(6)(iii).

[9] 17 CFR 200.30–3(a)(12).

[File No. 500–1]

Order Directing Suspension of Trading

August 4, 1995.

In the matter of American Telephone & Data Inc.

It appears to the Securities and Exchange Commission that there is a lack of adequate current information concerning the securities of American Telephone & Data Inc. (''AT&D''), currently quoted in the NASD's OTC Bulletin Board, and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, the accuracy and adequacy of AT&D's financial statements.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of AT&D, over-the-counter, or otherwise, is suspended for the period from 1:45 p.m. EDT August 4, 1995 through 1:45 p.m. EDT on August 18, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–19715 Filed 8–9–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21267; File No. 812–9590]

The Lincoln National Life Insurance Company, et al.

August 3, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order under the Investment Company Act of 1940 (''1940 Act'').

APPLICANTS: The Lincoln National Life Insurance Company (''Lincoln Life''), Lincoln National Variable Annuity Fund A (''Fund A''), and Lincoln National Variable Annuity Fund B (''Fund B'', and together with Fund A, the ''Funds'').

RELEVANT 1940 ACT PROVISIONS: Order requested under Section 17(b) granting an exemption from the provisions of Section 17(a) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order of exemption to the extent necessary to permit the merger of Fund B into Fund A.

FILING DATE: The application was filed on May 5, 1995. Applicants have represented that they will file an amendment to the application during the notice period to include the representations summarized herein.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 28, 1995, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Applicants, Jack D. Hunter, Esq., The Lincoln National Life Insurance Company, 1300 South Clinton Street, P.O. Box 1110, Fort Wayne, Indiana 46801.

FOR FURTHER INFORMATION CONTACT: Mark C. Amorosi, Attorney, or Wendy Finck Friedlander, Deputy Chief, (202) 942–0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. Lincoln Life, a wholly-owned subsidiary of Lincoln National Corporation, is a stock life insurance company organized under the laws of Indiana. Lincoln Life is the sponsoring insurance company, investment adviser and principal underwriter for Fund A and Fund B.

2. Fund A was established by Lincoln Life pursuant to Indiana law on September 16, 1966, and is registered with the Commission as an open-end, management investment company. Fund A was organized as the investment vehicle for individual and group variable annuity contracts for use with certain tax-qualified retirement plans, annuity purchase plans, individual retirement annuities and government plans. Fund A's principal investment objective is the long-term growth of capital. A secondary investment objective is the production of current income. Fund A seeks to accomplish these objectives by investing in equity securities, principally common stocks. Fund A is managed by a three person Board of Managers elected by Fund A contract owners.

3. Fund B was established by Lincoln Life pursuant to Indiana law on

December 1, 1966, and is registered with the Commission as an open-end, management investment company. Fund B was organized as the investment vehicle for variable annuity contracts for individual use and for use with plans and trusts on a non-tax qualified basis. Fund B has the same investment objectives and policies of Fund A, and is managed by a three person Board of Managers elected by Fund B contract owners. The membership of the Board of Managers for Fund A and Fund B is identical.

4. Prior to 1984, federal tax law required that capital gains of Fund B be treated differently from capital gains of Fund A because the contracts for which Fund B serves as the investment vehicle were not for use with tax-qualified plans. In 1984, federal tax law was amended to eliminate this difference. Because of this change in federal tax law, the principal reason for the separate existence and operation of Fund A and Fund B no longer applies.

5. The Board of Directors of Lincoln Life has determined that the efficiency of the operations of the Funds could be improved by merging Fund B into Fund A. Accordingly, the respective Board of Managers for Fund A and Fund B, none of whom are ''interested persons,'' as defined in Section 2(a)(19) of the 1940 Act, considered and approved an Agreement and Plan of Reorganization (the ''Reorganization Agreement''). Pursuant to the Reorganization Agreement, the assets and liabilities of Fund B will be transferred to Fund A in exchange for accumulation and annuity units of Fund A to be credited to contract owners of Fund B. The aggregate value of the accumulation and annuity units credited by Fund A would correspond to the value of the net assets transferred by Fund B to Fund A. Following the proposed reorganization, each Fund B contract owner will possess a number of Fund A accumulation or annuity units (both full and fractional) that when multiplied by the accumulation unit value of Fund A units, would result in an aggregate accumulation unit value equal to the aggregate accumulation unit value of the accumulation and annuity units the contract owner had in Fund B immediately before the consummation of the proposed reorganization.

6. Applicants state that the Funds are seeking contract owner approval of the reorganization. The Reorganization Agreement provides that the consummation of the proposed reorganization is conditioned upon approval of the contract owners of Fund A and Fund B. Lincoln Life will pay all of the costs in connection with the proposed reorganization including costs of printing and distributing proxy materials, counting contract owner instructions, legal and auditing fees, and expenses of holding the contract owners' meeting. Applicants state that they do not expect that the proposed reorganization will entail any liquidation expenses because the Funds have identical investment objectives. However, Lincoln Life will pay any liquidation expenses in the event that, as investment adviser to Fund A, it considers any securities held by Fund B to be unsuitable for Fund A. Applicants state that the reorganization will have no tax consequences for contract owners.

Applicants' Legal Analysis

1. Section 17(a) of the 1940 Act provides generally that it is unlawful for any affiliated person of a registered investment company acting as principal knowingly to purchase from or to sell any security or other property to such registered investment company. Section 17(b) of the 1940 Act provides generally that the Commission may grant an order exempting a transaction otherwise prohibited by Section 17(a) of the 1940 Act if evidence establishes that: (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the 1940 Act; and (3) the proposed transaction is consistent with the general purposes of the 1940 Act.

2. The proposed reorganization may be subject to the provisions of Section 17(a) of the 1940 Act since it could be viewed as one investment company (Fund B) selling its assets to another investment company (Fund A) that is affiliated by reason of having the same sponsoring insurance company, investment adviser and principal underwriter (Lincoln Life) that may be deemed to be in control of both investment companies.

3. Rule 17a–8 under the 1940 Act exempts mergers of certain affiliated investment companies from the provisions of Section 17(a) of the 1940 Act under certain conditions. However, the exemption provided by Rule 17a–8 may not be available in this case since Rule 17a–8 is limited to mergers of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers. Fund A and Fund B also may be affiliates of each other because they have a common sponsoring insurance company and common principal underwriter. Applicants maintain, however, that the proposed reorganization falls within the spirit and intent of Rule 17a–8.

4. Applicants assert that the proposed reorganization is fair and reasonable to the Fund B contract owners and to Fund A because the proposed reorganization will not affect any rights to annuity payments, the annuity options that are offered under any contract of either Fund, the death benefit or the federal income tax treatment during the accumulation or payment periods of any contract of either Fund. There are no material differences between the voting or other rights of contract owners or annuitants of Fund B and the rights such contract owners or annuitants will have as contract owners or annuitants of Fund A. Applicants state that Fund A will pay the same fees to Lincoln Life after the proposed reorganization as Fund B currently pays.

Applicants state that identical methods and procedures are used to determine the value of the assets and accumulation units of each of Fund A and Fund B, and, at the time of the proposed reorganization, each Fund is expected to have a portfolio similar to that of the other Fund. Thus, Applicants maintain that the interests of Fund A contract owners will not be diluted by the proposed reorganization.

5. Applicants also maintain that the proposed transaction does not involve overreaching on the part of any party to the transaction because of the similarity of the Funds' portfolios and the use of an objective standard to value the portfolio securities of each of the Funds. Furthermore, the Board of Managers of both Fund A and Fund B, none of whom are interested persons of Fund A, Fund B or Lincoln Life, determined that the terms of the proposed reorganization do not involve overreaching on the part of any persons concerned.

6. Applicants state that the proposed reorganization is not inconsistent with the investment policy of each Fund as set forth in the registration statements and reports filed under the 1940 Act. Both Funds have identical investment objectives and the same investment adviser.

7. Applicants also state that the proposed reorganization is necessary or appropriate in the public interest and consistent with the purposes fairly intended by the policy and provisions of the 1940 Act. In particular, Applicants maintain that the proposed reorganization will reduce operating costs due primarily to economies of

scale, compared to the costs of continuing the operation of Fund B separately from Fund A. Applicants assert that enhanced flexibility in the management of Fund B's relatively small investment portfolio, and enhanced opportunities for portfolio diversification, may be obtained through combining the assets of Fund B with those of Fund A.

Conclusion

Applicants submit that, for the reasons and upon the facts set forth above, the requested exemption from Section 17(a) of the 1940 Act to permit the proposed reorganization meets the standards in Section 17(b) of the 1940 Act. In this regard, Applicants assert that the proposed reorganization is fair and reasonable, does not involve overreaching on the part of any person concerned, is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the 1940 Act, and is consistent with the provisions, policies and purposes of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–19717 Filed 8–9–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–21268; 812–8892]

TIFF Investment Program, Inc. and Foundation Advisers Inc.; Notice of Application

Dated: August 3, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: TIFF Investment Program, Inc. (''TIP'') and Foundation Advisers Inc. (''FAI'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) for an exemption from section 15(a) and rule 18f–2.

SUMMARY OF APPLICATION: TIP is a registered investment company advised by FAI. FAI oversees the selection of other investment advisers for the TIP portfolios, monitors such investment advisers, and allocates assets among them. The order would permit an investment adviser other than FAI to serve as an investment adviser to one or more portfolios of TIP without receiving prior shareholders approval.

FILING DATES: The application was filed on March 18, 1994, and amended on July 6, 1994, October 21, 1994, and July 19, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 29, 1995, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, c/o AMT Capital Services, Inc., 430 Park Avenue, 17th Floor, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Senior Attorney, at (202) 942–0565, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. TIP is a registered open-end management investment company consisting of seven series: TIFF U.S. Equity Fund, TIFF International Equity Fund, TIFF Emerging Markets Fund, TIFF Bond Fund, TIFF Short-Term Fund, TIFF Global Equity Fund, and TIFF Multi-Asset Fund (each a ''Fund,'' and together, the ''Funds''). Investment in TIP is available only to grantmaking foundations and other organizations that qualify for exemption from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 (''501(c)(3) organizations''), other than educational endowments.

2. FAI is registered as an investment adviser under the Investment Advisers Act of 1940. FAI serves as investment adviser for the TIP Funds. FAI is a not-for-profit corporation the purpose of which is to facilitate investment by foundations and other 501(c)(3) organizations, other than educational endowments, in securities and other assets. The fee schedule between TIP and FAI reflects the essentially cost-recovery, not-for-profit orientation of the undertaking.

3. Applicants believe that returns can be enhanced by careful selection and blending of styles of several investment managers within a single asset class. Accordingly, the Funds are structured as multi-manager investment vehicles for implementation of long-term asset allocation strategies. Investment advisory services for each Fund will be provided by two or more outside money managers, each of whom will have different but complementary styles and specific, targeted performance objectives. Applicants believe that TIP's use of multiple managers for each Fund will be a principal reason that foundations will invest in the TIP Funds.

4. Applicants seek an exemption from section 15(a) and rule 18f–2 to permit an investment adviser other than FAI (a ''Money Manager'') to serve as an investment adviser to one or more series funds established and maintained by TIP under a written contract that has not been approved by a vote of the majority of the outstanding voting securities of the TIP series, including a contract that has terminated as a result of its ''assignment.'' Although shareholders will not vote on Money Manager changes, applicants will provide shareholders with an information statement that includes all the information that would be included in proxy statement within 60 days of the hiring of any new Money Manager or the implementation of any proposed material change in a Money Manager contract.

5. FAI bears responsibility for identifying, evaluating, selecting, and monitoring Money Managers, formulating and refining objectives and guidelines appropriate to each Money Manager, and evaluating and negotiating advisory fees. To discharge its duties, FAI must recommend the replacement of Money Managers, and propose changes in the agreement between each Money Manager and the TIP Fund that employs it.

6. TIP will rely on FAI to monitor the performance of each Money Manager employed by TIP, as well as other attributed that could affect a Money Manager's future performance (*e.g.*, growth in assets under management, personnel turnover, etc.). Applicants believe that it is in the best interest of TIP's shareholders for TIP's directors to be able to respond promptly to FAI's recommendations by negotiating changes in Money Managers' contracts or, if necessary, by adding one or more new Money Managers.

Applicants' Legal Analysis

1. Section 15(a) makes it unlawful for any person to act as investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the investment company's outstanding voting securities. Rule 18f–2 provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Applicants believe the Funds would incur substantial unnecessary expenses if they were required to obtain shareholder approval of Money Manager changes deemed necessary for the effective functioning of TIP's multi-manager program. Further, the delay associated with holding a meeting solely for this purpose would hamper FAI in performing its manager selection and allocation duties.

3. TIP's multi-manager structure is prominently featured in its Prospectus and Statement of Additional Information. Descriptions of the criteria used by FAI to select Money Managers and to establish appropriate compensation structures for the Money Managers, as well as descriptions of each Money Manager, are included in TIP's Prospectus and Statement of Additional Information.[1]

4. Given TIP's multi-manager structure, a decision to hire a new Money Manager for the TIP Funds is closely analogous to the decision by a money management firm to hire another portfolio manager or analyst. Under TIP's investment advisory agreements, the duties and responsibilities of a Money Manager employed by TIP is limited to the management of a defined portion of a Fund's assets allocated to the Money Manager by FAI. No Money Manager has responsibility for the on-going administration and corporate maintenance of TIP or for the servicing of its shareholders, those functions being exclusively the responsibility of FAI and AMT Capital Services, Inc., which acts pursuant to contract with TIP as administrator and distributor of the TIP Funds.

5. The relationship between FAI acting on behalf of TIP on the one hand, and a Money Manager on the other, is entirely at arm's length. The Money Managers employed by TIP have not sponsored the TIP Funds. The order will be conditioned to ensure that there can be no officer or director of TIP or FAI who will own (other than through a pooled investment vehicle) any interest in a Money Manager except for ownership of less than 1% of the outstanding securities of a publicly-traded company that is a Money Manager or an entity that controls, is controlled by, or is under common control with a Money Manager.

6. Section 6(c) of the Act provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the policies and purposes fairly intended by the policies and provisions of the Act. Applicants believe that the requested relief meets this standard.

Applicants' Conditions

Applicants agree that the requested exemption will be subject to the following conditions:

1. FAI will not enter into a Money Manager contract with any Money Manager that is an affiliated person (as defined in section 2(a)(3) of the Act) of TIP or FAI other than by reason of serving as a Money Manager to one or more of the Funds (an ''Affiliated Money Manager'') without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

2. At all times, a majority of the directors of TIP will be persons each of whom is not an ''interested person'' of TIP (as defined in section 2(a)(19) of the Act) (the ''Independent Directors''), and the nomination of new or additional Independent Directors will be placed with the discretion of the then existing Independent Directors.

3. When a Money Manager change is proposed for a Fund with an Affiliated Money Manager, the directors of TIP, including a majority of the Independent Directors, will make a separate finding, reflected in TIP's board minutes, that such change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which FAI or the Affiliated Money Manager derives an inappropriate advantage.

4. FAI will provide general management and administrative services to TIP, and, subject to review and approval by TIP's directors, will: (a) set the Funds' overall investment strategies; (b) select Money Managers; (c) allocate and, when appropriate, reallocate the Funds' assets among Money Managers; (d) monitor and evaluate the performance of Money Managers; and (e) ensure that the Money Managers comply with TIP's investment objectives, policies, and restrictions.

5. New Funds of TIP created after the issuance of the order will disclose their reliance on the order in their prospectuses and will have such reliance approved by consent of their sole shareholder.

6. Within 60 days of the hiring of any new Money Manager or the implementation of any proposed material change in a Money Manager contract, FAI will furnish shareholders all information about a new Money Manager or Money Manager contract that would be included in a proxy statement. Such information will include any change in such disclosure caused by the addition of a new Money Manager or any proposed material change in the Fund's Money Manager contract. FAI will meet this condition by providing shareholders, within 60 days of the hiring of the Money Manager or the implementation of any material change to the terms of a Money Manager contract, with an information statement meeting the requirements of Regulation 14C and Schedule 14C under the Securities Exchange Act of 1934 (the ''Exchange Act''). The information statement also will meet the requirements of Schedule 14A under the Exchange Act.

7. No director or officer of TIP or FAI will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by any such director or officer) any interest in a Money Manager except for: (a) ownership of interests in FAI or any entity that controls, is controlled by, or is under common control with FAI; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Money Manager or an entity that controls, is controlled by, or is under common control with a Money Manager.

8. TIP will disclose in all prospectuses relating to any Fund the existence, substance, and effect of any order granted pursuant to the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–19716 Filed 8–9–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Since TIP commenced operations in May 1994, it has disclosed in its prospectus that it was seeking an exemptive order from the SEC exempting it from the requirement that each agreement between TIP and a Money Manager be approved by a vote of a majority of the shareholders of the affected Fund.

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted with 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer: Georgia Greene, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416, Telephone: (202) 205–6629.

OMB Reviewer: Donald Arbuckle, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

Title: Request for Counseling.

Form No.: SBA Form 641.

Frequency: On Occasion.

Description of Respondents: Individuals requesting counseling, management counseling from SBA.

Annual Responses: 450,000.

Annual Burden: 59,850.

Dated: August 3, 1995.

Georgia Greene,

Chief, Administrative Information Branch.

[FR Doc. 95–19704 Filed 8–9–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended July 28, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–95–341.

Date filed: July 25, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC12 Fares 0477 dated July 21, 1995, US–UK Add-Ons—Resolution 0151h.

Proposed Effective Date: October 1, 1995.

Docket Number: OST–95–342.

Date filed: July 25, 1995.

Parties: Members of the International Air Transport Association.

Subject:

r-1 COMP Telex Mail Vote 733, Specific Commodity Rates from India

r-2 COMP Reso/C 062 dated February 24, 1995, Resolution 501 only (All other resolutions in this memorandum were previously filed and assigned Docket 50217.)

r-3 COMP Reso/C 0624 dated February 24, 1995, Resolution 002kk only (were previously filed and assigned Docket 50217.) Airline Economic Justification (A summary is attached. Minutes can be found in Docket 50186 in Memorandum COMP Meet/C 0200.)

Proposed Effective Date: upon government approval.

Docket Number: OST–95–343.

Date filed: July 25, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC3 Telex Mail Vote 750, Indonesia/Malaysia/Thailand-Japan fares, r-1—041, r-2—0631.

Proposed Effective Date: August 1, 1995.

Docket Number: OST–95–354.

Date filed: July 27, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC12 Reso/P 1682 dated July 25, 1995, Canada-Europe Expedited Resos, r-1—076jj, r-4—054j, r-7—071q, r-2—080rr, r-5—064j, r-8—073yy, r-3—044j, r-6—073ss.

Proposed Effective Date: September 1/October 1/November 1, 1995.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–19709 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–62–P

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended July 28, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–95–357.

Date filed: July 27, 1995.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 24, 1995.

Description: Application of American Airlines, Inc., pursuant 49 U.S.C. Section 41102 and Subpart Q of the Regulations, applies for renewal of segment 7 of its certificate of public convenience and necessity for Route 560 (Miami-Cancun), as amended and reissued by Order 92–5–20, May 8, 1992.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–19708 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–62–P

Office of the Secretary

Fitness Determination of Sierra Expressway L.L.C.

AGENCY: Department of Transportation, Secretary.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 95–8–11, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Sierra Expressway L.L.C., is fit, willing, and able to provide commuter air service under 49 U.S.C. 41738.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determinations should file their responses with Kathy Lusby Cooperstein, Air Carrier Fitness Division, X–56, Room 6401, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Kathy Lusby Cooperstein, Air Carrier Fitness Division (X–56, Room 6401), Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366–2337.

Dated: August 4, 1995.

Mark L. Gerchick,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95–19769 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Highway Administration

[FHWA Docket No. 95–23]

Uniform Relocation Act, Certification Pilot Program in Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Florida Department of Transportation (FDOT) proposes to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) on Federal-aid highway projects in two of its districts through use of a certification procedure permitted by the Uniform Act. The FDOT would comply with the Uniform Act by conducting its right-of-way program in accordance with State laws determined by the FHWA, the Federal lead agency for the Uniform Act, to have the same purpose and effect as the Uniform Act. Comments are requested on the FDOT's proposed certification and on the determination sought from the FHWA concerning the purpose and effect of the State laws relied on by the FDOT.

DATES: Comments are requested by September 11, 1995.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 95–23 Federal Highway Administration, Room 4232, HCC–10, Office of Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope/postcard.

FOR FURTHER INFORMATION CONTACT: Marshall Schy, Chief, Policy Development Branch, Office of Right-of-Way, HRW–11, (202) 366–2035; or Reid Alsop, Office of Chief Counsel, HCC–31, (202) 366–1371, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The Uniform Act (42 U.S.C. 4601–4655) provides relocation benefits to persons forced to move by Federal or federally-assisted programs or projects. It also establishes policies relating to the acquisition of real property for such programs or projects. The FHWA has been designated the Federal Government's lead agency for implementing the Uniform Act.

Sections 210 and 305 of the Uniform Act (42 U.S.C. 4630 and 4655) require State agencies that receive Federal financial assistance for programs or projects that will result in the acquisition of real property or the displacement of persons to provide ''assurances'' that they will comply with the Act's provisions. Section 103 of the Uniform Act (42 U.S.C. 4604) provides that, in lieu of those assurances, a State agency may comply by certifying (and receiving the FHWA's determination) that it will be operating under State laws that ''will accomplish the purpose and effect'' of the Uniform Act.

The FDOT has applied for the establishment of a certification pilot program that would cover Uniform Act compliance on Federal-aid highway projects for a period of two years. The pilot program would be limited to the FDOT's Districts 2 and 4. District 2 includes the area encompassed by the counties of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duvall, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union. District 4 includes the area encompassed by the counties of Broward, Indian River, Martin, Palm Beach, and St. Lucie.

In its certification application the FDOT relies on the authority in sections 120.543 and 339.05 of the Florida statutes, and on the existing FDOT right-of-way procedures. The two statutory provisions grant the FDOT broad authority to comply with Federal (Uniform Act) requirements. The FDOT right-of-way procedures govern the FDOT's compliance with the provisions of the Uniform Act. Accordingly, if the certification pilot program is approved, it is anticipated that the level of benefits and assistance provided to property owners and displaced persons will remain virtually unchanged since the FDOT will continue to operate under the same State laws and procedures that currently govern its compliance with the Uniform Act. The primary changes are expected to be the elimination of FHWA approvals or oversight of Uniform Act implementation in the two FDOT districts and the simplified administration associated with the State operating under its own procedures.

If the certification pilot program is approved, the FHWA, under section 103(c) of the Uniform Act, could still withhold project approvals or rescind acceptance of the FDOT's certification if the FDOT failed to comply with the certification or with the State law upon which the certification was based.

In accordance with section 103(b)(3) of the Uniform Act, the FHWA is providing an opportunity for public review and comment before making a determination concerning the ''purpose and effect'' of such State laws. Following the expiration of the comment period the FHWA will make a determination concerning the purpose and effect of the applicable State laws, and will either approve or disapprove the FDOT certification request.

Authority: 42 U.S.C. 4604.

Issued on: August 3, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95–19816 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–22–P

National Highway Traffic Safety Administration

[Docket No. 95–61; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1992 Volvo 740 GL and 940 GL Sedan and Wagon Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992 Volvo 740 GL and 940 GL Sedan and Wagon passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1992 Volvo 740 GL and 940 GL sedans and wagons that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is September 11, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St.,

SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors of Kingsville, Maryland (''J.K.'') (Registered Importer 90–006) has petitioned NHTSA to decide whether 1992 Volvo 740 GL and 940 GL sedans and wagons are eligible for importation into the United States. The vehicles which J.K. believes are substantially similar are 1992 Volvo 740 GL and 940 GL sedans and wagons that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons are identical to their U.S. certified counterparts with respect to compliance with Standards Nos. 102 *Transmission Shift Level Sequence* * * *, 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that these vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamps and front sidemarkers; (b) installation of U.S.-model taillamp lenses which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a seat belt warning buzzer; (b) installation of knee bolsters to augment the vehicles' air bag based passive restraint system, which otherwise conforms to the standard. The petitioner states that in addition to a driver's side air bag, the vehicles are equipped with side impact protection systems, with manual lap and shoulder belts in the front and rear outboard seating positions, and with a manual lap belt in the center seating positions.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 4, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–19711 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–62; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1993 BMW 525i Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1993 BMW 525i passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1993 BMW 525i that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is September 11, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Northern California Diagnostic Laboratories, Inc. of Napa, California (''N.C.D.L.'') (Registered Importer 92–011) has petitioned NHTSA to decide whether 1993 BMW 525i passenger cars are eligible for importation into the United States. The vehicle which N.C.D.L. believes is substantially similar is the 1993 BMW 525i that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Bayerische Motoren Werke A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1993 BMW 525i to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

N.C.D.L. submitted information with its petition intended to demonstrate that the non-U.S. certified 1993 BMW 525i, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1993 BMW 525i is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence . . .*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that the non-U.S. certified 1993 BMW 525i complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 4, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–19712 Filed 8–4–95; 8:45 am]

BILLING CODE 4910–59

Research and Special Programs Administration

International Standards on the Transport of Radioactive Materials; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA) Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA will conduct a public meeting to discuss issues to be considered at the International Atomic Energy Agency (IAEA) Technical Committee Meeting (TCM) on the safe transport of radioactive material to be held September 25–29, 1995 in Vienna, Austria.

DATES: September 19, 1995 at 9:30 a.m.

ADDRESSES: Room 4200, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Richard Boyle, Chief, Radioactive Materials Branch, Office of Hazardous Materials Technology, Department of Transportation, Washington, DC 20590; (202) 366–4545.

SUPPLEMENTARY INFORMATION: This TCM is the fourth and final meeting of the committee responsible for producing the 1996 edition of the IAEA's Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6, and will serve as the final opportunity for the IAEA Member States to propose and discuss additions and deletions to the 1996 edition of the transportation regulations. A draft of the 1996 edition of the IAEA regulations was made available by RSPA for review and comment on April 11, 1995. Although any aspect of the revised regulations may be discussed, the primary task of this committee is to consider issues raised by industry and the public during the comment period and the proposals for amendment made by the two TCMs and two consultant services meetings which have been held since the committee last met in October of 1994.

The major issues on the agenda are:

1. The recommendations made the TCM on the development of transport regulations for radioactive material, TCM–946. Specifically, TCM–946 discussed issues relating to the development of radionuclide specific exemption quantities for radioactive materials in transport and the air transport of radioactive material in large quantities or with high activity.

2. The recommendations made by the TCM on improving individual Member State compliance with existing transport regulations, TCM–911. Specifically, TCM–911 discussed the issues relating to the quality assurance and quality compliance aspects of the regulations (Chapter 8).

3. The recommendations made by the consultant service meeting on the proper packaging and transport of uranium hexafluoride, CT–2430. Specifically, CT–2430 discussed proper performance criteria for packages containing uranium hexafluoride, proper handling and transportation requirements for uranium hexafluoride, and changes that needed to be made to the IAEA transportation regulations regarding uranium hexafluoride.

4. The recommendations made by the consultant service meeting on criticality safety during transport, CT–2452. Specifically, CT–2452 discussed proper criticality analysis techniques, regulatory exemptions for small quantities of fissile materials, and changes that needed to be made to the IAEA transportation regulations regarding criticality safety.

The public is invited to attend without prior notification.

DOCUMENTS: Copies of documents relating to the issues to be covered at the TCM are on file in RSPA's Dockets unit (Nassif Building, Room 8421) and may be viewed Monday—Friday from 8:00 a.m. to 4:30 p.m. Documents may also be ordered by contacting RSPA's Dockets Unit at (202) 366–4453.

Issued in Washington, DC, on August 4, 1995.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95–19713 Filed 8–9–95; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Implementation of Executive Order No. 12959 With Respect to Iran

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice; publication of general licenses and general notices.

SUMMARY: The Office of Foreign Assets Control is publishing its interim general licenses and general notices issued through July 21, 1995, to implement recently imposed economic sanctions on Iran.

FOR FURTHER INFORMATION CONTACT: Regarding the issuance of licenses, Licensing Division (tel.: 202/622–2480); regarding banking and compliance questions, Compliance Programs Division (tel.: 202/622–2490); or, regarding legal questions, Chief Counsel's Office (tel.: 202/622–2410); Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem dial 202/512–1387 and type ''/GO FAC'' or call 202/512–1530 for disks or paper copies. This file is available for downloading in WordPerfect 5.1, ASCII, and Postscript formats. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library (''TEL'') in the ''Business, Trade and Labor Mall'' of the FedWorld bulletin board. By modem dial 703/321–3339, and select self–expanding file ''T11FR00.EXE'' in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = http://www.fedworld.gov; FTP = ftp.fedworld.gov (192.239.92.205).

Background

In Executive Order No. 12613 of October 29, 1987 (3 CFR, 1987 Comp., p. 256, 52 FR 41940), President Reagan imposed import sanctions against Iran, invoking the authority, *inter alia*, of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9 (''ISDCA''). In Executive Order 12957 of March 15, 1995 (60 FR 14615, March 17, 1995), President Clinton declared a national emergency with respect to the actions and policies of the Government of Iran, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701–06 (''IEEPA''). The President substantially supplemented and amended the sanctions in those orders in Executive Order 12959 of May 6, 1995 (60 FR 24757, May 9, 1995), invoking the authority, *inter alia*, of IEEPA and ISDCA. In the Executive orders, the President imposed specified sanctions against Iran, and authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of those orders.

The Office of Foreign Assets Control is publishing its interim general licenses and general notices issued through July 21, 1995, to provide guidance to the public on its interpretation of Executive Order 12959. Whenever possible, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties before the issuance of any rule or other public document. Any interested person may write the Director of the Office of Foreign Assets Control at the above address to make comments or suggestions with respect to the general licenses and general notices printed below.

GENERAL LICENSE NO. 1

30–Day Delayed Effective Date for Pre–May 7, 1995 Trade Contracts Involving Iran

(a) All transactions necessary to complete performance of a trade contract entered into prior to May 7, 1995, and involving Iran (a ''pre–existing trade contract''), including the exportation of goods, services (including financial services), or technology from the United States that were authorized pursuant to Federal regulations in force immediately prior to May 7, 1995, or performance under a contract for transactions in Iranian–origin or Iranian government–owned or controlled goods or services not involving importation into the United States, are authorized without specific licensing by the Office of Foreign Assets Control (''OFAC'') if the conditions in subsection (a)(1) or subsection (a)(2) are met:

(1) If the pre–existing trade contract is for exportation of goods or technology from the United States that were authorized pursuant to Federal regulations in force immediately prior to May 7, 1995, the goods or technology must be exported from the United States prior to 12:01 a.m. EDT, June 6, 1995, and all other activity by U.S. persons that is necessary and incidental to the performance of the pre–existing trade contract (other than payment under a financing contract) must be completed prior to 12:01 a.m. EDT, August 6, 1995; or

(2) If the pre–existing trade contract is for:

(i) The provision of services benefitting a person in Iran, the Government of Iran, or an entity owned or controlled by the Government of Iran, or

(ii) The reexportation of goods or technology to Iran, the Government of Iran, or an entity owned or controlled by the Government of Iran that were authorized pursuant to Federal regulations in force immediately prior to May 7, 1995, or

(iii) Transactions relating to goods or services of Iranian origin or owned or controlled by the Government of Iran other than transactions relating to importation into the United States of such goods or services,

all obligations under the pre–existing trade contract must be fully completed prior to 12:01 a.m. EDT, June 6, 1995.

(b) In order to complete performance of a pre–existing trade contract, and consistent with section 8(a) of Executive Order 12959, the arrangement or renegotiation of contracts for transactions necessary and incidental to performance of the pre–existing trade contract is authorized. Such incidental transactions may include, for example, financing, shipping and insurance arrangements. Amendments to pre–existing trade contracts for the purpose of accelerating a previously–specified delivery schedule under a contract for a fixed quantity or value of goods, technology or services, or curtailing or cancelling required performance, are authorized without specific licensing. Any other alteration of the trade contract must be specifically licensed by OFAC.

(c) The existence of a contract will be determined with reference to the principles contained in Article 2 of the Uniform Commercial Code.

(d) No U.S. person may change its policies or operating procedures in order to enable a foreign entity owned or controlled by U.S. persons to enter into a transaction that could not be entered into directly by a U.S. person located in the United States pursuant to Executive Order 12959.

Issued: May 19, 1995

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 2

Payment and U.S. Dollar Clearing Transactions Involving Iran

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995—the ''Order''). Section 1(b) of the Order prohibits the exportation of services (including financial services) to Iran. This general license provides guidance to U.S. banking institutions for the transfer of funds not involving accounts of persons located in Iran, the Government of Iran, or entities owned or controlled by the Government of Iran maintained on the books of a U.S. banking institution (''Iranian Accounts''). Iranian Accounts must be operated in accordance with General License No. 3, issued contemporaneously with this license.

Transfer instructions directing the movement of funds or the performance of other banking services that would directly or indirectly benefit persons in Iran or the Government of Iran are requests for the exportation of services. Such services may not be performed by a U.S. banking institution, and thus the transfer instructions must be rejected, unless the transfer is authorized by the general license below or by a specific or another general license issued by the Office of Foreign Assets Control (''OFAC''). Pursuant to section 8(a)(i) of the Order, contracts for the provision of financial services in force on May 6, 1995 (including the account contracts for Iranian Accounts) may continue to be performed through 12:01 a.m. EDT, June 6, 1995.]

(a) United States banking institutions (''U.S. banking institutions'') are authorized to process transfers of funds to or from Iran, or for the direct or indirect benefit of persons in Iran, the Government of Iran, or entities owned or controlled by the Government of Iran, if the transfer is covered in full by any of the following conditions and does not involve debiting or crediting an Iranian Account:

(1) The transfer arises from an underlying transaction that is not prohibited by or not subject to the Order (such as a third–country transaction not involving a United States person or not otherwise prohibited by the Order); or

(2) The transfer arises from an underlying transaction that has been authorized by a specific or general license issued by the Office of Foreign Assets Control; or

(3) The transfer arises from an underlying transaction that is exempted from regulation pursuant to section 203(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1702(b), such as an exportation of information or informational materials to Iran, a travel–related remittance, or payment for the shipment of a donation of articles to relieve human suffering; or

(4) The transfer is a non–commercial remittance to or from Iran, such as a family remittance not related to a family–owned enterprise.

(b) Before a U.S. banking institution initiates a payment subject to the Order on behalf of a customer, or credits a transfer subject to the Order to the account on its books of the ultimate beneficiary, the U.S. banking institution must determine that the transfer is not prohibited by the Order.

(c) Pursuant to the prohibitions in section 1(f) of the Order, a United States banking institution may not make transfers to or for the benefit of a foreign–organized entity owned or controlled by it if the underlying

transaction would be prohibited if engaged in directly by the U.S. banking institution.

(d) This general license does not authorize transactions with respect to property blocked pursuant to residual provisions of the Iranian Assets Control Regulations, 31 C.F.R. Part 535.

(e) For the purposes of this general license:

(1) The term ''United States banking institution'' or ''U.S. banking institution'' means:

(i) Any entity organized under the laws of any jurisdiction within the United States (including its foreign branches), and

(ii) Any agency, office, or branch located in the United States of a foreign entity,

that is engaged primarily in the business of banking, including accepting deposits and making, granting, transferring, holding, or brokering loans or credits. The term includes, among others, depository institutions, banks, savings banks, savings associations, mortgage companies, credit unions, and trust companies;

(2) The term ''United States person'' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States, and vessels and aircraft of U.S. registration.

For further information concerning this general license contact the Compliance Programs Division of the Office of Foreign Assets Control at (202)622–2490.

Issued: June 1, 1995

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 3

Exportation of Services: Iranian Accounts at U.S. Financial Institutions

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

(a) Until 12:01 a.m. EDT, June 6, 1995, U.S. financial institutions are authorized to perform services with respect to accounts held on their books for persons located in Iran, the Government of Iran, or entities owned or controlled by the Government of Iran, pursuant to contracts in force as of May 6, 1995 (''Iranian Accounts'').

(b) After 12:01 a.m. EDT, June 6, 1995, U.S. financial institutions are prohibited from performing services with respect to Iranian Accounts at the instruction of the Government of Iran, entities owned or controlled by the Government of Iran, and persons located in Iran, except that U.S. financial institutions are authorized to provide and be compensated for services and incidental transactions with respect to:

(1) The maintenance of Iranian Accounts, including the payment of interest and the debiting of service charges,

(2) The processing of transfers arising from underlying transactions that are exempted from regulation pursuant to section 203(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1702(b), such as an exportation of information or informational materials to Iran, a travel–related remittance, or payment for the shipment of a donation of articles to relieve human suffering, and

(3) At the request of the account party, the closing of Iranian Accounts and the lump sum transfer only to the account party of all remaining funds and other assets in the account.

(c) Specific licenses may be issued with respect to the operation of Iranian Accounts that constitute accounts of:

(1) Foreign government missions and their personnel in Iran, or

(2) Missions of the Government of Iran in the United States.

(d) For the purposes of this general license the term ''United States financial institution'' means:

(1) Any entity organized under the laws of any jurisdiction within the United States (including its foreign branches), and

(2) Any agency, office, or branch located in the United States of a foreign entity,

that is engaged primarily in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. The term includes, among others, depository institutions, banks, savings banks, savings associations, mortgage companies, credit unions, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, insurance companies, credit card issuers, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing.

For further information concerning this general license contact the Compliance Programs Division of the Office of Foreign Assets Control at (202)622–2490.

Issued: June 1, 1995

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

ANNEX TO GENERAL LICENSE NO. 3

Banks Controlled by the Government of Iran

The following banks have been determined to be owned or controlled by the Government of Iran:

AGRICULTURAL COOPERATIVE BANK OF IRAN (a.k.a. BANK TAAVON KESHAVARZI IRAN), No. 129 Patrice Lumumba Street, Jalal–Al–Ahmad Expressway, P.O. Box 14155/6395, Tehran, Iran

AGRICULTURAL DEVELOPMENT BANK OF IRAN (a.k.a. BANK JOSIAIYI KESHAHVARZI), Farahzad Expressway, Tehran, Iran

BANK JOSIAIYI KESHAHVARZI (a.k.a. AGRICULTURAL DEVELOPMENT BANK OF IRAN), Farahzad Expressway, Tehran, Iran

BANK MARKAZI JOMHOURI ISLAMI IRAN (a.k.a. THE CENTRAL BANK OF IRAN), Ferdowsi Avenue, P.O. Box 11365–8551, Tehran, Iran

BANK MASKAN (a.k.a. HOUSING BANK (of Iran)), Ferdowsi St., Tehran, Iran

BANK MELLAT, Park Shahr, Varzesh Avenue, P.O. Box 11365/5964, Tehran, Iran, and all offices worldwide, including, but not limited to:

BANK MELLAT (Branch), Ziya Gokalp Bulvari No. 12, Kizilay, Ankara, Turkey

BANK MELLAT (Branch), Binbir Cicek Sokak, Buyukdere Caddesi, P.O. Box 67, Levant, Istanbul, Turkey

BANK MELLAT (Branch), 48 Gresham Street, London EC2V 7AX, England

BANK MELLI, P.O. Box 11365–171, Ferdowsi Avenue, Tehran, Iran, and all offices worldwide, including, but not limited to:

BANK MELLI (Branch), 4 Moorgate, London EC2R 6AL, England

BANK MELLI (Branch), Schadowplatz 12, 4000 Dusseldorf 1, Germany

BANK MELLI (Branch), Friedenstrasse 4, P.O. Box 160 154, 6000 Frankfurt am Main, Germany

BANK MELLI (Branch), P.O. Box 112129, Holzbruecke 2, 2000 Hamburg 11, Germany

BANK MELLI (Branch), Odeonsplatz 18, 8000 Munich 22, Germany

BANK MELLI (Branch), 43 Avenue Montaigne, 75008 Paris, France

BANK MELLI (Branch), 601 Gloucester Tower, The Landmark, 11 Pedder Street, P.O. Box 720, Hong Kong

BANK MELLI (Representative Office), 333 New Tokyo Building, 3–1 Marunouchi, 3–chome, Chiyoda–ku, Tokyo, Japan

BANK MELLI (Agency), 818 Wilshire Boulevard, Los Angeles, California 90017, U.S.A.

BANK MELLI (Agency), 767 Fifth Avenue, 44th Floor, New York, New York 10153, U.S.A.
BANK MELLI (Representative Office), Smolensky Boulevard 22/14, Kv. S., Moscow, Russia
BANK MELLI (Branch), Flat No. 1, First Floor, 8 Al Sad El–Aaly, Dokki, P.O. Box 2654, Cairo, Egypt
BANK MELLI (Branch), Ben Yas Street, P.O. Box No. 1894, Riga Deira, Dubai, U.A.E.
BANK MELLI (Branch), P.O. Box 2656, Shaikha Maryam Building, Liwa Street, Abu Dhabi, U.A.E.
BANK MELLI (Branch), B.P.O. Box 1888, Clock Tower, Industrial Road, Al–Ain Club Building in from Emertel Al Ain, Al Ain, Abu Dhabi, U.A.E.
BANK MELLI (Branch), P.O. Box 1894, Riqa, Ban Yas Street, Deira, Dubai, U.A.E.
BANK MELLI (Branch), Mohd–Habib Building, Al–Fahidi Street, P.O. Box 3093, Bur Dubai, Dubai, U.A.E.
BANK MELLI (Branch), P.O. Box 248, Fujairah, U.A.E.
BANK MELLI (Branch), Sami Sagar Building Oman Street Al–Nakheel, P.O. Box 5270, Ras–Al Khaimah, U.A.E.
BANK MELLI (Branch), P.O. Box 459, Al Bory Street, Sharjah, U.A.E.
BANK MELLI (Branch), P.O. Box 785, Government Road, Shaikh Mubarak Building, Manama, Bahrain
BANK MELLI (Branch), P.O. Box 23309, Shaikh Salman Street, Road No. 1129, Muharraq 211, Bahrain
BANK MELLI (Branch), P.O. Box 5643, Mossa Abdul Rehman Hassan Building, 238 Al Burj St., Ruwi, Muscat, Oman
BANK OF INDUSTRY AND MINE (of Iran) (a.k.a. BANK SANAT VA MADAN), Hafez Avenue, P.O. Box 11365/4978, Tehran, Iran
BANK REFAH KARGARAN (a.k.a. WORKERS WELFARE BANK (of Iran)), Moffettah No. 125, P.O. Box 15815 1866, Tehran, Iran
BANK SADERAT IRAN, Bank Saderat Tower, P.O. Box 15745–631, Somayeh Street, Tehran, Iran, and all offices worldwide, including, but not limited to:
BANK SADERAT IRAN (Branch), Hamdam Street, Airport Road Intersection, P.O. Box 700, Abu Dhabi, U.A.E.
BANK SADERAT IRAN (Branch), Al–Am Road, P.O. Box 1140, Al Ein, Abu Dhabi, U.A.E.
BANK SADERAT IRAN (Branch), Liwara Street, P.O. Box 16, Ajman, U.A.E.
BANK SADERAT IRAN (Branch), 3rd Floor Dom Dasaf Building, Mejloka Street 7A, Ashkhabad, Turkmenistan
BANK SADERAT IRAN (Branch), 25–29 Panepistimiou Street, P.O. Box 4308, GR–10210, Athens 10672, Greece
BANK SADERAT IRAN (Branch), Imam Ali Street, Sahat Yaghi, Ras Elain–Alektisad Building 2nd Floor, Baalbeck, Lebanon
BANK SADERAT IRAN (Branch and Offshore Banking Unit), 106 Government Road, P.O. Box 825, Manama Town 316, Bahrain
BANK SADERAT IRAN (Branch), Hamra Pavillion Street, Savvagh and Daaboul Building 1st Floor, P.O. Box 113–6717, Beirut, Lebanon
BANK SADERAT IRAN (Branch), Alghobairi Boulevard, Beirut, Lebanon
BANK SADERAT IRAN (Branch), 28 Sherif Street, P.O. Box 462, Cairo, Egypt
BANK SADERAT IRAN (Branch), Old Ben–Ghanem Street (next to God Market), P.O. Box 2256, Doha, Qatar
BANK SADERAT IRAN (Branch), Almaktoum Road, P.O. Box 4182, Deira, Dubai, U.A.E.
BANK SADERAT IRAN (Branch), Bazar Murshid, P.O. Box 4182, Deira, Dubai, U.A.E.
BANK SADERAT IRAN (Branch), Alfahid Road, P.O. Box 4182, Bur Dubai, Dubai, U.A.E.
BANK SADERAT IRAN (Branch), Sherea Shekikh Zayad Street, P.O. Box 55, Fujairah, U.A.E.
BANK SADERAT IRAN (Branch), Wilhelm Leuschner Strasse 41, P.O. Box 160151, W–6000 Frankfurt am Main, Germany
BANK SADERAT IRAN (Branch), P.O. Box 112227, Hopfenhof Passage, Kleiner Bustah 6–10, W–2000 Hamburg 11, Germany
BANK SADERAT IRAN (Branch), Lothbury, London EC2R 7HD, England
BANK SADERAT IRAN (Representative Office), 707 Wilshire Boulevard, Suite 4880, Los Angeles, California 90017, U.S.A.
BANK SADERAT IRAN (Agency), 375 Park Avenue, New York, New York 10152, U.S.A.
BANK SADERAT IRAN (Branch), P.O. Box 4269, Mutrah, Muscat, Oman
BANK SADERAT IRAN (Branch), 16 rue de la Paix, Paris 2eme, 75002 Paris, France
BANK SADERAT IRAN (Branch), Alaroba Road, P.O. Box 316, Sharjah, U.A.E.
BANK SANAT VA MADAN (a.k.a. BANK OF INDUSTRY AND MINE (of Iran)), Hafez Avenue, P.O. Box 11365/4978, Tehran, Iran
BANK SEPAH, Emam Khomeini Square, P.O. Box 11364, Tehran, Iran, and all offices worldwide, including, but not limited to:
BANK SEPAH (Branch), Muenchener Strasse 49, P.O. Box 10 03 47, W–6000 Frankfurt am Main 1, Germany
BANK SEPAH (Branch), 5/7 Eastcheap, EC3M 1JT London, England
BANK SEPAH (Branch), 650 Fifth Avenue, New York, New York 10019, U.S.A.
BANK SEPAH (Branch), 17 Place Vendome, 75001 Paris, France.
BANK SEPAH (Branch), Via Barberini 50, 00187 Rome, Italy
BANK SEPAH (Representative Office), Ufficio di Rappresentan Za, Via Ugo Foscolo 1, 20121 Milan, Italy
BANK TAAVON KESHAVARZI IRAN (a.k.a. AGRICULTURAL COOPERATIVE BANK OF IRAN) No. 129 Patrice Lumumba Street, Jalal–Al–Ahmad Expressway, P.O. Box 14155/6395, Tehran, Iran
BANK TEJARAT, 130 Taleghani Avenue, Nejatoullahie, P.O. Box 11365–5416, Tehran, Iran, and all offices worldwide, including, but not limited to:
BANK TEJARAT (Branch), 6/8 Clements Lane, London EC4N 7AP, England
BANK TEJARAT (Branch), 44 Avenue des Champs Elysees, 75008 Paris, France
DEUTSCH–IRANISCHE HANDELSBANK AG (n.k.a. EUROPAEISCH–IRANISCHE HANDELSBANK AG) Depenau 2, W–2000 Hamburg 1, Germany, and all offices worldwide, including, but not limited to:
DEUTSCH–IRANISCHE HANDELSBANK AG (n.k.a. EUROPAEISCH–IRANISCHE HANDELSBANK AG) (Representative Office), 23 Argentine Square, Beihaghi Bulvard, P.O. Box 15815/1787, Tehran 15148, Iran
EUROPAEISCH–IRANISCHE HANDELSBANK AG (f.k.a. DEUTSCH–IRANISCHE HANDELSBANK AG) Depenau 2, W–2000 Hamburg 1, Germany, and all offices worldwide, including, but not limited to:
EUROPAEISCH–IRANISCHE HANDELSBANK AG (f.k.a. DEUTSCH–IRANISCHE HANDELSBANK AG) (Representative Office), 23 Argentine Square, Beihaghi Bulvard, P.O. Box 15815/1787, Tehran 15148, Iran
HOUSING BANK (of Iran) (a.k.a. BANK MASKAN), Ferdowsi St., Tehran, Iran
IRAN OVERSEAS INVESTMENT BANK LIMITED (f.k.a. IRAN OVERSEAS INVESTMENT CORPORATION LIMITED), 120 Moorgate, London EC2M 6TS, England, and all offices worldwide, including, but not limited to:
IRAN OVERSEAS INVESTMENT BANK LIMITED (Representative Office), 1137 Avenue Vali Asr off Park–e–SAll, P.O. Box 15115/531, Tehran, Iran
IRAN OVERSEAS INVESTMENT BANK LIMITED (Agency), Suite 3c Olympia House, 61/63 Dame Street, Dublin 2, Ireland
IRAN OVERSEAS INVESTMENT BANK LIMITED (Agency), Improgetti, Via Germanico 24, 00192 Rome, Italy
IRAN OVERSEAS TRADING COMPANY LIMITED (Subsidiary), 120 Moorgate, London EC2M 6TS, England
IRAN OVERSEAS INVESTMENT CORPORATION LIMITED (n.k.a. IRAN OVERSEAS INVESTMENT BANK LIMITED), 120 Moorgate, London EC2M 6TS, England
THE CENTRAL BANK OF IRAN (a.k.a. BANK MARKAZI JOMHOURI ISLAMI IRAN), Ferdowsi Avenue, P.O. Box 11365–8551, Tehran, Iran
WORKERS WELFARE BANK (of Iran) (a.k.a. BANK REFAH KARGARAN), Moffettah No. 125, P.O. Box 15815 1866, Tehran, Iran

GENERAL LICENSE NO. 4

Transactions in Iranian–Origin and Iranian Government Property

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995—the ''Order'').]

(a) Except for transactions involving the Government of Iran or an entity owned or controlled by the Government of Iran, all domestic transactions with

respect to Iranian–origin goods located in the United States are authorized, provided that this paragraph (a) does not affect the status of property blocked pursuant to 31 C.F.R. Part 535 or detained or seized, or subject to detention or seizure, pursuant to 31 C.F.R. Part 560 or the Order.

(b) All transactions necessary and incidental to a U.S. person's disposition of goods or services of Iranian origin or owned or controlled by the Government of Iran that are located or to be performed outside the United States and were acquired by that U.S. person in transactions not prohibited by 31 C.F.R. Part 535 or Part 560, or by the Order, are authorized, provided:

(1) The disposition does not result in the importation of such goods or services into the United States, and

(2) The disposition is completed no later than 12:01 a.m. EDT, August 6, 1995.

(c) Except as provided in paragraph (a), after 12:01 a.m. EDT, June 6, 1995, U.S. persons may not deal in goods or services of Iranian origin or owned or controlled by the Government of Iran, except that the following transactions are authorized:

(1) Transactions by a U.S. person with third–country nationals incidental to the storage and maintenance in third countries of Iranian–origin goods owned prior to May 7, 1995, by that U.S. person or acquired thereafter by that U.S. person consistent with the provisions of the Order;

(2) Exportation of Iranian–origin household and personal effects from the United States incident to the relocation of U.S. persons outside the United States;

(3) Importation of Iranian–origin household and personal effects, including baggage and articles for family use, of persons arriving in the United States; to qualify, articles included in such effects must have been actually used by such persons or their family members abroad, must not be intended for any other person or for sale, and must not be otherwise prohibited from importation;

(4) Purchase for personal use or consumption in Iran of Iranian–origin goods or services; and

(5) Transactions authorized pursuant to Subpart E of 31 C.F.R. Part 560, except that importations after 12:01 a.m. EDT, June 6, 1995, pursuant to authorizations contained in §§ 560.503 (''Importation pursuant to prior contractual agreements''), 560.504 (''Iranian goods in third countries prior to effective date''), and 560.514 (''Importation of household effects and personal goods authorized'') are hereby prohibited.

(d) In addition to transactions authorized by paragraph (c)(1) of this general license, a U.S. person is authorized after 12:01 a.m. EDT, June 6, 1995, to use or dispose of Iranian–origin household and personal effects that are located outside the United States and that have been acquired by the U.S. person in transactions not prohibited by 31 C.F.R. Part 560 or the Order.

Issued: June 3, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 5

Exportation and Importation of Information and Informational Materials

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

(a) The exportation to Iran of information and informational materials, whether commercial or otherwise, regardless of format or medium of transmission, is exempt from the prohibitions contained in Executive Order 12959.

(b) The importation of information and informational materials of Iranian origin from any location, whether commercial or otherwise, regardless of format or medium of transmission, is authorized.

(c) All financial and other transactions related to the importation or exportation of information and informational materials are authorized.

(d) Specific licenses may be issued on a case–by–case basis for the exportation of equipment necessary for the establishment of news wire feeds or other transmissions of information or informational materials.

(e) For the purposes of this general license:

(1) The term informational materials includes, without limitation:

(i) Publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artwork and news wire feed;

(ii) To be considered informational materials, artwork must be classified under chapter subheading 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States;

(2) The terms information and informational materials with respect to U.S. exports do not include items:

(i) That would be controlled for export pursuant to section 5 of the Export Administration Act of 1979, 50 U.S.C. App. 2401–2420 (1993) (the ''EAA''), or section 6 of the EAA to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, including ''software'' that is not ''publicly available'' as these terms are defined in 15 CFR Parts 779 and 799.1 (1994); or

(ii) With respect to which acts are prohibited by 18 U.S.C. chapter 37; and

(3) The terms ''information'' and ''informational materials'' do not include blank media for the recording of information.

Issued: June 14, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 6

Diplomatic Pouches

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order No. 12959 of May 6, 1995 (60 FR 24757, May 9, 1995).]

All transactions in connection with the importation into the United States from Iran, or the exportation from the United States to Iran, of diplomatic pouches and their contents are authorized.

Issued: June 14, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 7

Policy Governing News Organization Offices

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

(a) Specific licenses may be issued authorizing transactions necessary for the establishment and operation of news bureaus in Iran by U.S. organizations whose primary purpose is the gathering and dissemination of news to the general public.

(b) Transactions that will be authorized include but are not limited to those incident to the following:

(1) Leasing office space and securing related goods and services;

(2) Hiring support staff;

(3) Purchasing Iranian–origin goods for use in the operation of the office; and

(4) Paying fees related to the operation of the office in Iran.

(c) Specific licenses may be issued authorizing transactions necessary for the establishment and operation of news

bureaus in the United States by Iranian organizations whose primary purpose is the gathering and dissemination of news to the general public.

(d) The number assigned to such specific licenses should be referenced in all import and export documents and in all funds transfers and other banking transactions through banking institutions organized or located in the United States in connection with the licensed transactions to avoid disruption of the trade and financial transactions.

Issued: June 14, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 8

Exportation of Agricultural Commodities

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

(a) All transactions by U.S. persons in connection with the exportation from the United States to Iran of any agricultural commodity under an export sales contract are authorized, provided (1) such contract was entered into prior to 12:01 a.m. EDT, May 7, 1995, and (2) the terms of such contract require delivery of the commodity prior to February 2, 1996. The performance of letters of credit and other financing agreements with respect to exports authorized by this general license is authorized pursuant to their terms.

(b) For purposes of this general license, the term ''agricultural commodity'' shall be defined as feed grains, rice, wheat, cotton, peanuts, tobacco, dairy products, and oilseeds (including vegetable oil).

(c) Specific licenses may be granted on a case–by–case basis for transactions by U.S. persons in connection with the exportation of other agricultural articles from the United States to Iran that do not fall within the definition of ''agricultural commodity'' contained in paragraph (b) of this general license, provided such exportation is pursuant to an export sales contract and the conditions set forth in paragraphs (a)(1) and (a)(2) of this general license are met.

Issued: June 14, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 9

Iranian Government Missions in the United States

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

(a) All transactions ordinarily incident to the importation of goods or services into the United States by, the exportation of goods or services from the United States by, or the provision of goods or services in the United States to, the missions of the government of Iran to international organizations in the United States, and Iranians admitted to the United States under section 101(a)(15)(G) of the Immigration and Nationality Act (''INA''), 8 U.S.C. 1101(a)(15)(G), are authorized, provided that:

(1) The goods or services are for the conduct of the official business of the mission, or for personal use personnel admitted to the U.S. under INA section 101(a)(15)(G), and are not for resale; and

(2) The transaction is not otherwise prohibited by law.

(b) All transactions ordinarily incident to the importation of goods or services into the United States by, the exportation of goods or services from the United States by, or the provision of goods or services in the United States to, the Iranian Interests Section of the Embassy of Pakistan (or any successor protecting power) in the United States, are authorized, provided that:

(1) The goods or services are for the conduct of the official business of the Interests Section, and are not for resale; and

(2) The transaction is not otherwise prohibited by law.

(c) All transactions ordinarily incident to the provision of goods or services in the United States to the employees of Iranian missions to international organizations in the United States, and to employees of the Iranian Interests Section of the Embassy of Pakistan (or any successor protecting power) in the United States, are authorized, provided that the transaction is not otherwise prohibited by law.

Issued: June 14, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 10

Transactions Related to the Resolution of Disputes Between the United States or United States Nationals and the Government of Iran

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995—the ''Order''). Section 1 of the Order contains prohibitions on transactions with respect to Iran that are applicable except to the extent provided in regulations, orders, directives or licenses that may be issued pursuant to the Order. At the time of signing the Order, the President directed the Secretary of the Treasury to authorize through licensing, *inter alia*, ''transactions by United States persons related to the Iran–U.S. Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and other international obligations and United States government functions.'' This general license provides a policy statement concerning transactions that will be licensed related to the resolution of disputes between the Government of Iran and the United States or United States nationals at the Iran–U.S. Claims Tribunal, other international tribunals, and domestic courts in the United States and abroad.]

(a) Specific licenses may be issued on a case–by–case basis to authorize transactions in connection with awards, decisions or orders of the Iran–U.S. Claims Tribunal, the International Court of Justice, or other international tribunals (collectively, ''tribunals''); agreements settling claims brought before tribunals; and awards, orders, or decisions of an administrative, judicial or arbitral proceeding in the United States or abroad, where the proceeding involves the enforcement of awards, decisions or orders of tribunals, or is contemplated under an international agreement, or involves claims arising before 12:01 a.m. EDT, May 7, 1995, that resolve disputes between the Government of Iran and the United States or United States nationals, including the following transactions:

(1) Importation into the United States of, or any transaction related to, goods and services of Iranian origin or owned or controlled by the Government of Iran;

(2) Exportation or reexportation to Iran, the Government of Iran, or an entity owned or controlled by the Government of Iran of any goods, technology, or services, except to the extent that such exportation or reexportation is also subject to export licensing application requirements of another agency of the United States Government and the granting of such a license by that agency would be prohibited by law;

(3) Financial transactions related to the resolution of disputes at tribunals, including transactions related to the funding of proceedings or of accounts related to proceedings or to a tribunal; participation, representation, or testimony before a tribunal; and the payment of awards of a tribunal; and

(4) Other transactions otherwise prohibited by the Order necessary to permit implementation of the foregoing awards, decisions, orders, or agreements.

(b) Specific licenses may be issued on a case–by–case basis to authorize payment of costs related to the storage or maintenance of goods in which the Government of Iran or an entity owned or controlled by the Government of Iran has title, and to authorize the transfer of title to such goods, provided that such goods were in the United States on the effective date of the Order and that such goods are the subject of a proceeding pending before a tribunal.

(c) Section 560.513 of title 31 of the Code of Federal Regulations remains in force.

(d)(1) All transactions are authorized with respect to the importation of goods and services necessary to the initiation and conduct of legal proceedings, in the United States or abroad, including administrative, judicial and arbitral proceedings and proceedings before tribunals.

(2) Specific licenses may be issued on a case–by–case basis to authorize the exportation of goods and services necessary to the initiation and conduct of legal proceedings, in the United States or abroad, including administrative, judicial and arbitral proceedings and proceedings before tribunals, except to the extent that the exportation is also subject to export licensing application requirements of another agency of the United States Government and the granting of such a license by that agency would be prohibited by law.

For further information concerning this statement of licensing policy, contact the Licensing Division of the Office of Foreign Assets Control at 202/622–2480.

Issued: June 22, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 11

Exportation of Household Goods and Personal Effects to Iran

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

The exportation from the United States to Iran of household and personal effects, including baggage and articles for family use, of persons departing the United States to relocate in Iran is authorized provided the articles included in such effects have been actually used by such persons or their family members, are not intended for any other person or for sale, and are not otherwise prohibited from exportation.

Issued: July 21, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL LICENSE NO. 12

Exportation of Legal Services

[**Note:** The following general license is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995 -- the ''Order''). The prohibition on the exportation of services contained in section 1(b) of the Order applies to services performed in the United States, or outside the United States by an individual United States person ordinarily resident in the United States or by the overseas branch of an entity located in the United States, and where the services are performed on behalf of a person in Iran or the Government of Iran or where the benefit of such services is otherwise received in Iran. The benefit of services performed anywhere in the world on behalf of the Government of Iran, including services performed for a controlled entity or a specially designated national of the Government of Iran, is presumed to be received in Iran. For example, United States persons may not, without authorization from the Office of Foreign Assets Control in the form of a specific or general license, provide legal representation to the Government of Iran or a person in Iran with respect to contract negotiations, contract performance, or other business dealings. The following general license authorizes the performance of certain legal services.]

(a) The provision of the following legal services to the Government of Iran or to a person in Iran, and receipt of payment therefor, are authorized:

(1) The provision of legal advice and counseling to the Government of Iran or to a person in Iran on the requirements of and compliance with the laws of any jurisdiction within the United States, provided that such advice and counselling is not provided to facilitate transactions in violation of the Order;

(2) The representation of the Government of Iran or of a person in Iran when named as a defendant in or otherwise made a party to domestic U.S. legal, arbitration, or administrative proceedings;

(3) The initiation of domestic U.S. legal, arbitration, or administrative proceedings in defense of property interests of the Government of Iran that were in existence prior to May 7, 1995, or acquired thereafter in a transaction not inconsistent with the Order;

(4) The representation of the Government of Iran or a person in Iran before any federal or state agency with respect to the imposition, administration, or enforcement of United States sanctions against Iran;

(5) The initiation and conduct of legal proceedings, in the United States or abroad, including administrative, judicial and arbitral proceedings and proceedings before international tribunals (including the Iran–U.S. Claims Tribunal and the International Court of Justice):

(i) To resolve disputes between the Government of Iran and the United States or a United States national;

(ii) Where the proceeding is contemplated under an international agreement; or

(iii) Where the proceeding involves the enforcement of awards, decisions, or orders resulting from such legal proceedings,

provided that any transaction, unrelated to the provision of legal services or the payment therefor, that is necessary or related to the execution of an award, decision or order resulting from such legal proceeding, or otherwise necessary to the conduct of such proceeding, shall require a specific license in accordance with General License No. 10;

(6) The provision of legal advice and counselling to the Government of Iran or to a person in Iran in connection with settlement or other resolution of matters described in paragraph (5) of this general license; and

(7) The provision of legal services in any other context in which prevailing United States law requires access to legal counsel at public expense.

(b) The provision of any other legal services to a person in Iran or the Government of Iran requires the issuance of a specific license.

Issued: July 21, 1995
R. Richard Newcomb,
Director, Office of Foreign Assets Control.

GENERAL NOTICE NO. 1

Applications for Limited Time Extension to Perform Transactions, Including Exportation

The President, by Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995—the ''Order''), prohibited trade–related transactions with Iran, including the exportation from the United States of all goods, services, and technology, with certain limited exceptions, to Iran, the Government of Iran (''GOI''), or to any entity owned or controlled by the GOI, or the financing of any such prohibited exportation. General License No. 1, issued May 19, 1995, describes those transactions involving Iran which, pursuant to section 8 of the Order, have a delayed effective date of 12:01 am EDT, June 6, 1995, or which are authorized in connection with those transactions. The 30–day period from the date of the signing of the Order to the effective date for such pre–existing trade transactions involving exportation permitted U.S. persons to perform on their pre–May 7 trade contracts while terminating future binding trade obligations with respect to Iran.

This General Notice No. 1 describes how a person may request additional time for the performance of a pre–May 7 trade contract by submitting a letter providing the information specified below. Specific licenses are being granted on a case–by–case to permit wind–down performance of pre–May 7 trade contracts through a final deadline of 12:01 a.m. EDT, August 6, 1995. For agricultural commodities, see General License No. 8, issued June 14, 1995.

The license application should include:

- Identity of the parties to the trade contract;
- Description in detail of the subject goods;
- Description of the trade contract, including the date on which the trade contract became binding;
- Description of the financing arrangements; and
- Explanation of why an extension is requested.

Applications should be addressed to: Director, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, DC 20220. Telephone inquiries may be made to the Licensing Division at (202) 622–2480.

Issued: June 28, 1995

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

GENERAL NOTICE NO. 2

Payment of Letters of Credit by U.S. Agencies of Iranian Banks

[**Note:** The following general notice is issued pursuant to the authority delegated to the Secretary of the Treasury in Executive Order 12959 of May 6, 1995, 60 FR 24757 (May 9, 1995).]

The Office of Foreign Assets Control has issued authorizations that enable Bank Melli Iran New York Agency, Bank Melli Iran Los Angeles Agency, Bank Saderat Iran New York Agency and Bank Sepah Iran New York Agency (the ''Agencies'') through December 29, 1995 to complete transactions for U.S. exporters involving letters of credit which they issued, confirmed, or advised. Any letter of credit issued, confirmed, or advised by an Agency may be paid by that Agency, provided that the letter of credit was issued, confirmed, or advised prior to June 6, 1995 and that the underlying export was completed in accordance with the terms of General License No. 1 or a specific license issued to the exporter by the Office of Foreign Assets Control. In addition, the Agencies have been authorized to offer discounted advance payments on deferred payment letters of credit which they issued, confirmed, or advised provided they meet the above criteria.

Issued: July 14, 1995

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Dated: July 21, 1995.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: July 26, 1995.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 95–19832 Filed 8–7–95; 5:03 pm]

BILLING CODE 4810–25–F

Sunshine Act Meetings

Federal Register
Vol. 60, No. 154
Thursday, August 10, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 10, 1995, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. Reports

1. Flood Insurance [12 CFR Part 614] (Proposed Rule)

Dated: August 7, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–19843 Filed 8–7–95; 4:51 pm]

BILLING CODE 6705–01–P

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 95–19276.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 10, 1995; at 10:00 a.m. Meeting Open to the Public.

This meeting has been canceled.

DATE AND TIME: Tuesday, August 15, 1995 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, August 17, 1995 at 10:00 a.m.

PLACE: 999 E Street, N.W. Washington, D.C. (Ninth Floor.)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Advisory Opinion 1995–24: Robert Palmer, Ph.D.
Advisory Opinion 1995–26: Senator Frank H. Murkowski
Regulations:
MCFL Regulations: Revised Rules on Candidate Appearances, Facilitation, Endorsements, Voter Guides and Meeting Rooms (11 C.F.R. §§ 114.2(f), 114.3(c), 114.4 (b) & (c), and 114.12)).
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 95–19957 Filed 8–8–95; 3:27 pm]

BILLING CODE 6715–01–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:30 a.m., August 28, 1995.

PLACE; On board *Mississippi V* at the Ferry Landing, Hickman, KY.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

TIME AND DATE: 9:00 a.m., August 29, 1995.

PLACE; On board *Mississippi V* at City Front, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

TIME AND DATE: 9:00 a.m., August 30, 1995.

PLACE; On board *Mississippi V* at Port Rosedale, Rosedale, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

TIME AND DATE: 8:30 a.m., September 1, 1995.

PLACE: On board *Mississippi V* at Teche-Vermilion Pumping Plant, Krotz Springs, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Noel D. Caldwell, telephone 601–634–5766.

Noel D. Caldwell,

Executive Assistant, Mississippi River Commission.

[FR Doc. 95–19942 Filed 8–8–95; 2:16 pm]

BILLING CODE 3710–GX–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 2:05 p.m., Monday, August 7, 1995.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314–3428.

STATUS: Closed.

MATTER CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (8), (9)(A)(ii), and (9)(B).

The Board voted unanimously that Agency business required that a meeting be held with less than the usual seven days advance notice, that it be closed to the public, and that earlier announcement of this was not possible.

The Board voted unanimously to close the meeting under the exemptions stated above. Acting General Counsel James Engel certified that the meeting could be closed under those exemptions.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 95–19844 Filed 8–7–95; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board

DATE AND TIME:

August 17, 1995, 9:00 a.m. Closed Session

August 18, 1995, 8:00 a.m. Closed Session
August 18, 1995, 8:15 a.m. Open Session

PLACE: National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, Virginia 22230.

STATUS:

Part of this meeting will be open to the public.

Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Thursday, August 17, 1995

Closed Session (9:00 a.m.–11:30 a.m.)

—NSF FY 1997 Budget

Friday, August 18, 1995

Closed Session (8:00 a.m.–8:15 a.m.)

—Minutes, July 1995 Meeting
—Grants and Contracts

Friday, August 18, 1995

Open Session (8:15 a.m.–9:45 a.m.)

—Minutes, July 1995 Meeting
—Closed Session Agenda Items for October
—Chairman's Report
—Director's Report
—Committee Reports
—Other Business/Adjourn
—GEO Presentation

Marta Cehelsky,

Executive Officer.

[FR Doc. 95–19845 Filed 8–7–95; 4:51 pm]

BILLING CODE 7555–01–M

federal register

Thursday
August 10, 1995

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Proposed Designation of Critical Habitat for the Marbled Murrelet; Supplemental Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC33

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Marbled Murrelet

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service originally proposed to designate critical habitat for the marbled murrelet (*Brachyramphus marmoratus marmoratus*) in Washington, Oregon, and California on January 27, 1994 (59 FR 3811). Based on comments received on the original proposal and additional information, the Service has amended the proposed designation of critical habitat for the marbled murrelet, listed as a threatened species under the Endangered Species Act (Act).

The marbled murrelet is a small seabird of the Alcidae family that forages in the near-shore marine environment and nests in large trees in coniferous forest along the coast. Located primarily on Federal land, and to a lesser extent on State, county, city, and private lands, this amended critical habitat proposal would provide additional protection requirements under section 7 of the Act with regard to activities that are funded, authorized, or carried out by a Federal agency. Section 4 of the Act requires the Service to designate critical habitat for listed species on the basis of the best scientific information available and to consider the economic and other relevant impacts of including particular areas in the designation.

DATES: Comments from all interested parties must be received by October 10, 1995. The Service will hold five public hearings on this proposal. The dates and locations for the hearings are included in the Public Comments Solicited section, under the **SUPPLEMENTARY INFORMATION** caption.

ADDRESSES: Comments and materials concerning this proposal should be sent to the State Supervisor, U.S. Fish and Wildlife Service, Oregon State Office, 2600 SE 98th Avenue, Suite 100, Portland, Oregon, 97266. The complete file for this proposal is available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Russell Peterson, State Supervisor, U.S. Fish and Wildlife Service, see **ADDRESSES** section or telephone 503–231–6179 or FAX 503–231–6195.

SUPPLEMENTARY INFORMATION:

Background

Previous Federal Actions

On January 15, 1988, the U.S. Fish and Wildlife Service (Service) received a petition to list the North American subspecies of the marbled murrelet (*Brachyramphus marmoratus marmoratus*) in Washington, Oregon, and California as a threatened species under the Endangered Species Act. On October 17, 1988, the Service published a finding that the petition had presented substantial information to indicate that the requested action may be warranted (53 FR 40479). Because of the increased research effort and new information available, the status review period was reopened, with the concurrence of the petitioners, from March 5, 1990, through May 31, 1990 (55 FR 4913).

On June 20, 1991, the Service published a proposal to list the marbled murrelet in Washington, Oregon, and California as a threatened species (56 FR 28362). The comment period was reopened for 30 days on January 30, 1992, to gather the most updated information about the species (57 FR 3804). Following an order by the U.S. District Court for the Western District of Washington denying a 6-month extension, the Service published the final rule listing the marbled murrelet in Washington, Oregon, and California as a threatened species (57 FR 45328, Oct. 1, 1992). In February 1993, the Service appointed a Recovery Team to develop a recovery plan for the marbled murrelet.

On November 2, 1993, the U.S. District Court for the Western District of Washington granted a motion by the plaintiffs in *Marbled Murrelet* v. *Babbitt* to compel a proposed designation of critical habitat. In the ruling, the court ordered the Secretary of the Interior to propose designating critical habitat for the marbled murrelet no later than January 21, 1994, and to make a final designation of critical habitat as soon as reasonably possible under applicable law.

On January 27, 1994, the Service published a proposed rule for the designation of critical habitat for the marbled murrelet (59 FR 3811). Public comment was due by April 27, 1994. On March 14, 1994, the Service received a request for a public hearing. To allow additional comment, the public comment period was reopened for 30 days on May 9, 1994. The public hearing was conducted on May 24, 1994, in North Bend, Oregon. Based on comments received from the Recovery Team, other comments, and additional information, the Service has significantly amended its proposed critical habitat designation. Therefore, the Service is requesting public comment on all aspects of this amended proposal, including the draft economic analysis. The draft Recovery Plan for the marbled murrelet (USFWS 1995) is being released for public comment simultaneously with this proposal.

Ecological Considerations

The marbled murrelet is a small seabird of the Alcidae family. The North American subspecies ranges from the Aleutian Archipelago in Alaska, eastward to Cook Inlet, Kodiak Island, Kenai Peninsula and Prince William Sound, south along the coast through the Alexander Archipelago of Alaska, British Columbia, Washington, and Oregon to central California. Some wintering birds are found in southern California. A separate subspecies (*Brachyramphus marmoratus perdix*) occurs in Asia. Though recent genetic analysis indicates that the North American subspecies may warrant full specific status (Friesen *et al.* 1994), a status change has not yet been recognized.

Marbled murrelets spend most of their lives in the marine environment where they feed primarily on small fish and invertebrates in near-shore marine waters. They forage by pursuit diving in waters generally up to 80 meters (260 feet) deep and 0.3 to 2 kilometers (0.2 to 1.2 miles) off-shore. Pairs are often seen diving simultaneously, which researchers suggest may increase foraging efficiency (Strachan *et al.* 1995). Courtship behaviors have been observed at sea although copulation rarely has been witnessed. Marbled murrelets also aggregate, loaf, preen, and exhibit wing-stretching behaviors on the water.

Marbled murrelets nest inland, typically in large-diameter old-growth trees in low-elevation forests with multi-layered canopies (Hamer and Nelson 1995b). Marbled murrelets have been found occasionally on rivers and inland lakes (Carter and Sealy 1986; Strachan *et al.* 1995).

Marbled murrelets appear to be solitary in their nesting habits but are frequently detected in groups in the forest (USFWS 1995). Two nests discovered in Washington during 1990 were located within 46 meters (150 feet) of each other (Hamer and Cummins 1990), and two nests discovered in Oregon during 1994 were located within 33 meters (100 feet) of each other (K.

Nelson, OR Coop. Wildl. Res. Unit, pers. comm. 1995).

Nesting occurs over an extended period from late March to late September (Carter and Sealy 1987; Hamer and Nelson 1995b). During the breeding period, the female marbled murrelet lays a single egg in a tree containing a suitable nesting platform (e.g., large or forked limbs, dwarf mistletoe (*Arceuthobium* spp.) infections, witches brooms, deformities, etc. (Hamer and Nelson 1995b)). Both sexes incubate the egg in alternating 24-hour shifts for approximately 30 days, and the young fledges after an additional 27 to 40 days (Simons 1980; Hirsch *et al.* 1981; Singer *et al.* 1991; Hamer and Nelson 1995a; Nelson and Hamer 1995a). Adults feeding young fly from ocean feeding areas to nest sites at all times of the day, but most often at dusk and dawn (Hamer and Cummins 1991; Nelson and Hamer 1995a). Chicks are fed at least once a day. The adults usually carry only one fish at a time to the young (Carter and Sealy 1987; Hamer and Cummins 1991; Singer *et al.* 1992; K. Nelson, pers. comm. 1992; Nelson and Hamer 1995a). The young are semi-precocial. Before leaving the nest, the young molt into a distinctive juvenile plumage. A fledgling's first flight is from the nest directly to the marine environment (Hamer and Cummins 1991).

Marbled murrelets have been observed at some inland sites during all months of the year (Paton *et al.* 1987; Naslund 1993). Attendance at breeding sites during the non-breeding season may enhance pair bond maintenance, facilitate earlier breeding, or reinforce familiarity with flight paths to breeding sites (Naslund and O'Donnell 1995; O'Donnell *et al.* 1995).

With respect to critical habitat, the Service considered two components of marbled murrelet habitat that are biologically essential—(1) terrestrial nesting habitat, and (2) marine foraging habitat used during the breeding season. Forested areas with conditions that support nesting marbled murrelets are referred to as ''suitable nesting habitat.'' Marine areas with conditions that support foraging marbled murrelets are referred to as ''suitable foraging habitat.''

Throughout the forested portion of the species' range, marbled murrelets typically nest in forested areas containing characteristics of older forests (Binford *et al.* 1975; Sealy and Carter 1984; Carter and Sealy 1987; Carter and Erickson 1988; Marshall 1988; Paton and Ralph 1988; Nelson 1989, 1992; Hamer and Cummins 1990, 1991; Quinlan and Hughes 1990; Kuletz 1991; Singer *et al.* 1991, 1992; Nelson *et al.* 1992; Hamer *et al.* 1994; Ralph *et al.* 1995a).

The marbled murrelet population in Washington, Oregon, and California nests in most of the major types of coniferous forests in the western portions of these states, wherever older forests remain inland of the coast. Although marbled murrelet nesting habitat characteristics are somewhat variable throughout the range of the species, some general habitat attributes are characteristic throughout its range, including the presence of nesting platforms, adequate canopy cover over the nest, landscape condition, and distance to the marine environment.

Individual tree attributes that provide conditions suitable for nesting include large branches (average of 32 centimeters (13 inches), range of 10 to 81 centimeters (4 to 32 inches) in Washington, Oregon, and California) or forked branches, deformities (e.g., broken tops), dwarf mistletoe infections, witches brooms, or other structures large enough to provide a platform for a nesting adult murrelet (Carter and Sealy 1987; Hamer and Cummins 1990, 1991; Singer *et al.* 1991, 1992; Ralph *et al.* 1993; Hamer *et al.* 1994; Hamer and Nelson 1995b). These structures are typically found in old-growth and mature forests, but may be found in a variety of forest types including younger forests containing remnant large trees.

Northwestern forests and trees typically require 200 to 250 years to attain the attributes necessary to support marbled murrelet nesting, although characteristics of nesting habitat sometimes develop in younger coastal redwood (*Sequoia sempervirens*) forests. Forests with older residual trees remaining from earlier forests may also develop into nesting habitat more quickly than those without residual trees. These remnant attributes can be products of fire, wind storms, or previous logging operations that did not remove all of the trees. Other factors that may affect the time required to develop suitable nesting habitat characteristics include site productivity and microclimate.

As of January 1, 1994, 65 nests had been located in North America, including 6 in Washington, 22 in Oregon, and 10 in California (Binford *et al.* 1975; Varoujean *et al.* 1989; Quinlan and Hughes 1990; Hamer and Cummins 1990, 1991; Kuletz 1991; Singer *et al.* 1991, 1992; Hamer and Nelson 1995b). All of the nests in Washington, Oregon, and California were in large trees that were more than 81 centimeters (32 inches) diameter at breast height (dbh). Of the 37 nests for which data were collected, 70 percent were on a moss substrate and 30 percent were on litter, such as bark pieces, conifer needles, small twigs, or duff. Fifty-nine percent of the nests were on large or deformed branches, 16 percent were on forked limbs, 6 percent were on a limb where it attached to the tree bole, 11 percent were on dwarf mistletoe, and 8 percent were on other structures (T. Hamer, Hamer Environmental, pers. comm. 1995).

More than 94 percent of the nests were in the top half of the nest trees, which may allow easy nest access and provide shelter from potential predators and weather. Canopy cover directly over the nests was typically high (average 84 percent, range 5 to 100 percent) in Washington, Oregon, and California (T. Hamer, pers. comm. 1995). This cover may provide protection from predators and weather. Such canopy cover may be provided by trees adjacent to the nest tree, and/or by the nest tree itself. Canopy closure of the nest stand/site varied between 12 and 99 percent and averaged 48 percent (T. Hamer, pers. comm. 1995).

Nest stand size in Washington, Oregon, and California varied between 3 and 1,100 hectares (7 and 2,717 acres) and averaged 206 hectares (509 acres) (Hamer and Nelson 1995b). Miller and Ralph (1995) found in California that stand size had no effect on whether murrelets were present or occupied a stand. However, the effects of stand size on murrelet presence and use may be masked by other factors such as small sample sizes in the larger stand categories, stand history, and proximity of a stand to other old-growth stands.

General landscape condition also may influence the degree to which marbled murrelets nest in an area. In Washington, marbled murrelet detections increased when old-growth/mature forests comprised more than 30 percent of the landscape (Hamer and Cummins 1990). Hamer and Cummins (1990) found that detections of marbled murrelets decreased in Washington when the percentage of clear-cut/meadow in the landscape increased above 25 percent. Additionally, Raphael *et al.* (1995) found that the percentage of old-growth forest and large sawtimber was significantly greater within 0.8-kilometer (0.5-mile) of sites (203-hectare (501-acre) circles) that were occupied by murrelets than at sites where they were not detected. Raphael *et al.* (1995) suggested tentative guidelines based on this analysis that sites with 35 percent old-growth and large sawtimber in the landscape are more likely to be occupied. In California, Miller and Ralph (1995) found that the density of

old-growth cover and the presence of coastal redwood were the strongest predictors of murrelet presence.

Nests have been located in forested areas dominated by coastal redwood, Douglas-fir (*Pseudotsuga menziesii*), mountain hemlock (*Tsuga mertensiana*), Sitka spruce (*Picea sitchensis*), western hemlock (*Tsuga heterophylla*), and western redcedar (*Thuja plicata*) (Binford *et al.* 1975; Quinlan and Hughes 1990; Hamer and Cummins 1991; Singer *et al.* 1991, 1992; Hamer and Nelson 1995b). Individual nests in Washington, Oregon, and California have been located in Douglas-fir, coastal redwood, western hemlock, western redcedar, and Sitka spruce trees.

For nesting habitat to be accessible to marbled murrelets, it must occur at a distance from the marine environment consistent with the flight and energetic capabilities of the species. The farthest inland distance for a known occupied site is 84 kilometers (52 miles) in Washington. The farthest known inland occupied sites in Oregon and California are 61 and 56 kilometers (38 and 35 miles), respectively. Occupied sites are defined as forest stands where marbled murrelets have been observed exhibiting behaviors generally associated with nesting. Additionally, detections (not occupied sites) have been documented farther inland in Oregon (K. Nelson, pers. comm. 1995).

Marbled murrelet nests are difficult to locate for several reasons—(1) nests are generally located high in the canopy; (2) adults and juveniles have cryptic plumage during most of the nesting season; (3) adults can be extremely quiet in the vicinity of nests; and (4) adults may show activity near the nest only once per day, usually under low light conditions. Therefore, identification of occupied sites and suitable nesting habitat are the best indicators of potential nest sites. Indicators of occupied habitat include active nests; egg shell fragments; young found on the forest floor; marbled murrelets seen flying through the forest beneath the canopy, landing in trees, circling above the canopy, and calling from a stationary perch; or large numbers of murrelets heard calling from in and around a stand.

Inland, marbled murrelets are generally easier to detect at high-use sites during the spring and late summer when breeding activities peak (Paton and Ralph 1988; Nelson 1989). Inland detections of the species are less frequent during the early fall when murrelets have presumably completed breeding and are undergoing a flightless molt at sea. Similarly, detections are more difficult in areas that support low numbers of reproducing pairs.

Marbled murrelets spend most of their lives in the marine environment where they consume a diverse group of prey. Maintaining areas that support populations of prey species juxtaposed with nesting areas are essential to maintaining successfully reproducing marbled murrelet populations (Burkett 1995). Murrelets often aggregate near local food concentrations, resulting in a clumped distribution in the marine environment (Sealy and Carter 1984). Prey breeding areas (e.g., near-shore kelp beds, sand or gravel beaches, sand banks, etc.) and areas where prey may concentrate (e.g., near-shore upwellings, waters at the mouths of bays and coastal rivers, eddies in the vicinity of headlands, river mouths and associated plumes, and tidal rips, etc.) are likely the most important features determining murrelet foraging opportunities (Ainley *et al.* 1995; Hunt 1995). Human-caused disturbances (e.g., intense commercial or recreational fishing) may affect prey density or accessibility.

Most of the information available about prey species of marbled murrelets is from the Gulf of Alaska and British Columbia, and is summarized by Burkett (1995). Marbled murrelets generally forage in near-shore marine waters at distances of 0.3 to 2 kilometers (0.2 to 1.2 miles) from shore; however, they occur at distances up to 24 kilometers (14 miles) from shore in reduced numbers. Marine systems producing sufficient prey to support marbled murrelets provide suitable foraging habitat for the species.

Marbled murrelets have been reported feeding on a wide variety of small fish and invertebrates, indicating their flexibility and capability to use alternative prey sources. Prey include Pacific sandlance (*Ammodytes hexapterus*), Pacific herring (*Clupea harengus*), northern anchovy (*Engraulis mordax*), osmerids, sea perch (*Cymatogaster aggregata*), euphausiids (*Euphausia pacifica* and *Thysanoessa spinifera*), mysids (*Neomysis* spp.), and amphipods, among others (Sealy 1975; Sanger 1987; Sanger and Jones 1981; Carter and Sealy 1990; Strong *et al.* 1993; Burkett 1995). Fish are an important component of the diet during the summer, which coincides with the nestling and fledgling periods, while euphausiids, mysids, and amphipods seem to be more important in the winter and spring in some areas (Munro and Clemens 1931; Sealy 1975; Krasnow and Sanger 1982; Sanger 1983, 1987; Carter 1984; Carter and Sealy 1990; Vermeer 1992; Burkett 1995).

Prior to euroamerican settlement, nesting habitat for the marbled murrelet was well-distributed, particularly in the wetter portions of its range in Washington, Oregon, and California. This habitat was generally found in large, contiguous blocks as described under the Management Considerations section of this proposed rule. The Recovery Team considered the loss of habitat to be one of the primary factors limiting current population size from British Columbia to California.

Currently, breeding populations of marbled murrelets are not distributed continuously throughout the species' range. Little habitat remains at low elevations in Washington's Puget Trough. Lands surrounding the Puget Trough, particularly to the east and south, are highly urbanized, developed for agricultural use, or contain young forests, forcing marbled murrelets to fly up to 42 kilometers (25 miles) inland to reach the first-available suitable nesting habitat.

Off the Oregon and California coasts, three areas where marbled murrelets are concentrated at sea correspond to the four largest remaining blocks of coastal older forest inland. These blocks of older forest are separated by areas of little or no habitat that correspond to areas where few marbled murrelets are found at sea (Strong *et al.* 1995; Varoujean and Williams 1995; Ralph and Miller 1995; Ralph *et al.* 1995b).

The area between the Olympic Peninsula in Washington and Tillamook County in Oregon (160 kilometers (100 miles)) contains few occupied sites or sightings of marbled murrelets. In California, approximately 480 kilometers (300 miles) separate the large breeding populations to the north in Humboldt and Del Norte Counties from the southern breeding population in San Mateo and Santa Cruz Counties. Currently this reach contains few marbled murrelets; however, the area likely contained significant numbers of marbled murrelets before extensive logging (Paton and Ralph 1988, Larsen 1991). The degree of interaction that occurs across these areas containing few murrelets is unknown.

Marbled murrelets are affected by impacts to their nesting habitat, marine foraging habitat, and food supply, as well as direct mortality from human activities such as oil spills and gill nets. Based on analyzing likely ranges of fecundity and survivorship of this species, Beissinger (1995) estimated that marbled murrelets in Washington, Oregon, and California are most likely declining at a rate between 4 and 6 percent per year.

Beissinger (1995) derived the range of fecundity estimates from reviewing the results of several studies of juvenile to adult ratios and nesting success. Fecundity, the number of female young produced annually per adult female, ranged from 0.06 to 0.18. Marbled murrelets have a low annual reproductive potential because they lay only one egg at a time and probably nest only once a year. To put these numbers in context, fecundity levels would need to be between 0.20 and 0.46 for the population to remain stable or increase (USFWS 1995). Beissinger obtained an estimated annual probability of 0.845 adult survivorship for marbled murrelets by applying Nur's (1993) results relating survival to body size and reproductive effort for 10 alcid species. Alcids typically experience high rates of mortality prior to attaining breeding age (Hudson 1985).

Beissinger (1995) then estimated lambda (λ), the expected annual growth rate of a population, for several likely combinations of fecundity and survival, all combinations of which showed population declines. The declines estimated by Beissinger's model are similar to population declines reported in two field data sets from Alaska (spanning 20 years) and British Columbia (spanning 10 years).

The current declining population numbers may be related to several factors. In addition to habitat loss and fragmentation, which may reduce nesting success, declines may be exacerbated by high mortality rates of the young of the year prior to reaching the ocean, and high mortality rates of juveniles and adults in the marine and terrestrial environments.

Marbled murrelets display a variety of morphological and behavioral characteristics indicative of selection pressures from predation at nest sites. For example, plumage and eggshells exhibit cryptic coloration and adults fly to and from nests by indirect routes and often under low-light conditions (Nelson and Hamer 1995a). Potential nest predators include the common raven (*Corvus corvax*), Steller's jay (*Cyanocitta stelleri*), American crow (*Corvus brachyrhynchos*), great horned owl (*Bubo virginianus*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), raccoon (*Procyon lotor*), marten (*Martes americana*), and fisher (*Martes pennanti*). Ravens, Steller's jays, and possibly great horned owls are known predators of eggs or chicks (Nelson and Hamer 1995b).

From 1974 through 1993, approximately 64 percent of the marbled murrelet nests in Washington, Oregon, and California failed, where nest success/failure was documented. Of those nests, 57 percent failed due to predation (Nelson and Hamer 1995b). The relatively high predation rate could be biased because nests near forest edges may be more easily located by observers and more susceptible to predation and because observers may attract predators. Hamer and Nelson (1995b) believed that researchers had minimal impacts on predation in most cases because the nests were monitored from a distance and relatively infrequently, and precautions were implemented to minimize predator attraction.

Although the effect of habitat alterations on predation of marbled murrelet nests has not been specifically studied, a comparison has been made of successful nests and those that failed because of predation. Nelson and Hamer (1995b) found that successful nests were significantly farther from forest edges and were better concealed than unsuccessful nests.

Several possible reasons exist for the high observed predation rates of marbled murrelet nests. Populations of corvids (jays, crows, and ravens) and great horned owls are increasing in the western United States, largely in response to habitat changes and food sources provided by humans (Robbins *et al.* 1986; Rosenberg and Raphael 1986; Johnson 1993; Marzluff *et al.* 1994). Creation of forest edge habitat, at least in some forest-dominated landscapes, has been implicated in increased forest bird nest predation rates (Chasko and Gates 1982; Yahner and Scott 1988), and in general, nesting success has been shown to decline near forest edges (Paton 1994). Studies of artificial nests in Pacific Northwest forests also indicated that predation of forest birds' nests may be affected by habitat fragmentation and forest management (Vega 1993; Bryant 1994; C. Chambers, Oregon State University, pers. comm. 1994). Larger stands contain sufficient internal structure to potentially minimize the risk of predation at the nest and provide suitable climatic conditions for nesting.

Mortality of adults and juveniles occurs in the terrestrial and the marine environments. For example, in the terrestrial environment adult marbled murrelets have been preyed upon by sharp-shinned hawks, peregrine falcons (*Falco peregrinus*), bald eagles (*Haliaeetus leucocephalus*), and possibly merlins (*F. columbarius*) (Marks and Naslund 1994).

In the marine environment, oil spills and commercial net fisheries adversely affect marbled murrelets. Clean water is important for survival and completion of the murrelet's life cycle and for the conservation of the species. Clean, unpolluted water is essential for maintaining the health of individual marbled murrelets and prey species, and for providing areas for social interactions and other behaviors.

Marbled murrelets have a high vulnerability to oiling, and oil spills have had catastrophic effects when large spills have occurred in the vicinity of murrelet concentrations. Areas where impacts have been particularly severe include Prince William Sound in Alaska, western Washington, and central California (Carter and Kuletz 1995). The 45 marbled murrelets recovered after the *Tenyo Maru* spill in 1991 at the mouth of the Strait of Juan de Fuca in Washington was the greatest number of murrelets recovered in any oil spill, with the exception of the *Exxon Valdez* oil spill, and represented a significant portion of the local population (Carter and Kuletz). Oil spills may also affect forage fish populations (Irons 1992; Oakley and Kuletz 1994; Piatt and Anderson In press), reduce reproductive success, and disrupt breeding activity (Carter and Kuletz 1995). Chronic oil pollution can cause mortality through oiling and ingestion of oil. Other forms of pollution may also affect birds directly through toxic effects on their food supply.

Mortality of marbled murrelets from entanglement and drowning in fishing nets has declined in recent years in Washington, Oregon, and California, but is still of concern, particularly in Washington. Gill-net fisheries are most significant as a threat to murrelets in the marine environment in Washington, although closures of some areas, specifically to protect marbled murrelets, are proposed for the 1995 season (National Marine Fisheries Service 1995). Gill-net fisheries no longer occur in Oregon, with the exception of the Columbia River. In California, fishing regulations protect most murrelets from this type of mortality (Carter *et al.* 1995).

Gill-net fisheries occur at the mouth of the Columbia River, in Willapa Bay, Grays Harbor, the Strait of Juan de Fuca, and Puget Sound, although fishing efforts in coastal fisheries have been greatly reduced because of depressed salmon (*Oncorhynchus* spp.) runs. An observer program in 1994 in the all-citizens and Tribal sockeye salmon (*Oncorhynchus nerka*) drift gill-net fishery of north Puget Sound, which is the most significant fishery in Puget Sound, estimated an entanglement of 15 murrelets, with a range of 2 to 59

murrelets (Pierce *et al.* in draft). Entanglement in other Washington drift net and set gill-net fisheries has also been documented (Speich and Wahl 1989; Craig and Cave 1993; BIA 1994; J. Grettenberger, USFWS, pers. comm. 1995). Observer programs in 1993 and 1994 in Puget Sound salmon purse seine fisheries indicated that entanglement rates of marbled murrelets were much lower with this gear type (Natural Resources Consultants 1995).

Adults are also subject to other sources of mortality. Marbled murrelets have been accidentally hooked on fishing lures, and could also become entangled in fishing line (Campbell 1967; Burger 1993). In general, increased mortality of adult seabirds and decreased reproductive efforts have been linked with El Niño episodes when food supplies are depressed (Graybill and Hodder 1985). However, marbled murrelets have evolved to survive El Niño events over the long term (USFWS 1995).

Management Considerations

Marbled murrelets are found in forests containing a variety of structures, which are in part the result of varied management practices. In many areas, management practices have resulted in fragmentation of the remaining older forests and creation of large areas of younger forests that have yet to develop habitat characteristics suitable for marbled murrelet nesting. Past and current forest management practices have also resulted in a forest age distribution skewed toward younger-aged stands at a landscape scale.

In many portions of the range of the marbled murrelet, forest management has historically concentrated on clear-cut logging. After forests are clear-cut, the areas are traditionally replanted to a single or few tree species and maintained as even-aged stands for maximum wood-fiber production. Site-preparation and management activities may further decrease species' diversity. These methods include prescribed burning and the use of herbicides or mechanical methods to control competing vegetation.

Historical logging practices in some portions of the species' range consisted of more selective timber harvest, leaving remnant patches of forests of varying ages with older forest characteristics. The uneven-aged management practices used in these areas usually resulted in more diverse forests that may provide some nesting habitat where a few trees containing suitable marbled murrelet nesting structure remain.

Current and historic marbled murrelet habitat loss is generally attributed to timber harvest and land conversion practices, although, in some areas, natural catastrophic disturbances such as forest fires have caused losses. Reduction of the remaining older forest has not been evenly distributed in western Washington, Oregon, and California. Timber harvest has been concentrated at the lower elevations and in the Coast Ranges (Thomas *et al.* 1990), generally overlapping the range of the marbled murrelet.

Habitat for marbled murrelets has been generally declining since the arrival of European settlers. Bolsinger and Waddell (1993) estimated that old-growth forest in Washington, Oregon, and California have declined by two-thirds statewide during the last five decades. Information specific to the range of the marbled murrelet is not available. Historic forest conditions have been estimated for western Washington and Oregon by several authors. Marbled murrelet habitat represents a significant portion of area included in these estimates, therefore, trends in habitat are assumed to follow the same general pattern identified for the larger area.

Although the extent of mature and old-growth forest before the 1800s is difficult to quantify, western Washington and Oregon are estimated to have been covered by approximately 9.7 to 12.8 million hectares (24 to 32 million acres) of forest at the time of euroamerican settlement in the early to mid-1800s, of which about 5.6 to 7.9 million hectares (14 to 20 million acres) (60 to 70 percent) are estimated to have been old-growth (Society of American Foresters Task Force 1983; Spies and Franklin 1988; Morrison 1988; Norse 1988; Booth 1991; Ripple 1994). As of 1991, there were approximately 1.4 million hectares (3.4 million acres) of old-growth forest remaining in western Washington and Oregon, an 82 percent reduction from estimated prelogging levels (Booth 1991).

Estimates for a similar time period in northwestern California are not as precise, but suggest there were between 526,000 and 1.3 million hectares (1.3 and 3.2 million acres) of old-growth Douglas-fir/mixed conifer forest and approximately 890,000 hectares (2.2 million acres) of old-growth coastal redwood forest (Society of American Foresters Task Force 1983; Laudenslayer 1985; Fox 1988; California Department of Forestry and Fire Protection 1988; Morrison 1988). Currently there are approximately 28,000 hectares (70,000 acres) of old-growth coastal redwood forest remaining in California (Larsen 1991).

Some of the forests that were affected by past natural disturbances, such as forest fires and windthrow, currently provide suitable nesting habitat for marbled murrelets because they retain scattered individual or clumps of large trees which provide structure for nesting. This is particularly true in coastal Oregon where extensive fires occurred historically. Marbled murrelet nests have been found in remnant old-growth trees in mature forests in Oregon.

Forests providing suitable nesting habitat and nest trees generally require 200 to 250 years to develop characteristics that supply adequate nest platforms for marbled murrelets. This time period may be shorter in redwood forests and in areas where significant remnants of the previous stand remain. Intensively managed forests in Washington, Oregon, and California have been managed on average cutting rotations of 70 to 120 years (USDI 1984; USDA 1988). Cutting rotations of 40 to 50 years are common for some private lands. Timber harvest strategies on Federal lands and some private lands have emphasized dispersed clear-cut patches and even-aged management. Forest lands that are intensively managed for wood fiber production are generally prevented from developing the characteristics required for marbled murrelet nesting. Suitable nesting habitat that remains under these harvest patterns is highly fragmented.

Previous Management Efforts

In May 1991, the U.S. House of Representatives' Committees of Agriculture and Merchant Marine and Fisheries commissioned the Scientific Panel on Late-Successional Forest Ecosystems (Scientific Panel) to provide an array of alternatives for the management of Late-Successional forests on Federal lands in the range of the northern spotted owl (*Strix occidentalis caurina*). Information about the known inland locations of marbled murrelets and marbled murrelet habitat was included in the base information used by the Scientific Panel and was specifically considered in developing the alternatives. The proposed reserve system developed by the Scientific Panel is often referred to as Late-Successional/Old-Growth areas (LSOGs).

Since the listing of the marbled murrelet population of Washington, Oregon, and California as threatened, several different approaches to management of the species or its habitat have been developed through various Federal efforts.

In March 1993, the U.S. Forest Service (Forest Service) released its Scientific Analysis Team Report (Thomas *et al.* 1993). In this report, the Forest Service proposed several interim measures designed to preserve options for management of marbled murrelets and their habitat until the Marbled Murrelet Recovery Plan could be completed and implemented. The measures included—(1) the protection of all marbled murrelet nesting habitat within 83 kilometers (50 miles) of the marine environment in Washington and Oregon north of Oregon State Highway 42 and within 58 kilometers (35 miles) of the marine environment in the remainder of Oregon and California; and, (2) the protection of amounts of ''recruitment'' habitat (young stands likely to develop into suitable nesting habitat) equivalent to 50 percent of the total amount of existing suitable nesting habitat. Also, seasonal restrictions on timber harvest operations in and near suitable nesting habitat were identified to avoid disturbing nesting marbled murrelets.

In July 1993, the Service, Forest Service, U.S. Bureau of Land Management, National Park Service, National Marine Fisheries Service, and U.S. Environmental Protection Agency released the Report of the Forest Ecosystem Management Assessment Team (FEMAT Report) (USDA *et al.* 1993a). From this report the President identified Option 9 as the preferred management option. Option 9 is described as Alternative 9 in the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (USDA *et al.* 1993b). Alternative 9 was adopted through the Record of Decision for Amendments to the Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD) and is referred to as the Northwest Forest Plan (USDA and USDI 1994).

Within the range of the marbled murrelet, the Northwest Forest Plan designates a system of Late-Successional Reserves, which provides large areas expected to eventually develop into contiguous, unfragmented forest. This reserve system was constructed in part around the LSOGs designated by the Scientific Panel.

In addition to Late-Successional Reserves, the Northwest Forest Plan designates a system of Adaptive Management Areas, where efforts focus on answering management questions, and matrix areas, where most forest production occurs. Administratively withdrawn lands, as described in the individual National Forest or Bureau of Land Management land use plans, are also part of the Northwest Forest Plan.

Specific measures in the Northwest Forest Plan protect all forest sites occupied by marbled murrelets outside of the Federal reserve system. These measures include surveys prior to activities that may affect habitat and protection of contiguous marbled murrelet nesting and recruitment habitat (stands capable of becoming suitable nesting habitat within 25 years) within 0.8-kilometer (0.5-mile) of areas occupied by murrelets.

An assessment of population viability of marbled murrelets was conducted by the FEMAT and resulted in about a 60 percent likelihood (with a range of 50 to 75 percent) that the marbled murrelet population on Federal lands would be stable and well distributed after 100 years, regardless of which option was selected. An additional assessment based only on habitat conditions resulted in an 80 percent likelihood that marbled murrelet populations would remain stable and well distributed on Federal lands.

The Service recognizes the value of the Northwest Forest Plan (USDA and USDI 1994) and acknowledges its integral role in marbled murrelet conservation. The Northwest Forest Plan complements this critical habitat proposal by stressing the need for protection of large, unfragmented areas of suitable nesting habitat that are well-distributed throughout the species' range, with special emphasis on areas close to the marine environment.

The marbled murrelet Recovery Team continues to work on a Recovery Plan that will outline a strategy for recovery. The draft Marbled Murrelet (Washington, Oregon, and California Population) Recovery Plan (Draft Recovery Plan) (USFWS 1995) suggested the establishment of six Marbled Murrelet Conservation Zones where viable populations of murrelets should be maintained in Washington, Oregon, and California. The Recovery Team would designate the Marbled Murrelet Conservation Zones to address differing needs for recovery actions in portions of the marbled murrelet's range and to maintain well-distributed populations. The zones are generally described as—(1) the Puget Sound Conservation Zone includes all the waters of Puget Sound, the eastern waters of the Strait of Juan de Fuca and associated inland habitat within the range of the marbled murrelet; (2) the Western Washington Coast Range Conservation Zone includes the outer coast of Washington, the western waters of the Strait of Juan de Fuca and associated inland habitat within the range of the marbled murrelet; (3) the Oregon Coast Range Conservation Zone includes most of the coastal waters of Oregon and associated inland habitat within the range of the marbled murrelet; (4) the Siskiyou Coast Range Conservation Zone includes a portion of the coastal waters of Oregon and California and associated inland habitat within the range of the marbled murrelet; (5) the Mendocino Conservation Zone includes a portion of the California coastal waters and associated inland habitat within the range of the marbled murrelet; and (6) the Santa Cruz Mountains Conservation Zone includes a portion of the central California coastal waters and associated inland habitat within the range of the marbled murrelet (USFWS 1995).

In addition, the Forest Service has assembled ''Ecology and Conservation of the Marbled Murrelet,'' a compilation of original studies and literature reviews, that represents the most current treatise on marbled murrelets (Ralph *et al.* 1995a). The conservation assessment will aid in the management of marbled murrelets considering the difficulties associated with gaining information about this species. Ralph *et al.* (1995b) suggested adding additional conservation zones to include all of the murrelet populations in North America.

The Oil Pollution Act of 1990 addresses the development of a national planning and response system for spills in marine and freshwater environments. A variety of planning efforts are underway that address responses to worst-case discharges of oil or hazardous substances, and mitigation or prevention of a substantial threat of discharge from a vessel, offshore facility, or onshore facility. Planning efforts include the development of a national contingency plan, regional area contingency plans, and local geographic response plans. The Service has worked extensively with the U.S. Coast Guard, industry representatives, local and response communities, and other State, Federal, and Tribal natural resource trustees to develop area contingency plans and geographic response plans for Pacific coastal areas. These plans address mechanical recovery, use of dispersants, in-situ burning, shoreline cleanup, protection of sensitive areas, as well as protection, rescue, and rehabilitation of fish and wildlife. These planning efforts and associated spill exercises should help prevent or minimize the impact of spills on natural resources.

Mortality of marbled murrelets in commercial net fisheries in Washington has been addressed through changes in State regulations. In 1995, the State of

Washington and the Tribes instituted area closures in a number of areas with high densities of marbled murrelets to reduce the potential for entanglement. In addition, efforts are underway to evaluate modified gillnets designed to reduce seabird entanglement, as well as research to evaluate the fisheries/murrelet overlap and factors that affect entanglement. Educational programs that provide material to fisherman on marbled murrelet identification and distribution have been implemented. Through section 7 consultation, observer programs were required in 1993 and 1994 to evaluate and quantify the extent of marbled murrelet mortality in purse seine and gillnet salmon fisheries (U.S. Fish and Wildlife Service 1995a, 1995b, 1995c).

Critical Habitat

Critical habitat is defined in section 3(5)(A) of the Act as—''(i) the specific areas within the geographical area occupied by the species, at the time it is listed * * * on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by a species at the time it is listed * * * upon determination * * * that such areas are essential for the conservation of the species.'' 16 U.S.C. 1532(5)(A). The term ''conservation,'' as defined in section 3(3) of the Act, means ''* * * to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this (Act) are no longer necessary * * *'' 16 U.S.C. 1532(3).

Role in Species Conservation

The use of the term ''conservation'' in the definition of critical habitat indicates that its designation should include habitat crucial to a species' eventual recovery and delisting. However, when critical habitat is designated at the time a species is listed or before a recovery plan is completed, the Service frequently does not know all of the habitat areas that are essential for a species' recovery. Thus, the Act provides that critical habitat designations may be revised from time to time (16 U.S.C. 1533 (a)(3)(B)).

The designation of critical habitat is one of several measures available to contribute to the conservation of a listed species. Critical habitat helps focus conservation activities by identifying areas that contain essential habitat features (primary constituent elements), thus alerting the public to the importance of an area in the species' conservation. Critical habitat also identifies areas that may require special management or protection. The identification of these areas may be helpful in planning land use activities and highlighting critical areas for consideration in developing habitat conservation plans for section 10 incidental take permit applications. The added emphasis on these areas for conservation of the species may shorten the time needed to achieve recovery.

Critical habitat receives consideration under section 7 of the Act with regard to actions carried out, authorized, or funded by a Federal agency. As such, designation may affect non-Federal lands only where such a Federal nexus exists. Federal agencies must insure that their actions do not result in destruction or adverse modification of critical habitat. Aside from this added consideration under section 7, the Act does not provide any additional protection to lands designated as critical habitat. Designating critical habitat does not create a management plan for the areas; does not establish numerical population goals or prescribe specific management actions (inside or outside of critical habitat); and does not have a direct effect on areas not designated as critical habitat. Specific management recommendations for critical habitat are addressed in recovery plans, management plans, and in section 7 consultation.

Primary Constituent Elements

A designation of critical habitat begins by identifying areas where the physical and biological features essential to conservation of a species are found. In determining which areas to designate as critical habitat, the Service considers those physical and biological features that are essential to a species' conservation and that may require special management considerations or protection. Such physical and biological features, as stated in 50 CFR 424.12, include, but are not limited to, the following:

(1) Space for individual and population growth, and for normal behavior;

(2) Food, water, air, light, minerals or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offspring; and

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

The Service is required to base critical habitat designations on the best scientific data available (50 CFR 424.12). In proposing to designate critical habitat for the marbled murrelet in Washington, Oregon, and California, the Service has reviewed its overall approach to the conservation of the species. For a thorough discussion of the ecology and life history of this subspecies, see the Service's Biological Report (Marshall 1988), the final listing rule published in the **Federal Register** on October 1, 1992 (57 FR 45328), The Status and Conservation of the Marbled Murrelet in North America (Carter and Morrison 1992), the draft Recovery Plan (USFWS 1995), the Ecology and Conservation of the Marbled Murrelet (Ralph *et al.* 1995a), and the Ecological Considerations section of this proposed rule.

The Service has determined that the physical and biological habitat features (referred to as the primary constituent elements) associated with the terrestrial environment that support nesting, roosting, and other normal behaviors are essential to the conservation of the marbled murrelet and require special management considerations.

Within areas essential for marbled murrelet nesting, the Service has focused on the following primary constituent elements: (1) individual trees with potential nesting platforms, (2) forested areas surrounding and contiguous to potential nest trees with canopy height of at least one-half the site-potential tree height, (3) forested areas of at least one-half the site-potential tree height regardless of the presence of potential nest platforms. These primary constituent elements are essential to provide and support suitable nesting habitat for successful reproduction of the marbled murrelet.

Individual nest trees include large trees, generally more than 81 centimeters (32 inches) dbh with the presence of potential nest platforms or deformities such as large or forked limbs, broken tops, dwarf mistletoe infections, witches brooms, or other formations providing platforms of sufficient size to support adult murrelets. Because marbled murrelets do not build nests, moss or detritus may be important to cushion or hold the egg. Platforms should have overhead cover for protection from predators and weather, which may be provided by overhanging branches, limbs above the nest area, or branches from neighboring trees. Based on current information from Washington, Oregon, and California, nests have been found in Douglas-fir, coastal redwood, western hemlock,

western redcedar, or Sitka spruce (Hamer and Nelson 1995b).

Nesting habitat includes the forested areas in which the nest trees are contained. Nesting areas are defined as contiguous forest surrounding potential nest trees with no separations of more than 100 meters (330 feet) wide from adjacent forested areas. Nest trees may be scattered or clumped throughout the area. Nesting areas may contain fewer than one suitable nesting tree per acre. Regardless of the distribution of nest trees, nesting habitat includes the entire contiguous forested area with canopy height of at least one-half the site-potential tree height. The site-potential tree height is the average maximum height possible for a tree given the local growing conditions. The forested area surrounding the nest tree may provide protection from predators and climatic factors by reducing effects from forest edge.

On a landscape basis, the presence of late-successional forest with canopy closure and canopy height of at least one-half the site-potential tree height contributes to the conservation of the marbled murrelet, even if these forests do not contain potential nest trees. These forests may increase the amount of cover for murrelets in flight to and from the nest, reduce the differences in microclimates associated with forested and unforested areas, and reduce potential for windthrow during storms. Raphael *et al.* (1995) found that occupied sites have significantly larger proportions of old-growth and large sawtimber in the vicinity.

Criteria for Identifying Proposed Critical Habitat

Several qualitative criteria were considered in the selection of specific areas as proposed critical habitat. These criteria are generally similar to criteria used in the development of several recent Federal management proposals, such as the Scientific Panel (Johnson *et al.* 1991) and Northwest Forest Plan (USDA and USDI 1994). The following is a description of the criteria considered:

Suitable Nesting Habitat: Proposed critical habitat units include areas with current suitable nesting habitat and other primary constituent elements. Forests that are not currently suitable for nesting, but that are at least one-half the site-potential tree height of the area, are also important in improving habitat conditions through reduced fragmentation and creation of large contiguous forested areas that may reduce the potential for predation.

Survey Data: Information about presence/absence and occupancy were used to indicate murrelet use areas. Proposed critical habitat units include most of the known sites occupied by marbled murrelets on Federal, State, County, and private lands. However, known occupied sites may represent only a small portion of the population due to the limited coverage of past survey efforts.

Proximity to Marine Foraging Habitat: During the nesting season, marbled murrelets forage in the marine environment and return to the nest at least once daily carrying a prey item to their young. Foraging and nesting habitat areas must be juxtaposed within the flight capabilities and energetic limits of the species. Proposed critical habitat units were designated, taking into account the distance of murrelet detections from the marine environment in a given area.

Risk of Catastrophic Events: Proposed critical habitat units include areas where the risk of human-caused catastrophic events such as wildfires is high and high numbers of marbled murrelets are present.

Large, Contiguous Blocks of Nesting Habitat: In response to the problems of fragmentation of suitable habitat, potential increases in predation, and reduced reproductive success, the Service concentrated on defining proposed critical habitat units in terms of large, contiguous blocks of late-successional forest. The Service used the Late-Successional Reserve system identified in the Northwest Forest Plan (USDA and USDI 1994) to the extent possible to provide large blocks of habitat. Marbled murrelet locations and habitat were considered in the development of these reserves. State, County, private, and city lands were included where large blocks of Federal reserve areas were insufficient or not available, but critical habitat was crucial to retaining distribution of the species.

Rangewide Distribution: To maintain the current distribution of the species and reduce the impact of catastrophic losses of habitat or murrelets, proposed critical habitat units were identified throughout the range of the species in the three states. With well-distributed critical habitat, the probability of catastrophic wildfires or storm events threatening the survival or recovery of the species in Washington, Oregon, and California would be reduced. Maintaining suitable nesting habitat, and therefore local murrelet concentrations, throughout the range of the species would reduce the effect of potential losses from oil spills or other marine events. Given the intense site fidelity of many alcid species, maintaining rangewide distribution may also provide potential source populations for the recolonization of future habitat.

Adequacy of Existing Protection and Management: The Service considered the existing legal status of lands in proposing areas as critical habitat. Areas with permanent legal protection of wildlife, such as congressionally designated wilderness areas, national parks, and national wildlife refuges are generally not proposed unless specific threats were identified which are not addressed by existing management and protection.

Proposed Areas Identified by Applying Criteria

Application of the foregoing criteria and consideration of comments and information received as a result of the initial proposal has resulted in a proposed designation of additional areas beyond those in the January 27, 1994, proposal. These additional areas include Federal and non-Federal lands.

The current proposal includes many of the Late-Successional Reserves, as described in the Northwest Forest Plan, on Federal lands within the range of the marbled murrelet in Washington, Oregon, and California. These areas, as managed under the Northwest Forest Plan, will develop into large blocks of suitable murrelet nesting habitat over time. However, the Recovery Team has commented that these areas alone are insufficient to reverse the current population decline in marbled murrelets and maintain a well-distributed population. Portions of Congressionally Withdrawn Areas are proposed where the area provides essential nesting habitat and is subject to external threats because the government does not own the timber rights on some of the land.

The FEMAT report recognized the limited ability of Federal agencies to recover this species on Federal lands alone. ''Although the Forest Ecosystem Management Assessment was designed to address only Federal lands within the range of the northern spotted owl, the marbled murrelet is an example of a species whose life history requirements cannot be accommodated only on Federal lands. The marbled murrelet is a seabird that nests inland and therefore is influenced by both the marine and terrestrial environments. Its nesting range in the three-state area includes land that is south of the range of the northern spotted owl. In addition, several areas that are considered key to the recovery of the marbled murrelet involve private and state lands'' (FEMAT Report at IV–151 and IV–152, USDA *et al.* 1993a).

Based on information provided in public comments, including the recommendations of the Marbled Murrelet Recovery Team (Miller *et al., In litt.* 1994), the Service is now proposing to designate selected non-Federal lands that meet the requirements identified in the Criteria for Identifying Critical Habitat section, where Federal lands alone are insufficient to provide suitable nesting habitat for the recovery of the species.

State lands are proposed for critical habitat designation where Federal lands are limited or nonexistent and where they were considered by the Recovery Team as essential for maintaining marbled murrelet populations and nesting habitat. State lands are particularly important in southwestern Washington, northwestern Oregon, and California south of Cape Mendocino. Small segments of county lands are also included in northwestern Oregon and central California.

Some private lands are being proposed as critical habitat because they provide essential elements. These areas include the Arlecho Basin supporting occupied sites in the lowlands of northern Washington; land supporting known occupied sites in southwestern Washington and in Oregon; nesting habitat and occupied sites for the at-sea murrelet population in the southern portion of the Recovery Team's proposed Marbled Murrelet Conservation Zone 4 in California; and nesting habitat for the central California population. State, county, city, and private lands contain the last remnants of nesting habitat for the southern-most population of murrelets, which is the smallest, most isolated, and most susceptible to extirpation.

Areas Not Proposed

Not all suitable nesting habitat is included in the proposed critical habitat units. Emphasis has been placed on those areas considered most essential to the species' conservation in terms of habitat, distribution, and ownership. That does not mean that lands outside of proposed critical habitat units are not important to the marbled murrelet. Some Federal lands outside of proposed critical habitat are expected to receive additional protection from the conservation measures proposed in the Northwest Forest Plan. Under the ROD, all marbled murrelet habitat will be surveyed prior to removal or degradation of habitat and all occupied sites will be protected. The Adaptive Management Areas, matrix lands, and administratively withdrawn lands contain areas of occupied habitat that would be protected from timber harvest. Some habitat on non-Federal lands may receive protection through prohibitions of take of marbled murrelets under section 9 of the Act.

The Hoopa Valley Indian Reservation (Reservation) was considered but not proposed for critical habitat designation because no occupied sites have been documented after 3 years of surveys on various portions of the Reservation. The Reservation contains only moderate quality marbled murrelet habitat and is surrounded by Federal lands. Some of those Federal lands contain high quality habitat supporting occupied sites and are either proposed or protected as a Congressionally Withdrawn Area.

Three other areas of Tribal land were considered for inclusion in critical habitat, including portions of Quinault and Makah Reservations in Washington and lands owned by the Siletz Tribe in Oregon. The Makah Reservation was not proposed because little habitat remains in this area. The Quinault and Siletz lands support marbled murrelets and contain suitable habitat. However, the Service did not propose these areas because while they are important to the conservation of marbled murrelets, there are alternative approaches to achieving the conservation of murrelets on these lands, including consultations under section 7 of the Act and development of habitat conservation plans under section 10.

The Service considered including five marine areas in critical habitat. Clean water and accessible foraging opportunities are important life history requirements for the marbled murrelet. These five areas support the highest concentrations of murrelets during the breeding season in Washington, Oregon, and California. One area consisted of the waters of Puget Sound and the Strait of Juan de Fuca in Washington, including the waters surrounding the San Juan Islands. The Service also considered near shore waters (within 2 km (1.2 mi) of the shore) along the Pacific coast from Cape Flattery to Point Grenville in Washington, from Newport Bay to Coos Bay in Oregon, from the California State border to Cape Mendocino in northern California, and from Pillar Point to Davenport in central California. While these areas are extremely important to the conservation of marbled murrelets, the Service does not believe that these areas meet section 3(5)(A)(i)(II) of the Act, in that they do not need special management consideration or protection beyond that provided by existing Federal laws and regulations, which was discussed in the Previous Management Efforts section.

While the Recovery Plan clearly indicates that marine habitat is important to the survival of marbled murrelets, it also indicates that the primary concern with respect to declining murrelet populations is loss of nesting habitat. The Service's evaluation of the effects of actions in the terrestrial environment focuses on the impacts to the species habitat, although take of murrelets is also addressed. With respect to the marine environment, however, the Service is primarily concerned with mortality issues.

Activities or events that adversely affect marbled murrelets at sea seem to be more associated with the mortality of individual birds than with long-term destruction or adverse modification of habitat. For example, gill-net fisheries result in incidental capture of murrelets, but may not significantly adversely affect the prey base. Murrelets appear to forage opportunistically on available fish, and are likely able to respond to slight changes in fish abundance.

Murrelets are also adversely affected by spills of oil and other pollutants. Although these events undoubtedly harm the murrelet prey base, they also result in the death of birds in the area of the event. The effects of these events on the murrelet prey base are somewhat more difficult to predict, than are the effects on any murrelets that happen to be in the area. The Service's assessments of these events typically relies upon an assessment of the mortality issue rather than an assessment of habitat issues such as prey base.

Thus, given the Service's current focus with respect to impact assessment, designation of critical habitat in the terrestrial environment is appropriate; however, designation of critical habitat in the marine environment would not provide additional benefits to marbled murrelets.

Congressionally Withdrawn Areas

Congressionally Withdrawn Areas (e.g., wilderness areas and national parks) are limited in the range of the marbled murrelet in Washington, Oregon, and California. Few wilderness areas are within the flight distance of marbled murrelets from the marine environment, though some of these areas provide crucial contributions to the conservation of the species. Wilderness areas and national parks contain approximately 302,000 hectares (747,000 acres) of marbled murrelet nesting habitat, representing 29 percent of the suitable nesting habitat on Federal lands in the range of the marbled murrelet. However, a substantial portion of these areas is incapable of producing marbled murrelet nesting habitat because of

forest composition, lack of forest cover, elevation, and other constraints and, by themselves, Congressionally Withdrawn Areas are incapable of supporting stable and interactive populations of marbled murrelets.

Marbled murrelet habitat in Congressionally designated wilderness areas, national parks, national monuments (natural areas), and national wildlife refuges is generally managed to protect natural ecosystems and for the benefit of wildlife. Thus habitat in these areas generally does not require special management consideration or protection. For example, a potential highway realignment through the Redwood National Park in northern California could result in the removal of occupied habitat. The Park's authority and general management goals are considered adequate to conserve the species without the additional designation of critical habitat. However, not all Congressionally Withdrawn Areas are managed in this manner. For example, some national recreation areas may not be managed to maintain older forest habitats or may face external actions (e.g., outside ownership of mineral or timber rights) which threaten marbled murrelet habitat within the area.

One Congressionally designated area in California, Golden Gate National Recreation Area, is being proposed for designation because potential marbled murrelet habitat within the area is still subject to timber harvest and loss. The National Park Service does not control rights to the standing forest on some of the recreation area. Several other Congressionally designated areas were considered important to recovery of the marbled murrelet because of their location within the range of the species and presence of suitable nesting habitat, but are not proposed because they do not require special management. These include—(1) North Cascades, Olympic, and Mount Rainier National Parks; Willapa National Wildlife Refuge; Mount Saint Helens National Volcanic Monument; Mount Baker, Noisy Diobsud, Glacier Peak, Boulder River, Henry M. Jackson, Alpine Lakes, Clearwater, Norse Peak, Glacial View, Tatoosh, Buckhorn, The Brothers, Mount Skokomish, Wonder Mountain, and Colonel Bob Wilderness Areas in Washington; (2) Drift Creek, Cummins Creek, Rock Creek, Grassy Knob, Wild Rogue, and Kalmiopsis Wilderness Areas in Oregon; and (3) the Kalmiopsis, Siskiyou, and Trinity Wilderness Areas; Muir Woods National Monument; and Point Reyes National Seashore in California. Portions of the Smith River National Recreation Area in California were not included because they did not contain high-quality nesting habitat. External threats in these areas are very limited, management goals are generally adequate to conserve the species, and these areas do not require special management consideration or protection.

Effects of the Proposed Designation

This proposal for designation of critical habitat for the marbled murrelet identifies 33 proposed critical habitat units encompassing approximately 1,800,160 hectares (4,453,200 acres) of Federal and non-Federal lands based on information available in the Interagency Geographic Information System (GIS). Twenty-three proposed critical habitat units include State, county, city, or private lands. See Table 1.

TABLE 1.—PROPOSED TERRESTRIAL CRITICAL HABITAT BY STATE, OWNERSHIP, AND LAND LOCATION

	Hectares	Acres
Washington:		
Federal Lands:		
Congressionally Withdrawn Lands	500	1,200
Late-Successional Reserves	494,100	1,220,900
State Lands	199,580	493,200
Private Lands	1,770	4,400
Oregon:		
Federal Lands:		
Late Successional Reserves	645,740	1,595,600
State Lands	112,890	279,000
County Lands	500	1,200
Private Lands	400	1,000
California (Northern):		
Federal:		
Congressionally Withdrawn Lands	10,310	25,500
Late-Successional Reserves	229,350	566,700
State Lands	70,630	174,600
Private Lands	16,420	40,500
California (Central):		
State Lands	14,620	36,100
County Lands	3,230	8,000
City Lands	440	1,100
Private Lands	1,680	4,200

Some small areas of naturally occurring or human-created unsuitable habitat (i.e., areas that have never been or will likely never be marbled murrelet nesting habitat, such as alpine areas, water bodies, serpentine meadows, airports, roads, buildings, parking lots, etc.) are inside the boundaries of proposed critical habitat units but are not considered critical habitat because they do not provide constituent elements. Where possible, these areas were not included within the proposed critical habitat boundaries and acreage totals were adjusted to reflect the exclusion of this non-suitable habitat. However, many of these areas are small and could not be physically identified on the GIS maps. Current mapping information does not allow precise identification of the location of primary constituent elements. The Service is continuing to gather information to refine the boundaries of proposed critical habitat units to eliminate areas that do not contain one or more of the primary constituent elements or will remain non-suitable.

Efforts by Federal agencies to survey for marbled murrelets have been

concentrated in areas of proposed timber sales or limited research locations. A small fraction of the suitable nesting habitat has been surveyed to date, and surveys have not been uniformly spread throughout the range of the species. Therefore, known occupied sites provide only a partial indication of the potential areas used by the species. In addition, there are a significant number of known occupied sites within Redwood National Park that are not currently on the database and are therefore not reported here. The proposed critical habitat includes 665 (93 percent) of the 715 known occupied sites on Federal lands.

The Service does not have specific information about the amount of suitable nesting habitat or habitat containing one or more of the primary constituent elements on non-Federal lands within the species' range, although the Service is aware of at least 264 known occupied sites on non-Federal lands, of which 181 (68 percent) are within proposed critical habitat. The Service continues to seek information and comments about the location of suitable nesting habitat and occupied sites on non-Federal lands.

Available Conservation Measures

Two of the principal purposes of the Act, as stated in section 2(b), are to provide a means to conserve the ecosystems upon which endangered and threatened species depend and to provide a program for the conservation of listed species. The Act mandates the conservation of species through several different mechanisms, such as—sections 7(a)(1) and 7(a)(2) (requiring Federal agencies to further the purposes of the Act by carrying out conservation programs and ensuring that Federal actions will not likely jeopardize the continued existence of the listed species); section 9 (prohibition of taking of listed species); section 10 (habitat conservation plans); and section 6 (cooperative State and Federal grants).

Recovery Planning

Designation of critical habitat would not offer specific direction for managing marbled murrelet nesting or foraging habitat and would not provide a management or conservation plan for the species. Recovery plans typically provide guidance for conservation, which may include population goals and the identification of areas that may need protection or special management. Recovery plans usually include management recommendations for designating critical habitat. The Service continues to work closely with the Marbled Murrelet Recovery Team relative to critical habitat.

The Act joins the recovery planning and critical habitat processes through its definition of conservation. However, critical habitat does not replace, and cannot be replaced by, recovery planning. Critical habitat will not, in itself, lead to the recovery of the species. Critical habitat provides one of several measures available to contribute toward the conservation of a species.

Recovery planning is an ''umbrella'' that guides all of these activities and promotes a species' conservation. Recovery plans provide guidance, which may include population goals and identification of areas that are in need of protection or special management. Recovery plans also include management recommendations for areas proposed or designated as critical habitat. Critical habitat promotes recovery by highlighting areas that should be given additional consideration in planning processes. Critical habitat helps focus conservation activities by identifying areas that contain essential habitat features (primary constituent elements) and that require special management or protection. Although the recommendations contained in recovery plans are not legally binding, critical habitat provides a regulatory mechanism when a Federal nexus is present to increase immediate protection of these primary constituent elements and essential areas and preserve options for the long-term conservation of the species.

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to destroy or adversely modify designated critical habitat. This Federal responsibility accompanies, and is in addition to, the requirement in section 7(a)(2) of the Act that Federal agencies insure that their actions are not likely to jeopardize the continued existence of any listed species. A Federal agency must consult with the Service if its proposed action may affect a listed species or critical habitat.

Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR 402.

Destruction or adverse modification of critical habitat is defined as ''* * * a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.'' 50 CFR 402.02. Jeopardy is defined at 50 CFR 402.02 as any action that would be expected to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild.

Survival and recovery, mentioned in the definitions of ''adverse modification'' and ''jeopardy'', are directly related. Survival may be viewed as a linear continuum between recovery and extinction of a species. The closer a species is to recovery, the greater the certainty of the species' continued survival. The terms ''survival'' and ''recovery'' are related by the degree of certainty that the species will persist during a given period of time. Survival relates to viability. Factors that influence a species' viability include population numbers, distribution throughout its range, vulnerability to chance catastrophic events, and reproductive success.

The definition of critical habitat in the Act indicates that the purpose of critical habitat is to contribute to a species' conservation. The section 7 requirement that Federal agencies insure that their actions do not result in destruction or adverse modification of critical habitat applies to actions that would impair survival and recovery of a listed species. As a result of this connection between critical habitat and recovery, the requirement that Federal agencies insure against destruction or adverse modification of critical habitat enables the critical habitat to contribute to the recovery of the species.

After a proposal of critical habitat, section 7(a)(4) of the Act and implementing regulations (50 CFR 402.10) require Federal agencies to confer with the Service on any action that is likely to result in the destruction or adverse modification of the proposed critical habitat. Conference reports provide advisory conservation recommendations to assist a Federal agency in identifying and resolving conflicts that may be caused by the proposed action.

If an agency requests, and the Service concurs, a formal conference report may be issued. Formal conference reports on proposed critical habitat contain an opinion that is prepared in accordance with 50 CFR 402.14 as if the proposed critical habitat were already designated. Such a formal conference report may be adopted as a biological opinion pursuant to 50 CFR 402.10(d) when critical habitat is finally designated, if no significant information or changes in the action occur that would alter the content of the opinion.

Basis for Analysis

Designation of critical habitat focuses on the primary constituent elements within the designated habitat units and their contribution to the species' survival and recovery. The evaluation of actions that may affect proposed critical habitat for the marbled murrelet would consider the effects of a Federal action on any of the factors that were the basis for determining the habitat to be critical, including the primary constituent elements of potential nest trees, and surrounding forest.

The range of the marbled murrelet has been subdivided by the Recovery Team into six Marbled Murrelet Conservation Zones, as discussed in the Previous Management Efforts section (USFWS 1995). These subdivisions were not based on identification of separate populations of marbled murrelets, but rather on the need for differing recovery actions in portions of the marbled murrelet's range, and the need to maintain well-distributed populations. Marbled murrelets within the conservation zones are likely to interact across zone boundaries at some level.

For a wide-ranging species such as the marbled murrelet, if multiple critical habitat units are designated, each unit would have a local, regional, and rangewide role in contributing to the conservation of the species. The loss of a single unit may not jeopardize the continued existence of the species, but may significantly reduce the ability of critical habitat to contribute to recovery. In some cases the loss of a critical habitat unit could reduce local population levels. This could have a detrimental effect on the stability of the conservation zone, or at the least on that portion of the zone where the loss occurred.

The basis for an adverse modification opinion would be related to adverse impacts on a conservation zone identified in the recovery plan (USFWS 1995). The loss of populations in one or more conservation zone, or even a major part of a conservation zone, could lead to genetic and demographic isolation of parts of the population. Analysis of impacts to individual units must consider the effects to the local area (both the unit and surrounding units), conservation zone, and the overall range of the marbled murrelet in Washington, Oregon, and California.

Examples of Proposed Actions

Section 4(b)(8) of the Act requires, for any proposed or final regulation concerning critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by the critical habitat designation. Regulations found at 50 CFR 402.02 define destruction or adverse modification of critical habitat as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

A variety of ongoing or proposed activities may adversely impact the proposed marbled murrelet critical habitat. Examples of such activities include, but are not limited to, forest management, conversion, and roadbuilding that have the following effects on the primary constituent elements:

(1) Removal or degradation of individual nest platforms or trees with a potential nesting platform that results in a significant decrease in the value of the trees for future nesting use. Removal or degradation of support trees adjacent to trees with potential nesting platforms that provide habitat elements essential to the suitability of the potential nest tree or platform, such as trees providing cover from weather or predators.

(2) Removal or degradation of forested areas surrounding and contiguous to potential nest trees with canopy height of at least one-half the site-potential tree height, including removal or degradation of trees currently unsuitable for nesting that contribute to the structure/integrity of the potential nest area (i.e., trees that contribute to the canopy of the forested area). These trees provide the closed canopy and stand conditions important for marbled murrelet nesting.

(3) Removal or degradation of forested areas within critical habitat with canopy height of at least one-half the site-potential tree height, regardless of the presence of potential nest platforms. These forests provide a landscape more conducive to nesting marbled murrelets.

Activities that do not affect the primary constituent elements in the forest are unlikely to be affected by the proposed designation. Such activities would include, but are not limited to, certain recreational use and personal-use commodity production (e.g., noncommercial mushroom picking, Christmas tree cutting, rock collecting, recreational fishing along inland rivers).

Activities conducted according to the standards and guidelines for Late-Successional Reserves, as described in the ROD for the Northwest Forest Plan would, in most cases, be unlikely to result in the destruction or adverse modification of the proposed marbled murrelet critical habitat. Activities in these areas would be limited to manipulation of young forest stands that are not currently marbled murrelet nesting habitat. Also, these manipulations would be conducted in a manner that would not slow the development of these areas into future nesting habitat, and should speed the development of some characteristics of older forest.

Section 10(a)(1)(B) of the Act authorizes the Service to issue permits for the taking of listed species incidental to otherwise lawful activities. Incidental take permit applications must be supported by a habitat conservation plan (HCP) that identifies conservation measures that the permittee agrees to implement for the species. The issuance of an incidental take permit is a Federal action and is subject to the consultation requirements of section 7 of the Act. The Service expects that HCPs that contribute to the conservation of the murrelet would be consistent with the proposed critical habitat designation.

Several HCP efforts are currently underway in areas proposed for murrelet critical habitat designation, such as State lands in Washington, the Elliott State Forest in Oregon, and Pacific Lumber lands in California. Any lands within critical habitat that are included in an HCP that addresses conservation of the marbled murrelet will be subsequently excluded from critical habitat designation upon approval of the HCP by the Service.

Economic Analysis Summary

Section 4(b)(2) of the Act requires the Service to consider the economic and other relevant impacts of specifying any particular area as critical habitat. The Secretary may exclude areas from critical habitat if he/she determines that the benefits of such exclusion outweigh the benefits of specifying such area as critical habitat, unless failure to designate a specific area would result in extinction of the species. The Service contracted with ECONorthwest, a consulting firm in Eugene, Oregon, to conduct an economic analysis of the potential economic effects of designating critical habitat for the marbled murrelet. As required by the Endangered Species Act, the report addresses only the economic consequences of the proposed critical habitat. It does not address the consequences of listing the species or other actions that have been proposed or taken to protect marbled murrelets.

The proposed designation of critical habitat for the marbled murrelet would

affect the economy via a single mechanism—if the designation becomes final, Federal agencies would have to insure that actions they carry out, authorize or fund would not likely destroy or adversely modify the designated habitat. A critical habitat designation would not affect activities on State, local, or private lands unless there is a Federal permit, license, or funding involved.

The proposed marbled murrelet critical habitat is not separate from the surrounding economy. A critical habitat designation would have multiple effects on the economy, some negative and some positive. The murrelet critical habitat proposal and the requirement that Federal agencies insure that their actions are not likely to destroy or adversely affect the habitat, would have economic consequences for four groups:

(1) It would reduce the amount of certain types of forested habitat available to firms, such as firms in the timber industry, that benefit from conventional logging practices that degrade critical habitat;

(2) It would benefit the households and firms that otherwise incur spillover costs when critical habitat is degraded;

(3) It would benefit those who see critical habitat as an element of the local quality of life; and

(4) It would benefit those who place an intrinsic value on the marbled murrelet, its habitat, and other species supported by the habitat.

To obtain information regarding the potential impact of the proposed designation on the activities of Federal agencies, the Service solicited information directly from the affected agencies. It contacted Federal agencies in western Washington, western Oregon, and northwestern California informing them of the Service's inquiry into the potential impacts of proposed designation. Seven agencies indicated that the designation would not affect their activities. Twenty-two agencies stated that the designation might affect their activities. To these, the Service provided additional information and sent each a questionnaire asking the agency to describe its future activities with and without the proposed designation.

Most agencies that responded to the questionnaire indicated that the designation would have little or no effect on their activities. A number of agencies indicated that, based on information currently available, they could not determine the potential effect. Two agencies, the Oregon State Office of the Bureau of Land Management and Region 6 of the Forest Service concluded that the proposed designation would cause a reduction in timber harvest on lands they administer. With the designation and in the absence of a specific exception, the Bureau of Land Management and Forest Service would not proceed with logging of approximately 20 million board feet (MMBF) of timber on 10 sold and awarded timber sales in Washington and Oregon.

No single method of analysis can provide a full view of the designation's potential economic consequences and, hence, three different methods were used in the economic analysis. First, a static estimate of the potential impacts on the economy was developed using common analytical tools that embody strong simplifying assumptions regarding the economy's ability to respond and adjust to the designation. Second, these assumptions were relaxed, taking into account the economy's probable long-run adjustment to the designation, and discussed the transition process that would yield the long-run outcome. Third, the designation's potential impacts on national economic welfare were assessed and the issues related to the fairness of the designation were discussed.

Static Estimate of the Economic Consequences

The static analysis presents a worst-case estimate of the proposed designation's potential impact by assuming that critical habitat-related changes in the activities of Federal agencies would occur abruptly and that capital, labor, and other factors of production would be locked in place and unable to respond. Within this framework, it is assumed that, if a designation caused a reduction in the output of a good or service, the capital, labor, and other factors of production associated with the displaced good or service would become permanently unemployed. These assumptions imply that there would be no compensating response by the economy, e.g., it assumes that firms would not tap into alternative markets and displaced workers would not find replacement jobs in response to the reduction in the output of the good or service.

With the information currently available, the impact of designation on all four groups listed above cannot be assessed using only the analytical tools of static analysis. Static analysis alone limits the analysis to impacts on only Group #1, i.e., firms that, in the absence of a designation, would engage in or otherwise benefit from the degradation of critical habitat (e.g., some methods of logging timber from Federal lands). The static analysis fails to capture the impacts on Groups 2, 3, and 4. Despite its limitations, the static estimate is useful because it presents the worst-case description of the proposed designation's potential impacts, and it sets the stage for the examination of the economy's long-run adjustment to a designation.

Using employment multipliers generated by input-output techniques, the static analysis of the reductions in timber harvest indicates that canceling already sold and awarded timber sales would cause a total reduction of 387 person-years of work. This is a one-time impact that probably would be concentrated in less than 1 year, but might be stretched over a longer period.

All of these reductions would not necessarily occur in the vicinity of the restricted harvests. Because the timber industry is highly competitive over an area encompassing at least western Washington, western Oregon, northern California, the reductions would occur in the least competitive firm(s) within the entire area. These may be hundreds of miles from the sites where timber-harvest is reduced. Most of the impact on employment is likely to occur in or near metropolitan areas, reflecting the concentration in these areas of the timber industry, itself, as well as the other sectors that are related to the timber industry.

Long-run Adjustment and the Transition Process

Most workers displaced because of the designation would find replacement jobs quickly as tens of thousands have during the past 15 years. After one year, the unemployment rate among workers who lose their jobs because of the designation probably would equal the rate among other workers with similar education and training.

The proposed designation probably would have positive impacts on the output, employment, and earnings in those industries that otherwise incur spillover costs when critical habitat is degraded. The spillover costs include impacts to fisheries from habitat and population losses; increased risk of flooding; sediment removal and ecosystem repair; water quality reduction; and unemployment insurance costs. By reducing the timber industry's spillover costs, the proposed designation would stimulate other sectors of the economy, though by how much is uncertain.

The proposed designation would probably exert a long-run, positive influence on the natural-resource aspects of the area's quality of life. Hence, the proposed designation would

have a positive impact on all households, firms, and communities sensitive to the quality of these resources. Evidence from studies in Oregon indicate that at least one-third of the population is sensitive to the region's natural-resource amenities.

The marbled murrelet and its habitat have intrinsic value. Given the proposed designation's goal of recovering the marbled murrelet, it is anticipated that the proposed designation would exert a positive influence on this value, though, again, by how much is uncertain.

Overall Economic Effects

Conceptually, at least, one measures the proposed designation's impact on national economic welfare by looking at the difference in the value society ascribes to two bundles of goods and services, one with the proposed designation and the other without it. In this case, the bundle of goods and services affected by the proposed designation has four major components—(1) the marbled murrelet and its habitat; (2) the natural-resource amenities and other elements of the local quality of life; (3) goods and services that would be affected by the proposed designation; and (4) the productivity of workers, households, firms, and communities that would be affected by the proposed designation.

Values ascribed to the marbled murrelet and its habitat commonly are separated into two groups—use values (e.g., consumptive use of the resource as a source of food or medicine, or passive use of the resource as a source of scenic beauty) and non-use values (e.g., benefits a person derives from knowing that a species or some other natural resource exists). Marbled murrelets currently have little apparent use value. They have essentially no value as a source of food to humans. They have some recreational value to birdwatchers, although the magnitude of this value is unknown. Marbled murrelets and their habitat have some non-use value but, again, the magnitude of this value is not currently quantifiable. Hence, the Service would have to rely on judgment to assess the magnitude of the proposed designation's impact on these values.

By reducing logging in certain areas, the proposed designation would increase the quality of life with respect to:

(1) The visual aesthetics of riparian areas. In general, the aesthetic value of these areas is higher, the more natural their appearance. Insofar as the proposed designation would maintain the natural appearance, it would maintain their amenity value.

(2) The visual aesthetics of some upland areas that otherwise would experience timber harvests. The proposed designation would maintain the amenity values of these areas by maintaining their natural appearance. The aesthetics and water-related recreation associated with streams that experience improvements in water quality, including reductions in sediment, would be enhanced.

(3) The aesthetics and recreational opportunities, e.g., whitewater rafting, associated with changes in the quantity and timing of water runoff so that less runoff occurs as peak flow in the spring and more occurs as base flow during the summer.

(4) The visual aesthetics and recreational opportunities associated with increased populations of wildlife related to riparian areas.

The proposed designation may have a wide range of effects by preventing activities that would have spillover effects on habitat critical to the recovery of the murrelet and, hence, on the firms and households sensitive to activities inconsistent with the designation. These spillover effects include: (1) impacts on the structure of the local and regional economies, (2) sedimentation, (3) global climate change, (4) future listings of threatened or endangered species, (5) human morbidity and mortality, and (6) impacts on landuse. In general, there is insufficient information to estimate the value of these effects.

Similarly, there is insufficient evidence to support quantification of the effects on the productivity of labor and other factors of production. On balance, the proposed designations overall effect on the nation's productivity could be positive or negative, but the impact probably would be close to zero.

A major issue regarding the economic fairness of the proposed designation is its potential impacts on the value of private property. The proposed designation would have a negative effect on values that depend on Federal agencies engaging in or supporting the degradation of critical habitat. It would have a positive effect on values that otherwise would be depressed by the spillover costs from habitat degradation. It also would have a positive impact on values that depend on the habitat's contribution to the area's quality of life.

In sum, the evidence is insufficient to conclude whether the proposed designation would result in net economic benefits or costs. It does appear likely, however, that the overall net effect is close to zero.

Copies of the complete draft economic analysis are available upon request from the State Supervisor, U.S. Fish and Wildlife Service, Oregon State Office (see **ADDRESSES** section).

Summary of Comments and Recommendations on the First Proposal

In the January 27, 1994, proposed rule for designation of marbled murrelet critical habitat, the Service requested all interested parties to submit information and comments concerning the proposal. Additional comments were taken at the public hearing on May 24, 1994, in North Bend, Oregon.

During the public comment period, the Service received 130 written comments. In addition, 25 people testified at the public hearing. All comments received are part of the administrative record and are available for public review. Issues raised during the public comment period that were not addressed in the body of the amended proposal are discussed next.

Issue 1: One commenter suggested that, due to aboriginal influences, only 5 to 38 percent of the land in the Douglas-fir Region was comprised of patches of 200-year-old trees prior to euroamerican settlement, a value different from those listed in the proposed rule.

Service Response: The little information that exists describing pre-settlement forests supports the Service's general conclusion that approximately 60 to 70 percent of the forested areas in range of the marbled murrelet in Washington, Oregon, and California contained an old-growth component, major portions of which were distributed in large, contiguous blocks. Human-caused factors have significantly reduced the amount of old-growth forests in the range of the marbled murrelet in Washington, Oregon, and California compared to pre-historic levels (Spies and Franklin 1988; Teensma *et al.* 1991; Booth 1991; Larsen 1991; Bolsinger and Waddell 1993; Ripple 1994; Perry 1995; Ralph *et al.* 1995b). The Service believes this material represents the best available scientific information.

Issue 2: Commenters suggested that prey distribution and abundance, rather than inland forest conditions, may dictate murrelet distributions at sea.

Service Response: The Service agrees that prey distribution and abundance is an important ecological factor for murrelets at sea.

However, particularly during the nesting season, marbled murrelets are found in high numbers in close proximity to areas where inland forested conditions are considered suitable for nesting throughout large portions of coastal Washington, Oregon, and

California (Carter and Erickson 1992; Varoujean and Williams 1995; Ralph and Miller 1995; Ralph *et al.* 1995b; Strong *et al.* 1995). Conversely, marine concentrations tend to be low where on-shore habitat is limited.

The distribution of marbled murrelets in the marine environment changes after the nesting season. This suggests that proximity to their nesting habitat is important for marbled murrelets during the breeding season even though food may be more abundant elsewhere (Ralph *et al.* 1995b). However, it could be that changes in prey distribution and abundance occur coincidentally with the end of the nesting season. Marbled murrelets have been documented to use a variety of prey species, which suggests that they are capable of exhibiting flexibility regarding food resources available to them during the nesting season. Therefore, the Service believes that the condition of inland nesting habitat is an important factor explaining distributions in the marine environment during the nesting season.

Issue 3: Commenters suggested that suitable nesting habitat (defined as mature forests with approximately two remnant old-growth trees per acre) is under-used and not a limiting factor for marbled murrelets.

Service Response: There may be localized situations where habitat that is currently suitable for nesting is not currently occupied. The ability of this species to rapidly colonize new areas is unknown, but is likely to be low for several reasons—(1) population numbers are low and scattered in some areas; (2) marbled murrelets have a low reproductive rate, providing few young to serve as colonizers; (3) this species evolved to use nesting habitat that was relatively stable from year-to-year, and may be less adaptive to the loss of nesting areas in a given year (Divoky and Horton 1995); and (4) potentially suitable habitat may be scattered and not necessarily high-quality habitat, both of which may result in a lag time for colonization.

However, the Service continues to believe that nesting habitat is a limiting factor in some areas because of the close association of marbled murrelet nests to older forest habitat, the amount of which has been reduced significantly (See Issue 1). All marbled murrelet nests located as of January 1994 in Washington, Oregon, and California have been associated with forests considered to be older forest or which contain late-successional components (Hamer and Nelson 1995b). In addition, at-sea distributions of marbled murrelets during the nesting season along coastal Oregon and California shorelines roughly correspond to inland distributions of late-successional forests (See Issue 2).

Issue 4: One commenter disagreed with the use of sites identified as occupied by marbled murrelets under the Pacific Seabird Group protocol as a criteria for critical habitat designation, because the commenter believes that some of the behaviors that resulted in occupied status were not indicative of nesting.

Service Response: The Service used all available information in the selection of areas for proposed designation of critical habitat. Survey information was only one of the criteria considered in selecting areas for proposed critical habitat designation. Survey results (including occupied sites, marbled murrelet presence, and lack of detections) were used as indicators of the presence/absence of marbled murrelets in specific areas. However, survey efforts were minimal in many areas, and coverage of areas was discontinuous. Such information was of limited use in proposing critical habitat in portions of the range.

Issue 5: Several commenters raised issues related to nest predation and predator numbers. These were primarily related to the effects of timber harvest and forest edge on predator numbers and marbled murrelet nest predation rates. The appropriateness of applying nest predation studies from other regions of the country to the Pacific Northwest was also raised.

Service Response: The Service has amended the proposed rule to reflect the comments and to provide additional documentation on statements related to predation. The Service believes, however, that existing data still indicate that nest predation is a significant issue in forest edge, even if the causes are unclear. Nelson and Hamer's (1995b) analysis of nest predation indicates that marbled murrelet nests nearer to forest edges experience significantly higher predation rates than nests in the forest interior. Studies have also been completed or are underway in the Pacific Northwest since the proposed rule that indicate the timber harvest in a forest can increase nest predation rates on forest birds under some circumstances (Vega 1993; Bryant 1994; C. Chambers, pers. comm. 1994). It is recognized, however, that additional research on this subject is needed.

Issue 6: Several commenters recommended that the Service designate all Federal lands before considering designating State or private lands.

Service Response: In proposing murrelet critical habitat, the Service examined all areas, regardless of ownership, that may be essential for the conservation of the species. The Service did propose Federal lands first, however, if in a given area, Federal lands were insufficient to meet the conservation needs of the species, other lands were also proposed.

Issue 7: Several commenters, including the Marbled Murrelet Recovery Team, recommended the inclusion or exclusion of specific areas in the proposed designation of critical habitat. Some commenters recommended including all important marine environments, all potential or recruitment habitat, historic areas, or all suitable habitat in the designation. Several commenters recommended that the Service include additional criteria for identifying critical habitat, including, but not limited to, foraging areas in the marine environment; all occupied habitat; buffer areas; flight corridors; minimum nest limb height; minimum nest stand canopy height; and canopy closure and stand size.

Service Response: All such recommendations were examined carefully. Specific areas were not included in the proposal if they did not meet the Act's criteria for designation as critical habitat, and were added if they met the Act's criteria for designation. The Service based its murrelet critical habitat proposal on the principal biological or physical features that are essential to the conservation of the species and that require special management considerations or protection.

In the marine environment, the Service agrees that maintaining aquatic habitat is essential to the marbled murrelet, and that marine conditions may affect distribution and survival of the species. Addressing anthropogenic sources of mortality and degradation of habitat quality in aquatic habitats will be an important component in recovering marbled murrelet populations. However, the Service does not believe that special management consideration or protection is required in the marine environment beyond those provided by existing Federal laws and regulations, which was discussed in the Previous Management Efforts section. Therefore, the Service did not include areas in the marine environment. Some terrestrial occupied sites were not included because they may not require special management or protection beyond that provided by existing Federal laws and regulations or they were not considered essential to the conservation of the species due to location, site conditions, or history. Therefore, not all areas occupied by the

species were included in this critical habitat proposal.

Marbled murrelets have been observed using flight paths such as river corridors on flights inland, however, marbled murrelets have also been observed flying over ridges, cities, and agricultural areas to access inland areas (T. Hamer pers. comm. 1995). The use of flight corridors has not been shown to be essential for access to inland forested habitat.

Stand and individual tree attribute information (e.g., nest limb height; nest stand canopy height and closure; and size) was unavailable for use in proposing the boundaries of murrelet critical habitat. However, these attributes were considered in the evaluation of the primary constituent elements of murrelet critical habitat.

Issue 8: Several commenters recommended the inclusion of specific management requirements for designated critical habitat.

Service Response: A designation of critical habitat does not establish a management plan and does not impose any specific management requirements on the area designated. Critical habitat is an inventory of habitat and areas that contain the biological features essential to the conservation of the species. Management requirements for critical habitat are addressed through recovery and land management planning processes.

Issue 9: One commenter recommended keeping the public comment period open until the Service had all the information needed to propose critical habitat. Another commenter recommended waiting until the Recovery Plan was complete to designate critical habitat.

Service Response: The Act requires the Service to designate critical habitat to the maximum extent prudent and determinable, at the time of listing. If critical habitat is not determinable at the time a species is listed, the Act allows the Service up to one additional year to designate critical habitat to the maximum extent prudent. The Act and implementing regulations require the Service to employ the best available information in the designation of critical habitat, but a designation must comply with the statutory time frames.

The Act does not impose deadlines for completing recovery plans and does not provide the authority for the Service to delay designation of critical habitat while waiting for a completed recovery plan.

Issue 10: One commenter suggested that the prohibitions of take of listed species under section 9 of the Act protected occupied murrelet sites and therefore the Service did not need to designate critical habitat.

Service Response: Section 9 of the Act prohibits the take of a listed species. The term ''take'' is defined in the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). A designation of critical habitat and the resulting consultation process for Federal actions under section 7 of the Act address impacts to a species which may not involve take.

Issue 11: One commenter indicated that state laws were sufficient to protect marbled murrelets and therefore critical habitat did not need to be designated.

Service Response: Current state regulations have not prevented habitat loss for the marbled murrelet. Habitat loss is considered to be one of the primary factors that has contributed to the need to list the murrelet in Washington, Oregon, and California.

Issue 12: Several commenters provided information about issues related to the listing of the species (e.g., new population numbers, whether the listed population is distinct, whether listing was premature due to lack of information, and whether the listed population is at the natural edge of the species' range).

Service Response: A proposal to designate critical habitat does not include a review of the listing determination. Comments relevant only to the listing decision were not incorporated in this proposal. Information that was pertinent to critical habitat and the biological information used in the development of the proposal were reviewed and incorporated as appropriate.

Issue 13: Several commenters indicated that an Environmental Impact Statement should be written for a designation of critical habitat.

Service Response: The Service has determined that rules issued pursuant to section 4(a) of the Endangered Species Act do not require preparation of an environmental impact statement under the National Environmental Policy Act. The Service's determination has been upheld by the 9th Circuit Court of Appeals in a decision concerning the critical habitat designation for the northern spotted owl.

Issue 14: Several commenters indicated that designation of non-Federal lands as critical habitat would result in the ''taking'' of private property.

Service Response: A critical habitat designation affects only actions authorized, funded, or carried out by Federal agencies. It would not result in a taking of private property.

Issue 15: Several commenters expressed concern about the ability to access private lands that lie adjacent to or are surrounded by critical habitat.

Service Response: If murrelet critical habitat is designated, issues concerning access across Federal lands could be resolved through the consultation process under section 7 of the Act.

National Environmental Policy Act

The Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in conjunction with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

The proposed rule has been reviewed by the Office of Management and Budget under Executive Order 12866. The Department of the Interior has determined that the proposed designation of critical habitat for the marbled murrelet would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Based on the information discussed in this proposed rule concerning public projects and private activities within critical habitat units, it is not clear whether significant economic impacts would result from the proposed critical habitat designation. Also, no direct costs, enforcement costs, information collection, or record-keeping requirements would be imposed on small entities by this proposed designation. Further, the proposed rule contains no record-keeping requirements as defined by the Paperwork Reduction Act of 1980. Finally, the Department has assessed the effects of this rulemaking action on State, local, and Tribal governments, and the private sector pursuant to Title II of the Unfunded Mandates Reform Act of 1995. The Department has determined that this action does not compel the expenditure of $100 million or more by any State, local or Tribal government, or any individual in the private sector. Therefore, a statement under section 202 of the Unfunded Mandates Reform Act is not required.

Public Comments Solicited

The Service intends that any final action resulting from this amended critical habitat proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned government agencies, Indian Nations, the scientific community, industry, or any other interested party concerning all aspects of this proposed rule, including the economic analysis, are hereby solicited.

The Service has scheduled five public hearings to facilitate receipt of public comments. The dates and locations of the hearings are provided below. Anyone expecting to make an oral presentation at these hearings is encouraged to provide a written copy of their statement to the hearing officer prior to the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at these hearings or mailed to the Service.

Tuesday, September 5, 1995, from 2:00–4:00 p.m. and 6:00–8:00 p.m., at the Red Lion Hotel Columbia River, 1401 North Hayden Island Drive, Portland, Oregon.

Thursday, September 7, 1995, from 2:00–4:00 p.m. and 6:00–8:00 p.m., at the Red Lion Hotel, 1313 North Bayshore Drive, Coos Bay, Oregon.

Tuesday, September 12, 1995, from 2:00–4:00 p.m. and 6:00–8:00 p.m., at the Eureka Inn, 518 Seventh Street, Eureka, California.

Thursday, September 14, 1995, from 2:00–4:00 and 6:00–8:00 p.m., at the Coconut Grove Conference Center, 400 Beach Street, Santa Cruz, California.

Tuesday, September 19, 1995, from 2:00–4:00 p.m. and 6:00–8:00 p.m., at the Bellevue Conference Center, 121 107th Avenue, Bellevue, Washington.

Comments are particularly sought concerning:

(1) The reasons why any Federal lands (either proposed critical habitat or additional areas) should or should not be determined to be critical habitat as provided by section 4 of the Act;

(2) The location and reasons why any non-Federal lands should or should not be determined to be critical habitat as provided by section 4 of the Act, including information on whether lands proposed contain the primary constituent elements identified in this amended proposal for the marbled murrelet, potential threats to the marbled murrelet, and the value of areas to the conservation of the species;

(3) The reasons why any marine areas should or should not be determined to be critical habitat as provided by section 4 of the Act, including information on potential threats, current activities, the effect of current regulatory mechanisms, and benefits to the species;

(4) Current and planned activities in proposed critical habitat areas and their possible impacts on proposed critical habitat;

(5) Any threats to the conservation of the marbled murrelet or the maintenance of marbled murrelet nesting habitat on Congressionally-protected lands within the range of the marbled murrelet;

(6) Current and planned activities within Congressionally-protected areas that might affect, positively or negatively, the conservation of the marbled murrelet, including any management plans or statutory mandates;

(7) Other physical and biological features that are essential to the conservation of the species and in need of special management or protection;

(8) Specific information on the amount, location, and distribution of suitable marbled murrelet nesting habitat; and the numbers and distribution of sites occupied by marbled murrelets on all ownerships and land designations;

(9) Information concerning health of the ecosystems on which the marbled murrelet depends;

(10) Information on the economic benefits and costs that would result from the proposed designation of critical habitat for the marbled murrelet, including the segments of the economy that would be affected by the proposed designation;

(11) Data and information relevant to determining whether the benefits of excluding a particular area from critical habitat outweigh the benefits of specifying the area as critical habitat;

(12) Analyses useful in evaluating economic and other relevant impacts; and

(13) Additional information that should be considered in analyzing economic and other impacts of the proposed designation;

References Cited

A compete list of all references cited herein is available upon request from the Field Supervisor, U.S. Fish and Wildlife Service, Portland Field Office, 2600 SE 98th Avenue, Suite 100, Portland, Oregon, 97266; telephone (503) 231–6179.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

2. Section 17.11(h) is amended by revising the ''Critical habitat'' entry for ''Murrelet, marbled'' under BIRDS to read: 17.95(b).

3. Section 17.95(b) is amended by adding critical habitat for the marbled murrelet, in the same alphabetical order as the species occurs in § 17.11(h), as follows.

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(b) Birds

* * * * *

MARBLED MURRELET (*Brachyramphus marmoratus marmoratus*):

1. Critical habitat units are depicted for the States of Washington, Oregon, and California on the maps below.

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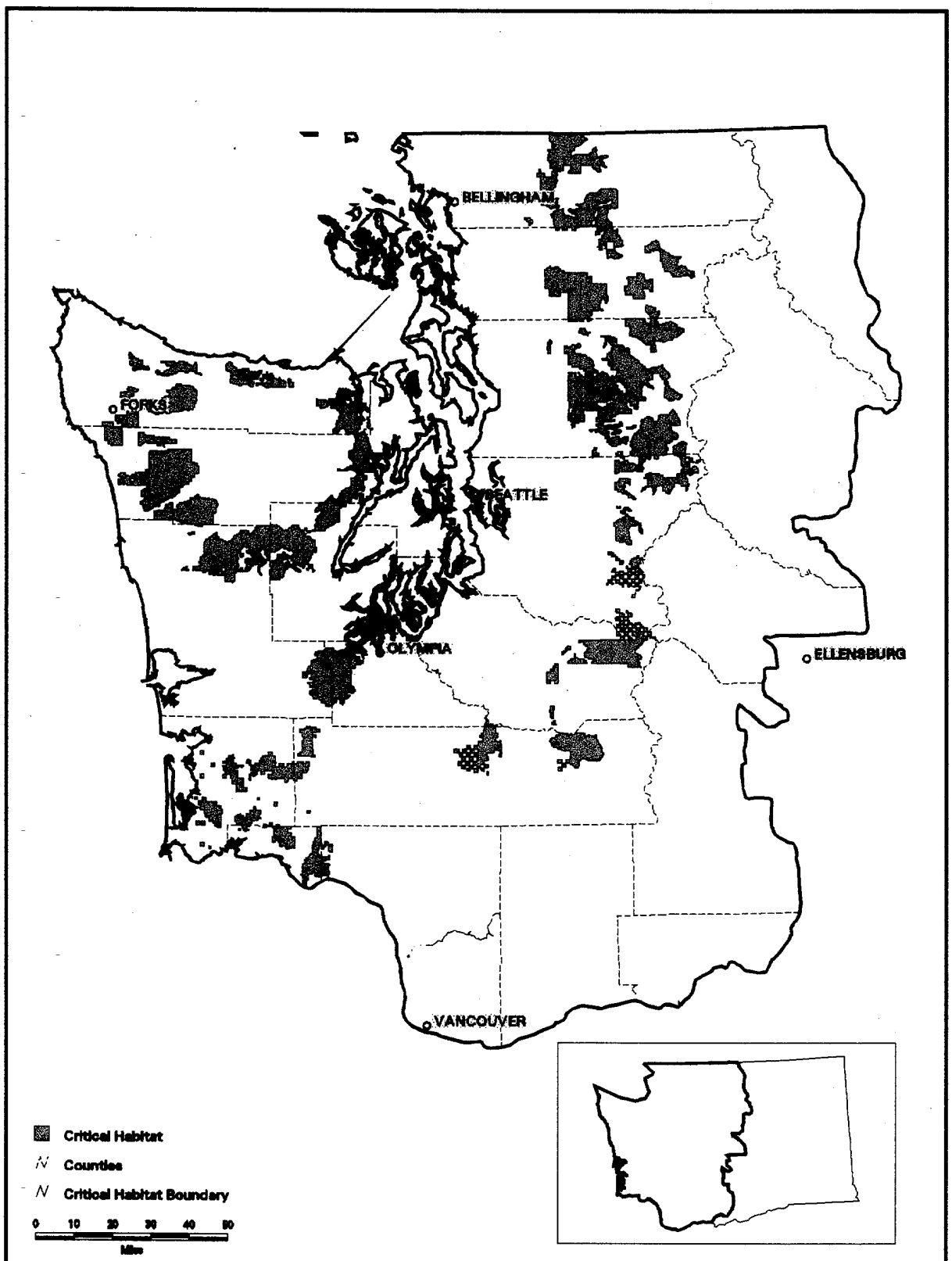
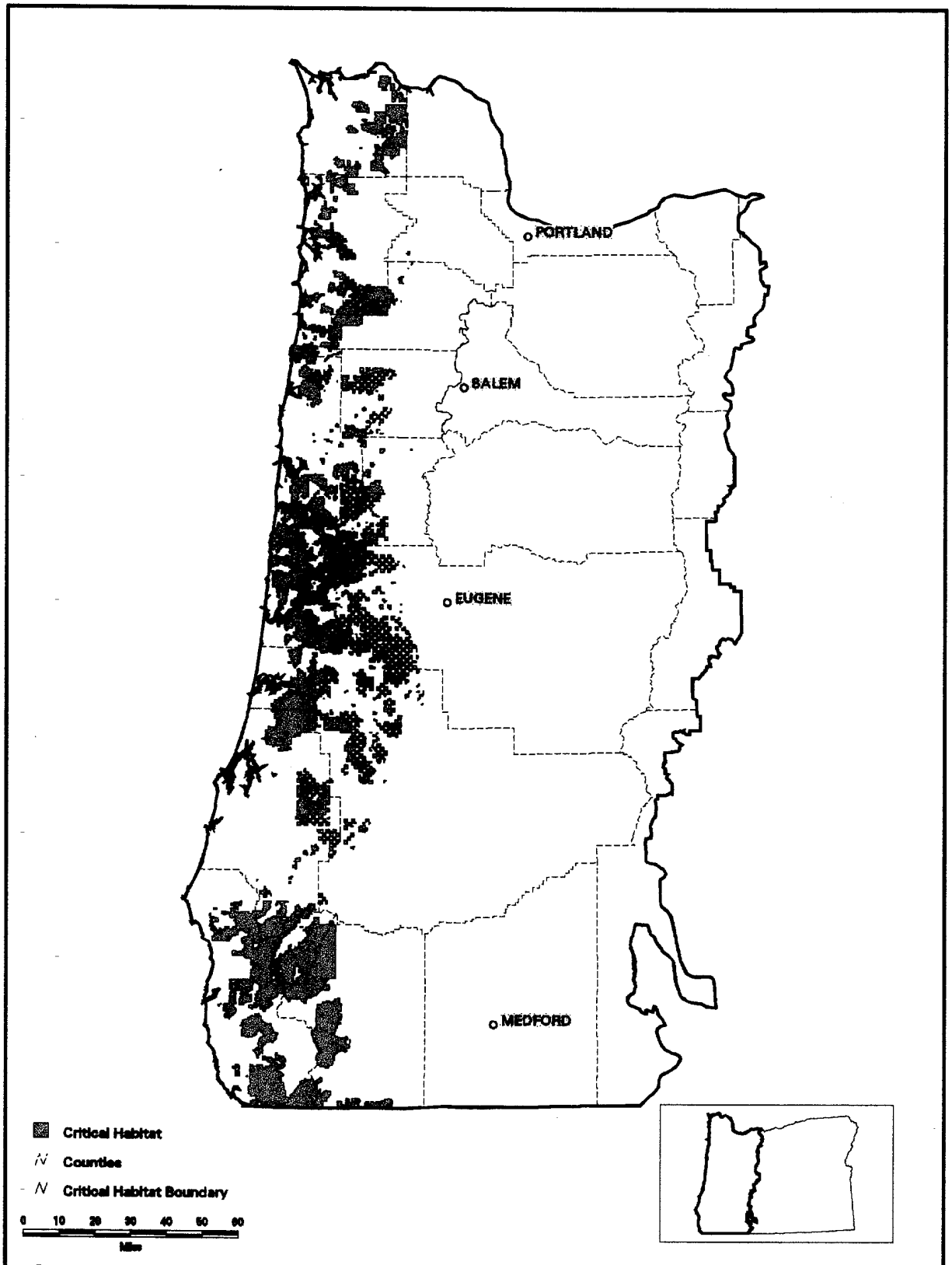
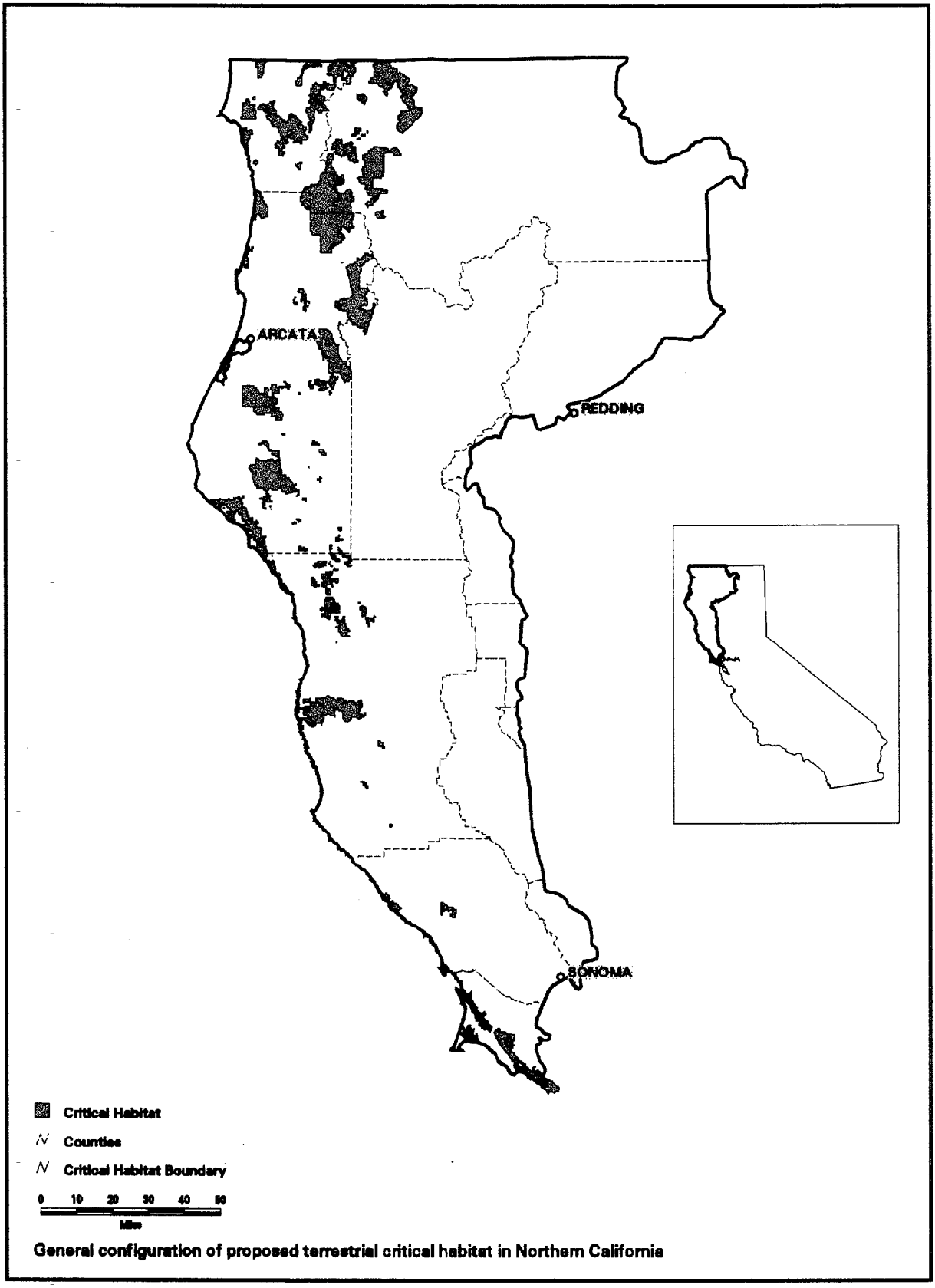


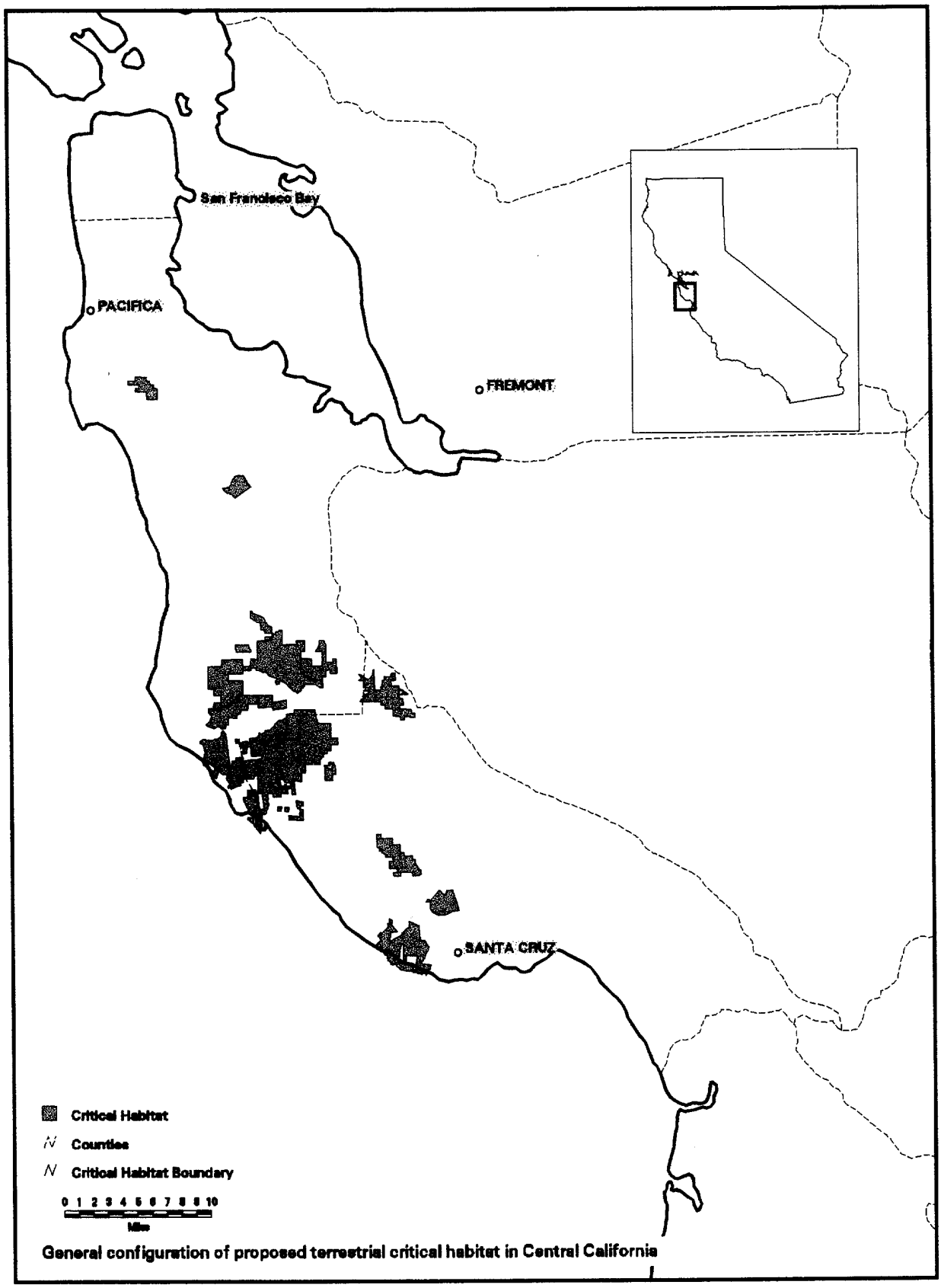
General configuration of proposed terrestrial critical habitat in Washington



General configuration of proposed terrestrial critical habitat in Oregon



General configuration of proposed terrestrial critical habitat in Northern California



General configuration of proposed terrestrial critical habitat in Central California

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2. Non-Federal lands included within critical habitat designated for the marbled murrelet shall be subsequently excluded from such designation by the U.S. Fish and Wildlife Service upon the approval of a Habitat Conservation Plan (HCP) that includes the affected lands and addresses the conservation of the marbled murrelet.

3. The primary constituent elements: forest lands that are used or potentially used by the marled murrelet for nesting and roosting.

4. A description of the critical habitat units follows.

Map and description of WA–01–a taken from United States Fish and Wildlife Service 1:100;000 map; Cape Flattery, Forks, and Port Angeles, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.28N., R.10W. Willamette Meridian: W½ W½ Section 1; Sections 2–6; Section 7 except S½ S½; N½, N½ SW ¼ Section 8; N½ Section 9; N½ NW¼, NE¼ Section 10; N½ Section 11; E½ NW¼ Section 12.

T.28N., R.11W. Willamette Meridian: Sections 1–5; S½ S½, NE¼ SW¼, N½ SE¼, S½ NE¼, NE¼ NE¼ Section 6; Section 7; Sections 8–12; N½ NW¼ Section 13; N½ N½, S½ NE¼, SE¼ NW¼ Section 14; N½ NW¼, SW¼ NW¼ Section 15; N½ N½, SW¼ NW¼, SE¼ NE¼ Section 16; NW¼ NW¼, SE¼ NW¼, NE¼ NW¼, NE¼ Section 17; N½ NE¼, NE¼ NW¼ Section 18.

T.28N., R.12W. Willamette Meridian: SW ¼ Section 2; S½ S½, NE¼ SE¼ Section 3; N½ N½ Section 10;N½ Section 11; W½ NW¼, E½, SE¼ NW¼, NE¼ SW¼ Section 12.

T.29N., R.10W. Willamette Meridian: SW¼ NW¼, SW¼ SE¼, SW¼ Section 1; Section 2 except N½ NE¼; Sections 3–5; S½ S½, NE¼ SE¼, NW¼ SW¼, NE¼ Section 6; Sections 7–24; Section 25 except SE¼ SE¼; Sections 26–35; NW¼, N½ SW¼, SW¼ SW¼,W½ NE¼, NE¼ SE¼ Section 36.

T.29N., R.11W. Willamette Meridian: SE¼, SE¼ NE¼ Section 12; Section 13; N½, N½ SE¼, SE¼ SE¼, NE¼ SW¼ Section 14; S½ SE¼, NE¼ SE¼ Section 22; S½, E½ NE¼ Section 23; Sections 24–27; S½, S½ NE¼, NE¼ NE¼, SW¼ NW¼ Section 28; E½ SE¼ Section 29; SE¼ SE¼ Section 31; SW¼ SW¼, SE¼, S½ NE¼, E½ SW¼, SE¼ NW¼, NE¼ NE¼ Section 32; Sections 33–36.

T.30N., R.09W. Willamette Meridian: SW¼ SW¼ Section 18; NE¼ NW¼ Section 19.

T.30N., R.10W. Willamette Meridian: E½ SW¼, SE¼, NE¼ Section 1; NW¼ SW¼, SW¼ SW¼, SE¼ SW¼, SW¼ SE¼ Section 2; Section 3 except NE¼; Sections 4–5; S½ Section 6; Sections 7–10; N½, N½ S½, SW¼ SW¼ Section 11; Section 12; N½, N½ SE¼, SE¼ SE¼ Section 13; NW¼ NW¼, E½ NE¼ Section 14; N½, NE¼ SW¼, NW¼ SE¼ Section 15; N½ Section 16; N½ Section 17; Section 18 except S½ SE¼; N½ NW¼ Section 19; SE¼ SE¼ Section 31; S½ S½ Section 32.

T.30N., R.11W. Willamette Meridian: Section 1 except SW¼ SE¼; Section 2; N½, N½ SE¼, SE¼ SE¼ Section 3; NE¼, N½ NW¼ Section 4; NE¼ NE¼ Section 10; N½ NE¼, NE¼ NW¼, SW¼ SW¼ Section 11; NW¼ NW¼, S½, E½ NE¼ Section 12; Section 13; S½ NW¼, S½, NE¼ Section 14; S½, SE¼ NE¼ Section 15; SE¼ NW¼, S½ Section 17; E½ SE¼ Section 18; NE¼, E½ NW¼ Section 20; N½ SE¼, N½ Section 21; N½, N½ S½ Section 22; N½, N½ SW¼ Section 23; NW¼, NW¼ NE¼, SW¼ NE¼, NE¼ NE¼ Section 24.

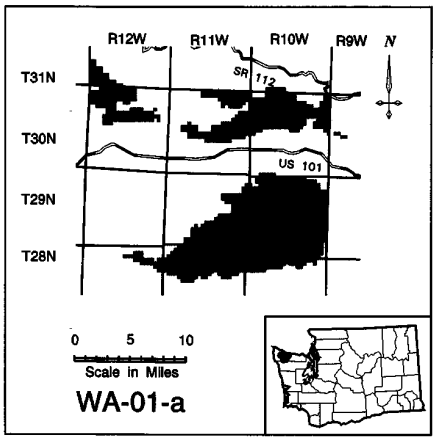
T.30N., R.12W. Willamette Meridian: W½ Section 3; Section 4–5; S½, E½ NE¼, SW¼ NE¼, S½ NW¼ Section 6; SE¼ NW ¼, N½ NW¼, NE¼ Section 7; Section 8 except W½ SW¼; N½ NE¼ Section 9; S½ Section 10; S½ SW¼, SW¼ SE¼, NE¼ SE¼ Section 11; W½ NW¼ Section 13; NW¼, W½ NE¼, NE¼ NE¼ Section 14; N½ N½, SE¼ NE¼ Section 15; Section 17 except S½ S½, NE¼ SE¼.

T.31N., R.10W. Willamette Meridian: S½ S½ Section 32; S½ SW¼, SW¼ SE¼ Section 33.

T.31N., R.12W. Willamette Meridian: NW¼, SW¼, SE¼ Section 30; Section 31 except S½ SW¼; Section 32 except NE¼; S½ SW¼ Section 33.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T. 30N. R.12W. Willamette Meridian: S½ S½ Section 9; N½ Section 16.



Map and description of WA–01-b taken from United States Fish and Wildlife Service 1:100;000 map; Port Angeles, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.29N., R.07W. Willamette Meridian: NW¼ NW¼ Section 1; N½ NE¼ Section 2.

T.30N., R.07W. Willamette Meridian: SW¼ SE¼ Section 26; Section 29; Section 30 except SE¼ NE¼, N½ NE¼; Section 31 except S½ SW¼; W½ W½, NE¼ NW¼ Section 32; W½ NW¼, N½ SW¼, S½ NE¼, NE¼ NE¼ Section 33; NW¼, W½ NE¼, SE¼ NE¼, NE¼ SE¼ Section 34; N½, N½ S½, S½ SE¼, SE¼ SW¼ Section 35; Section 36.

T.30N., R.08W. Willamette Meridian: S½ S½ except SW¼ SW¼ Section 20; S½ SW¼ Section 21; Section 25; Section 26 except NW¼ NE¼; Section 27; Section 28; Section 29; N½ N½, SE¼ NE¼ Section 33; N½, N½ SE¼ Section 34; N½, NW¼ SW¼ Section 35; N½ Section 36.

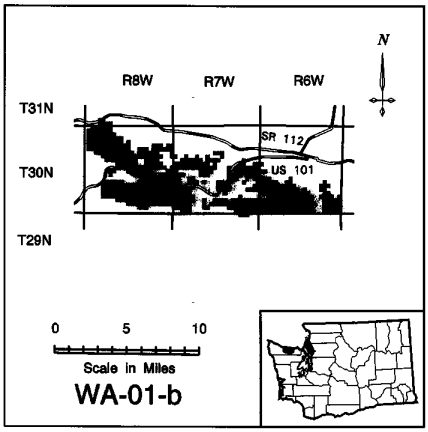
Proposed Critical Habitat includes only State or County lands described within the following areas:

T.30N., R.06W. Willamette Meridian: NW¼ SW¼ Section 18; N½ NW¼, S½ Section 19; S½ SW¼ Section 20; SW¼ SW¼, SE¼ SW¼, NE¼ SW¼ Section 21; SE¼ SE¼ Section 23; NW¼ NW¼, W½ SW¼, SE¼ SW¼, SE¼ SE¼ Section 25; NE¼, E½ SE¼, SW¼ SE¼ Section 26; SW¼, NW¼ SE¼, S½ SE¼, SE¼ NW¼ Section 27; Section 28 except SE¼ SW¼, NE¼ NE¼; Section 29; Section 30 except S½ SW¼; Sections 31–34; E½ E½ Section 35; Section 36.

T.30N., R.07W. Willamette Meridian: SE¼ SE¼ Section 9; S½ SW¼ Section 10; S½ S½, N½ SE¼ Section 13; SE¼, SE¼ NE¼, SE¼ SW¼ Section 14; SE¼ SE¼, SW¼ NW¼, NE¼ NW¼ Section 15; Section 16 except N½ NE¼, W½ NW¼, NE¼ SE¼; S½, S½ N½, NW¼ NE¼ Section 17; NW¼ NW¼, S½, NE¼ NE¼, S½ NE¼ Section 18; SW¼, SW¼ NE¼, S½ NW¼, NW¼ NW¼ Section 19; SW¼, SW¼ SE¼, E½ NE¼ Section 20; NW¼, SW¼ SW¼, NW¼ NE¼ Section 21; S½ SW¼, E½ E½ Section 22; S½ NW¼, N½ SW¼, SE¼ SE¼, W½ NE¼, NE¼ NE¼, NE¼ NW¼ Section 23; N½, NW¼ SW¼, N½ SE¼, SE¼ SE¼ Section 24; S½ NW¼, NE¼, Section 25; N½, NW¼ SE¼ Section 27.

T.30N., R.08W. Willamette Meridian: S½ SW¼ Section 4; Section 5 except E½ NE¼; Section 6 except NW¼ NW¼; Section 7 except S½ SW¼; Section 8; Section 9 except NW¼ NE¼; SW¼ SW¼, SE¼ Section 10; Section 11 except NW¼, N½ NE¼, NE¼ NW¼; N½ S½, SW¼ NW¼, S½ NE¼, SE¼ SE¼ Section 12; NW¼ NW¼, NE¼ NE¼, SE¼ SE¼, S½ SW¼, NW¼ SW¼ Section 13; Section 14; NW¼, SW¼, NE¼ Section 15; Section 16; SE¼ NW¼, N½ NW¼, NE¼ Section 17; N½ NE¼, SW¼ NE¼, NE¼ NW¼ Section 20; NE¼ NE¼ Section 21; N½ NW¼, SE¼ NW¼, W½ SE¼, SW¼ SE¼, NE¼ Section 22; NW¼, SW¼, SE¼, SW¼ NE¼ Section 23; S½, S½ N½, N½ NE¼ Section 24; NW¼ NE¼ Section 26.

T.31N., R.08W. Willamette Meridian: W½ SE¼ Section 31; W½ SW¼, S½ SE¼ Section 32.



Map and description of WA–02–a taken from United States Fish and Wildlife Service 1:100;000 map; Cape Flattery and Forks, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.28N., R.12W. Willamette Meridian: S½, S½ NW¼, SW¼ NE¼ Section 4; S½, S½ N½ Section 5; Section 6 except NE¼ NE¼; Sections 7–9; Sections 16–21; Sections 28–33.

T.29N., R.12W. Willamette Meridian: S½ Section 7; S½ SW¼, SW¼ SE¼ Section 8; NW¼, NW¼ SW¼, NW¼ NE¼ Section 16; Section 17 except SE¼ SE¼; Section 18; Section 19 except SE¼ SE¼; NW¼, N½ SW¼, SW¼ SW¼ Section 20; W½ W½, NE¼ NW¼, NE¼ SW¼ Section 30.

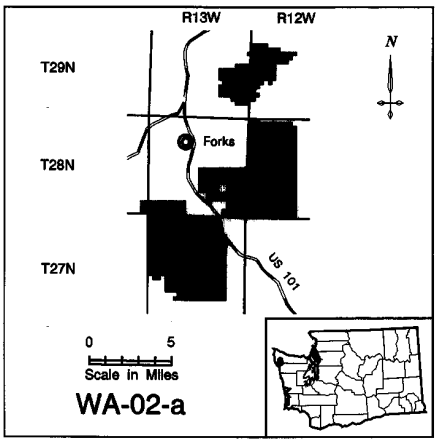
T.29N., R.13W. Willamette Meridian: S½ S½, NE¼ NE¼ Section 13; Section 23 except SW¼ SW¼; Sections 24–25; N½, N½ SW¼, N½ SE¼, SE¼ SE¼ Section 26, N½ N½ Section 36.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.27N., R.13W. Willamette Meridian: W½ NW¼, SE¼ NW¼, SW¼ Section 2; Sections 3–10; W½, W½ SE¼, W½ NE¼ Section 11; W½, W½ SE¼, W½ NE¼ Section 14; Sections 15–18; NW¼ SE¼, NE¼ SW¼, N½ Section 19; Sections 20–22; W½, W½ SE¼, W½ NE¼ Section 23; W½, W½ SE¼, W½ NE¼ Section 26; Sections 27–28; N½, E½ SE¼, SW¼ SE¼ Section 29.

T.28N., R.13W. Willamette Meridian: Sections 22–25; W½ NW¼, E½ NE¼, S½ Section 26; NW¼, E½ Section 27; Sections 31–32; W½ W½ Section 33; NW¼ NE¼ Section 34; E½ E½, W½ SE¼ Section 35; Section 36.

T.28N., R.14W. Willamette Meridian: E½ Section 36.



Map and description of WA–02-b taken from United States Fish and Wildlife Service 1:100;000 map; Forks and Mt Olympus, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.25N., R.10W. Willamette Meridian: Sections 29–30; Section 31 except SE¼ SE¼; N½ NW¼, SW¼ NW¼ Section 32.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.24N., R.11W. Willamette Meridian: N½ N½ Section 1; N½, N½ SW¼ Section 2; Sections 3–8; Section 9 except SE¼; N½ NW¼ Section 10; NW¼ Section 16; NW¼, W½ NE¼, NW¼ SW¼ Section 17; Section 18 except SE¼ SE¼; NW¼ NW¼ Section 19.

T.24N., R.12W. Willamette Meridian: S½ NW¼, SW¼, S½ SE¼, NW¼ NW¼, SW¼ NE¼, NW¼ SE¼ Section 1; SE¼, E½ NE¼ Section 2; W½ SE¼, NE¼ SE¼, S½ NE¼ Section 10; Section 11; Section 12 except NE¼ SE¼; NW¼, SW¼, N½ NE¼, SW¼ NE¼ Section 13; N½, S½ SE¼, NE¼ SE¼ Section 14; NE¼ NW¼, NE¼, N½ SE¼ Section 23; N½, N½ SW¼ Section 24.

T.25N., R.10W. Willamette Meridian: Sections 1–11; NW¼, NE¼ SW¼ Section 14; Section 15 except SE¼ SW¼, S½ SE¼; Sections 16–20; NW¼, N½ NE¼, SW¼ NE¼ Section 21.

T.25N., R.11W. Willamette Meridian: Section 1–18; Section 19 except SW¼ SE¼; Section 20 except NE¼ NW¼; Sections 21–36.

T.25N., R.12W. Willamette Meridian: Section 1 except N½ N½, SE¼ NE¼, NE¼ SE¼; Section 2 except E½ NE¼; Section 3 except NE¼ NW¼; E½ E½ Section 4; SE¼ Section 5; SE¼ SW¼ Section 6; Section 7; N½ Section 8; Section 9; Section 10 except NE¼ NE¼; SE¼ NW¼, S½ Section 11; Section 12; Section 13 except S½ SW¼; W½ W½, E½ Section 14; Sections 15–16; W½ NW¼, S½ S½, NW¼ SW¼, NE¼ SE¼ Section 17; Section 18; N½ NE¼, SW¼ NE¼, E½ NE¼ Section 19; N½ N½ Section 20; N½ N½ Section 21; N½ N½ Section 22; NW¼ NW¼ Section 23; E½ SW¼, NE¼ NW¼, NE¼ Section 24; Section 25 except NW¼ NW¼; Section 26 except S½, S½ NE¼; Section 35 except W½ W½, Section 36.

T.25N., R.13W. Willamette Meridian: Section 1 except N½ N½, SW¼ NE¼, NE¼ SE¼; S½, S½ NE¼ Section 2; NE¼ NW¼, S½ S½, N½ NE¼, SE¼ NE¼ Section 11; Section 12; Section 13 except SW¼ SW¼; Section 14; N½ NW¼ Section 23; NE¼ NW¼ Section 24.

T.26N., R.09W. Willamette Meridian: S½ NW¼, SW¼, SW¼ NE¼ Section 19; Sections 30–31.

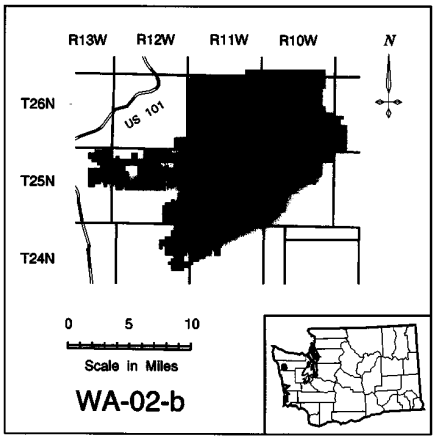
T.26N., R.10W. Willamette Meridian: W½ W½ Section 1; Sections 2–11; W½ SW¼ Section 13; Sections 14–36.

T.26N., R.11W. Willamette Meridian: Sections 1–5; NW¼ NW¼ Section 6; Sections 7–36.

T.26N., R.12W. Willamette Meridian: S½ SE¼ Section 33; SW¼ SW¼, S½ SE¼ Section 34; S½ SW¼, SW¼ SE¼ Section 35; Section 36.

T.27N., R.10W. Willamette Meridian: S½ Section 31; S½ Section 32; S½ Section 33; S½ Section 34; S½ Section 35.

T.27N., R.11W. Willamette Meridian: SE¼ Section 35; S½ Section 36.



Map and description of WA–02–c taken from United States Fish and Wildlife Service 1:100;000 map; Forks and Mt Olympus, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.23N., R.10W. Willamette Meridian: N½ Section 1; N½ N½, SE¼ NE¼ Section 2; S½ NW¼, NE¼ NW¼, NE¼ Section 15; N½ SE¼, SE¼ NW¼, S½ NE¼ Section 16.

T.24N., R.09W. Willamette Meridian: W½, SE¼, W½ NE¼ Section 3; Sections 4–9; Section 10 except E½ SE¼; Section 15 except E½ NE¼, S½ SE¼, NE¼ SE¼; Sections 16–21; Sections 28–33.

T.24 ½N., R.09W. Willamette Meridian: Section 31 except NE¼ NE¼; Section 32 except NE¼ NE¼, NW¼ NW¼; Section 33 except N½ N½; SW¼, SW¼ SE¼ Section 34.

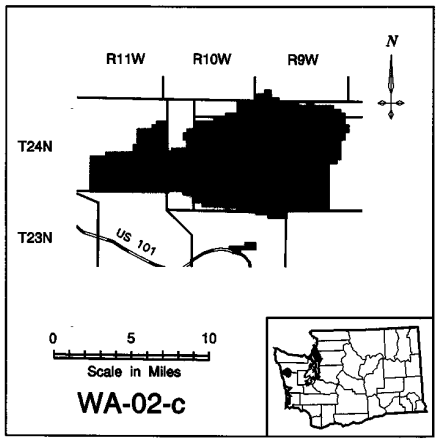
T.24N., R.10W. Willamette Meridian: Sections 1–4; Section 5 except NW¼ NW¼; Section 6 except N½ N½; Sections 7–30; N½, N½ SE¼ Section 31; N½, N½ S½ Section 32; N½, N½ S½, SE¼ SE¼, SE¼ SW¼ Section 33; Sections 34–36.

T.24 ½N., R.10W. Willamette Meridian: S½ S½, E½ NE¼, NE¼ SE¼ Section 33; Sections 34–36.

T.25N., R.09W. Willamette Meridian: S½, S½ NE¼ Section 31; S½ SW¼ Section 32.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.24N., R.11W. Willamette Meridian: S½ SW¼, NE¼ SW¼, Mr. Speaker, SE¼ Section 12; Section 13; Section 14; S½ S½ Section 20; S½ Section 21; E½ NE¼, S½ Section 22; Sections 23–29; Sections 32–36.



Map and description of WA–02–d taken from United States Fish and Wildlife Service 1:100;000 map; Forks, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

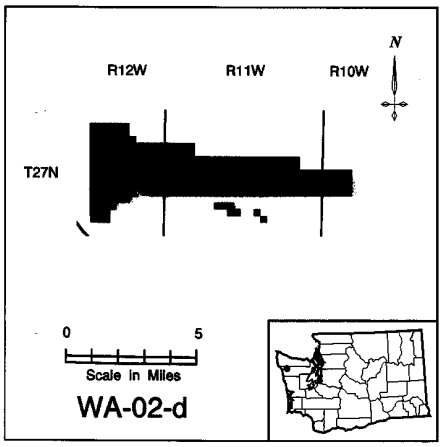
T.27N., R.11W. Willamette Meridian: NE¼ SW¼, SW¼ SE¼ Section 27; S½ NW¼, NW¼ SE¼, NE¼ SE¼ Section 28; SE¼ NE ¼ Section 29.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.27N., R.10W. Willamette Meridian: Section 19.

T.27N., R.11W. Willamette Meridian: S½ Section 14; S½ Section 15; S½ Section 16; S½ Section 17; Section 18–24.

T.27N., R.12W. Willamette Meridian: S½ N½, S½ Section 10; SW¼, SW¼ SE¼, S½ NW¼ Section 11; Sections 13–15; Section 22; Section 23 except S½ SE¼, NE¼ NE¼; Section 24; N½ NE¼ Section 25; N½ NW¼ Section 26; Section 27 except E½ SE¼.



Map and description of WA–03–a taken from United States Fish and Wildlife Service 1:100;000 map; Mt. Olympus and Shelton, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.21N., R.07W. Willamette Meridian: SE¼ SE¼, NW¼ SE¼, SW¼ NE¼, NE¼ NW¼ Section 3.

T.21N., R.08W. Willamette Meridian: NW¼ NW¼ Section 3; Sections 4–9; N½, N½ SW¼, SE¼ SW¼, NW¼ SE¼, Section 16; Section 17 except S½ S½; Section 18 except S½ S½.

T.21N., R.09W. Willamette Meridian: Section 1; Section 2 except N½ NW¼; Section 3 except SE¼, SE¼ NE¼; NW¼, E½ NE¼, S½ NW¼, SE¼ NE¼ Section 4; E½ E½, NW¼ NW¼ Section 5; E½ NW¼, NE¼ Section 6.

T.22N., R.07W. Willamette Meridian: SW¼ SW¼, N½, N½ S½ Section 1; N½ NE¼, SE¼ NE¼ Section 2; E½ W½, SW¼ NE¼, NW¼ NW¼ Section 3; W½, NW¼ SE¼, SW¼ NE¼, N½ NE¼ Section 4; Section 5 except SW¼ SE¼; S½ SW¼, SE¼, S½ NE¼, NE¼ NE¼, NW¼ SW¼ Section 6; NE¼ NW¼, N½ NE¼ Section 7; NW¼ NE¼, NE¼ SW¼, SW¼ SE¼, E½ SE¼ Section 8; N½ NW¼, SW¼ NW¼, S½ SE¼, NE¼ SE¼ Section 9; W½, W½ SE¼ Section 10; E½ NE¼ Section 11; NW¼ NW¼, S½ NW¼, W½, SE¼, N½ SW¼, SE¼ SW¼ Section 12; SE¼ SW¼, N½ SE¼, SW¼ SE¼, NW¼ NE¼, SE¼ NE¼ Section 13; SW¼ NW¼, SW¼ SE¼, SW¼ Section 14; N½ N½, SW¼ NW¼, SW¼, S½ SE¼, NE¼ SE¼ Section 15; Section 16 except SW¼ NW¼, N½ NW¼; E½ SW¼, NW¼ NE¼ Section 17; NE¼ SW¼, SW¼ SW¼ Section 18; NW¼ SE¼, N½ NW¼, SW¼, SW¼ NW¼, SE¼ NE¼ Section 19; N½ NW¼, SE¼ NW¼, SW¼, S½ NE¼, E½ SE¼, NE¼ NE¼ Section 20; N½, E½ SW¼, W½ SE¼, NE¼ SE¼ Section 21; N½ Section 22; N½ NW¼, SW¼ SE¼, SW¼ NW¼, SE¼ SW¼, N½ SE¼, SE¼ NE¼ Section 23; NW¼ NW¼ Section 24; N½ NW¼, SW¼ NW¼ Section 26; SE¼ NW¼, E½ SW¼, S½ NE¼, SW¼ SW¼ , NE¼ NE¼ Section 27; NE¼ NW¼ Section 28; E½ NW¼, W½ NE¼, NE¼ NE¼, W½ SW¼ Section 29; SE¼ SE¼ Section 30; N½, N½ SW¼, SW¼ SW¼, NW¼ SE¼ Section 31; E½ W½, W½ SW¼ Section 34.

T.22N., R.08W. Willamette Meridian: W½ NW¼, NW¼ NE¼, SW¼ Section 2; Section 3–9; W½, NE¼ NE¼, W½ NE¼ Section 10; E½ SW¼, SE¼, S½ NE¼ Section 11; W½ SW¼, SW¼, NW¼ Section 12; SE¼ SE¼ Section 13; N½ NE¼ Section 14; Section 15 except E½ NE¼, SE¼ SE¼; Sections 16–21; Section 22 except E½ E½, SW¼ NE¼; NE¼ SE¼, N½ NE¼, SE¼ NE¼ Section 24; Section 27 except SE¼ SE¼; Sections 28–33; N½ NW¼, S½ SE¼, NE¼ SE¼, NW¼ NE¼, SW¼ SW¼ Section 34; SE¼ NW¼, SW¼, E½ Section 35; S½ SE¼, SW¼ SW¼, E½ NE¼ Section 36.

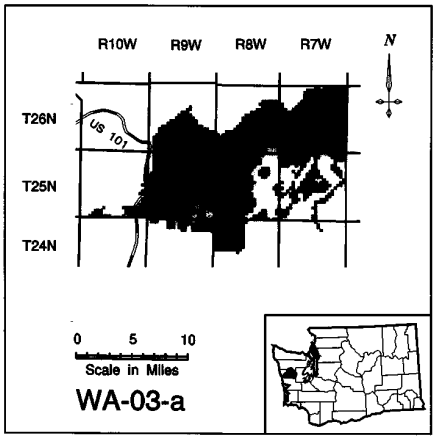
T.22N., R.09W. Willamette Meridian: Sections 1–5; E½ Section 6; E½ Section 7; Sections 8–25; Section 26 except SW¼; Section 27 except SW¼ NW¼, W½ SW¼; Sections 28–33; Section 34 except NW¼ NW¼, NE¼ SE¼; E½, E½ SW¼, SE¼ NW¼, NW¼ NW¼ Section 35.

T.22N., R.10W. Willamette Meridian: E½ SE¼ Section 13; SE¼ SW¼, SE¼, NW¼ NE¼ Section 24; SE¼ SW¼, SE¼, S½ NE¼, NE¼ NE¼ Section 25; SE¼ SE¼ Section 31; S½, S½ NE¼, SE¼ NW¼ Section 32; S½ SW¼, SW¼ SE¼, NW¼ NW¼ Section 33; SE¼ SE¼, NE¼ NE¼ Section 34; Section 35 except S½ SW¼; Section 36.

T.23N., R.07W. Willamette Meridian: Sections 1–2; Section 3 except NE¼ NE¼, NW¼ NW¼; E½ SW¼, SE¼, S½ NE¼ Section 4; SW¼ Section 7; NE¼ SE¼, S½ SW¼ Section 8; Section 9 except NW¼ NW¼; Sections 10–16; Section 17 except NW¼ NW¼; Section 18 except NE¼ NE¼; Sections 19–30; N½, NW¼ SW¼, N½ SE¼, SE¼ SE¼ Section 31; Section 32–33; Section 34 except S½ SE¼; Sections 35–36.

T.23N., R.08W. Willamette Meridian: NE¼ SW¼, S½ NE¼, SE¼ Section 11; Section 12 except N½ N½; Section 13–14; S½, S½ NE¼ Section 15; SE¼ SE¼ Section 16; E½ SW¼, SW¼ SW¼, SE¼, S½ NE¼, NE¼ NE¼ Section 21; Sections 22–29; S½, S½ NW¼, NW¼ NW¼ Section 30; Sections 31–35; N½ Section 36.

T.23N., R.09W. Willamette Meridian: SW¼ SE¼ Section 10; S½ NW¼, SW¼, E½ SE¼, SE¼ SE¼, NW¼ NE¼, NE¼ NW¼ Section 15; SE¼ NE¼, SE¼ SW¼, SE¼ Section 16; SE¼ SE¼ Section 19; S½, S½ NE¼, NE¼ NE¼ Section 20; Sections 21–22; W½ W½, E½ SW¼, W½ SE¼, SE¼ SE¼ Section 23; SW¼ SW¼ Section 24; Section 25–29; SE¼ SW¼, SE¼, E½ NE¼ Section 30; E½ W½, E½ Section 31; Section 32–36.



Map and description of WA–03–b taken from United States Fish and Wildlife Service 1:100;000 map; Mt. Olympus and Shelton, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

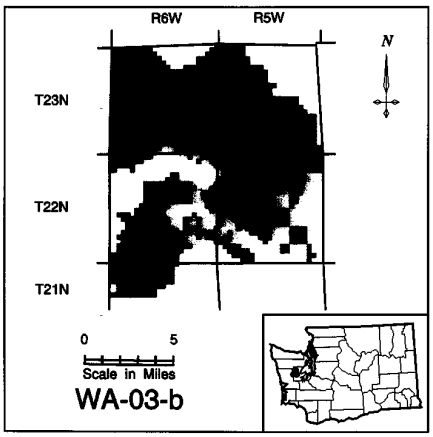
T.21N., R.06W. Willamette Meridian: W½, NW¼ NE¼ Section 3; Sections 4–6; NW¼ NW¼, E½ W½, SW¼ SW¼, E½ Section 7; Section 8; E½, NE¼ Section 9; N½ NW¼ Section 10.

T.22N., R.05W. Willamette Meridian: Sections 1–4; S½, NE¼ NW¼, NE¼ Section 5; NW¼, SE¼, E½ SW¼, W½ NE¼, SE¼ NE¼ Section 6; Section 7 except NW¼ NW¼; Sections 8–10; Section 11 except E½ SE¼, NE¼ NE¼; W½ W½, E½ NW¼, NW¼ NE¼, NE¼ SW¼ Section 14; N½ NW¼, W½ SW¼ Section 15; Sections 16–18; N½ NW¼, W½ SW¼, NE¼, SE¼ NW¼, NE¼ SE¼ Section 19; Sections 20–22; Section 26; N½, N½ SE¼, SW¼ SE¼, NE¼ SW¼ Section 28; NW¼ NW¼, N½ NE¼, SE¼ NE¼ Section 29; S½ SW¼, NW¼ SE¼, SW¼ NE¼, NE¼ SE¼ Section 30; NE¼ NW¼, NE¼, NE¼ SE¼ Section 31; W½ NW¼, N½ SW¼, SE¼, SW¼ NE¼, SE¼ SW¼, SE¼ NW¼ Section 32; NE¼ Section 34; W½ W½, NE¼ SW¼ Section 36.

T.22N., R.06W. Willamette Meridian: N½ NW¼, NE¼, NE¼ SE¼ Section 1; SE¼ NE¼, NE¼ NW¼ Section 2; NW¼ NW¼ Section 4; NW¼, W½ SW¼,W½ NE¼, NE¼ NE¼ Section 5; Section 6 except S½ SE¼, SE¼ SW¼; E½ SE¼ Section 8; S½ Section 9; S½ NW¼, S½, NE¼ NW¼, W½ NE¼ Section 10; SW¼, SW¼ SE¼ Section 11; NE¼ SE¼, S½ SE¼ Section 12; Section 13 except W½ SW¼; NW¼, N½ SW¼ Section 14; Section 15 except SE¼ SW¼, S½ SE¼; Section 16; SW¼ SE¼, E½ E½ Section 17; SE¼ NW¼, S½ NE¼, N½ SE¼, SE¼ SE¼ Section 19; Section 20 except E½ NW¼; Section 21; W½ SW¼ Section 22; W½ SW¼, NE¼ SW¼, SW¼ NE¼, E½ SE¼ Section 23; N½ NE¼ Section 24; S½ N½, NE¼ NE¼, SE¼ SE¼, NE¼ NE¼, N½ SE¼ Section 25; NW¼, SE¼ NE¼, NE¼ SE¼, SW¼ SW¼, N½ NE¼ Section 26; Section 27 except N½ NE¼, SE¼ NE¼; Sections 28–29; SE¼, SW¼ NE¼, E½ NE¼, NE¼ SW¼ Section 30; Section 31 except W½ NW¼; Sections 32–33; Section 34 except E½ SE¼; N½ NW¼ Section 35.

T.23N., R.05W. Willamette Meridian: W½ SW¼ Section 4; Sections 5–8; Section 9 except NE¼ NE¼; S½ SW¼ Section 14; N½ NW¼, NW¼ SW¼, S½ S½, SW¼ NW¼ Section 15; Sections 16–22; Section 23 except SE¼ NE¼, N½ NE¼; S½ SW¼ Section 24; W½ Section 25; Section 26–35; Section 36 except NE¼.

T.23N., R.06W. Willamette Meridian: S½ SW¼, NE¼ SW¼, SE¼, S½ NE¼, NE¼ NE¼ Section 1; E½ SE¼ Section 2; S½ NW¼, NW¼ NW¼, SW¼, W½ SE¼, SE¼ SE¼ Section 4; Sections 5–9; S½ N½, S½, NW¼ NW¼ Section 10; Sections 11–32; Section 33 except S½ SE¼, NE¼ SE¼; Section 34 except SW¼; Sections 35–36.



Map and description of WA–04–a taken from United States Fish and Wildlife Service 1:100;000 map; Shelton and Chehalis River, Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.16N., R.03W. Willamette Meridian: W½ SW¼ Section 2; E½ NW¼, NE¼ SW¼, S½ SW¼,W½ NE¼, SE¼ Section 3; NE¼, SE¼ SE¼, W½ Section 4; Sections 5–7; W½, W½ NE¼, SE¼ NE¼ Section 8; N½ NW¼, NE¼ NE¼ Section 9; NW¼,W½ NE¼ Section 10; NW¼, NW¼ SW¼, W½ NE¼ Section 16; Sections 17–18; Section 19 except W½ SW¼, SW¼ NW¼; W½ W½ Section 20; NE¼ NW¼, N½ NE¼, SE¼ NE¼ Section 30.

T.16N., R.04W. Willamette Meridian: Sections 1–17; Section 18 except SW¼; N½ NE¼ Section 19; Section 20 except W½ SW¼; Sections 21–23; W½ W½ Section 24; N½ NW¼ Section 26; Section 27 except S½ SE¼; NE¼ NW¼, S½ SE¼, NE¼ SE¼, N½ NE¼ Section 28.

T.16N., R.05W. Willamette Meridian: S½ SW¼, SE¼ Section 1; S½ SE¼, NE¼ SE¼ Section 2; N½, N½ SW¼, NW¼ SE¼, SE¼ SW¼ Section 11; N½ Section 12; Section 13; E½ NE¼ Section 14.

T.17N., R.03W. Willamette Meridian: W½ W½ Section 2; Sections 3–7; Section 8 except SW¼ SE¼; Section 9; SW¼ SW¼ Section 10; NW¼ NW¼ Section 15; Section 16; NW¼ NW¼, S½ NW¼, W½ SE¼, SW¼ Section 17; Sections 18–21; Sections 28–33; NW¼ SW¼, SE¼ SW¼, SW¼ SE¼ Section 34.

T.17N., R.04W. Willamette Meridian: Sections 1–36.

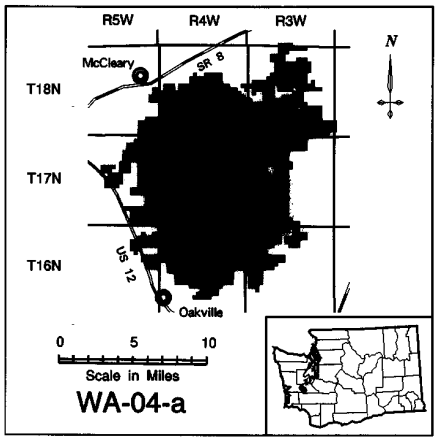
T.17N., R.05W. Willamette Meridian: Section 1; Section 2 except N½ NW¼, SW¼ NW¼; E½ SE¼ Section 3; SE¼ SW¼, E½ Section 10; Section 11 except S½ SW¼; Sections 12–13; E½ Section 14; SW¼, E½ NW¼, NE¼ Section 15; NW¼, SE¼, SE¼ SW¼, NE¼ NE¼, W½ NE¼ Section 16; E½ NW¼, NE¼ Section 21; W½ NW¼, NE¼ NW¼ Section 22; S½, NE¼ Section 23; Sections 24–25; S½ S½ Section 26; S½ SE¼ Section 27; Sections 35–36.

T.18N., R.03W. Willamette Meridian: N½ N½, S½ SE¼, SE¼ SW¼ Section 3; E½ NE¼, W½, NE¼ NE¼ Section 4; SE¼ Section 5; E½ E½, SW¼ SE¼ Section 8; Sections 9–10; W½ NW¼, NW¼ SW¼ Section 11; SW¼, S½ SE¼, SE¼ NW¼ Section 14; Section 15 except SW¼ SW¼; Section 16; Section 17 except NW¼ NW¼, E½ SE¼; SE¼ NW¼, SE¼ SW¼, N½ SW¼, SE¼, S½ NE¼ Section 18; NE¼ NW¼, NW¼ SW¼, S½ S½ Section 19; E½ SE¼,W½ E½, W½ Section 20; S½, S½ NE¼, SE¼ NW¼ Section 21; NW¼, W½ NE¼, N½ SW¼, SW¼ SW¼, NW¼ SE¼, SE¼ SE¼ Section 22; Section 26; Section 27 except NE¼ NW¼, NW¼ NE¼; Sections 28–35; Section 36 except S½ SE¼.

T.18N., R.04W. Willamette Meridian: SE¼ SE¼, SE¼ SW¼ Section 9; S½ S½ Section 10; SW¼ SW¼ Section 11; SW¼ SW¼, NE¼ SE¼, SE¼ SE¼ Section 13; W½ NW¼, SW¼, W½ SE¼, SE¼ SE¼ Section 14; Sections 15–16; E½ SW¼, SE¼ Section 17; SE¼, E½ SW¼ Section 18; Sections 19–23; Section 24 except N½ NE¼, SE¼ NE¼; Sections 25–36.

T.18N., R.05W. Willamette Meridian: S½ SE¼ Section 13; S½ S½ Section 24; S½ S½ Section 25; E½ Section 35; Section 36.

T.19N., R.03W. Willamette Meridian: S½ S½ Section 33.



Map and description of WA–05–a taken from United States Fish and Wildlife Service 1:100;000 map; Chehalis River, Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.12N., R.08W. Willamette Meridian: Section 3 except S½ SW¼, SW¼ SE¼;

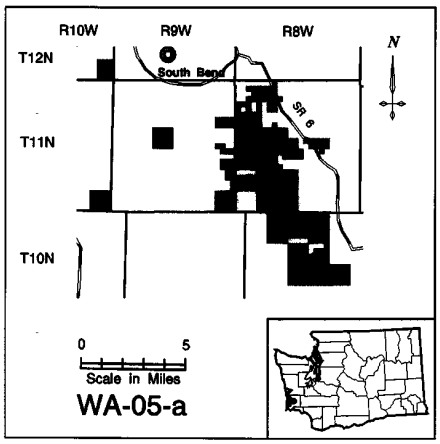
Section 4 except S½ S½; Section 5; Section 9; Section 10 except NW¼ NW¼; S½ S½ Section 11; Sections 14–16.

T.13N., R.08W. Willamette Meridian: SW¼ SW¼ Section 4; Section 5 except N½ NW¼, NW¼ NE¼; S½ SE¼, NE¼ SE¼, S½ NE¼ Section 6; Section 7 except SE¼ NW¼, E½ NE¼; W½ W½, SE¼ SE¼, NW¼ Section 8; SW¼ Section 14; NE¼ SW¼, SE¼, Section 15; Sections 16–20; NW¼ NW¼, E½ NW¼, SW¼ SW¼, NE¼ Section 21; W½ NW¼ Section 22; NW¼ NW¼ Section 23; Sections 28–29; Section 30 except N½ N½; Sections 32–33.

T.13N., R.09W. Willamette Meridian: S½ Section 12; S½ SW¼ Section 13; Section 16; NE¼ NW¼, E½ SW¼, N½ NE¼, SE¼ Section 24; E½ SE¼, NE¼ Section 25; Section 36 except W½ W½.

T.13N., R.10W. Willamette Meridian: Section 36.

T.14N., R.10W. Willamette Meridian: Section 36.



Map and description of WA–05–b taken from United States Fish and Wildlife Service 1:100;000 map; Astoria, Oregon-Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.10N., R.09W. Willamette Meridian: N½, N½ SE¼, NE¼ SW¼ Section 3; N½ NE¼ Section 4.

T.11N., R.09W. Willamette Meridian: Sections 4–10; W½ Section 14; Sections 15–18; Section 19 except SW¼ SW¼; Sections 20–22; Sections 27–29; NW¼, E½ Section 33; N½, SE¼ Section 34.

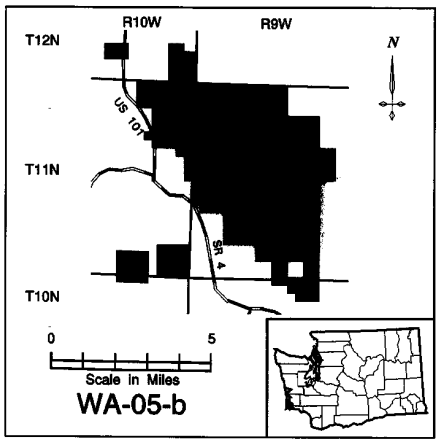
T.11N., R.10W. Willamette Meridian: Sections 1–2; NE¼ SW¼, E½ Section 11; Section 12; E½ SE¼, N½ NE¼, SE¼ NE¼ Section 13; Section 36.

T.12N., R.10W. Willamette Meridian: S½ SW¼ Section 25; NW¼, E½ NE¼ Section 34; Section 36.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.11N., R.10W. Willamette Meridian: E½ SE¼, SE¼ NE¼ Section 34; S½ NW¼, SW¼, W½ SE¼, SW¼ NE¼ Section 35.

T.10N., R.10W. Willamette Meridian: N½ NW¼, NW¼ NE¼ Section 2; NE¼ NE¼ Section 3.



Map and description of WA–05–c taken from United States Fish and Wildlife Service 1:100;000 map; Astoria, Oregon-Washington; 1995.

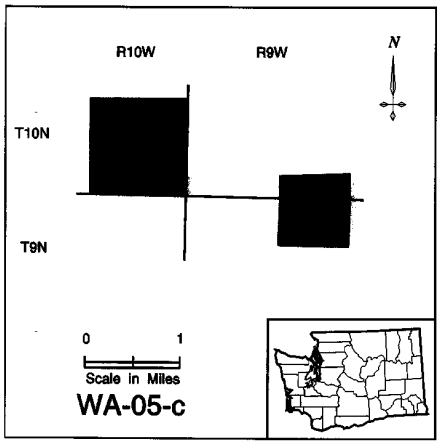
Proposed Critical Habitat includes only State or County lands described within the following areas:

T.10N., R.10W. Willamette Meridian: Section 36.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.09N., R.09W. Willamette Meridian: NW¼, W½ NE¼ Section 5.

T.10N., R.09W. Willamette Meridian: S½ SW¼, SW¼ SE¼ Section 32.



Map and description of WA–05–d taken from United States Fish and Wildlife Service 1:100;000 map; Cape Flattery, Washington; Astoria, Oregon-Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.10N., R.06W. Willamette Meridian: Sections 2–5; N½, S½ SE¼ Section 6; SE¼, N½ NE¼, SE¼ NE¼ Section 7; Section 8–10; Sections 14–17; E½ Section 18; Section 19; SW¼ NW¼, SW¼, W½ NE¼, NE¼ NE¼ Section 20; Section 21–27; S½ NW¼, SW¼, SE¼ Section 28; NE¼ Section 29; NW¼, W½ NE¼ Section 30; N½, N½ SW¼ Section 33; N½, W½ SE¼, NE¼ SE¼ Section 34; N½, SW¼, NW¼ SE¼ Section 35; Section 36 except SE¼ SW¼.

T.10N., R.08W. Willamette Meridian: NW¼ NW¼ Section 1; Section 2; NW¼ Section 10; NE¼, E½ NW¼, N½ SE¼ Section 11; W½ NW¼, SW¼ NE¼ Section 12.

T.11N., R.07W. Willamette Meridian: W½ Section 8; Section 16 except SE¼ SE¼; Sections 17–18; Section 19 except SW¼ SW¼; Section 20; S½ SE¼ Section 21; N½ Section 29; N½, SW¼ Section 30; N½ NW¼ Section 31; E½, E½ W½, SW¼ SW¼ Section 36.

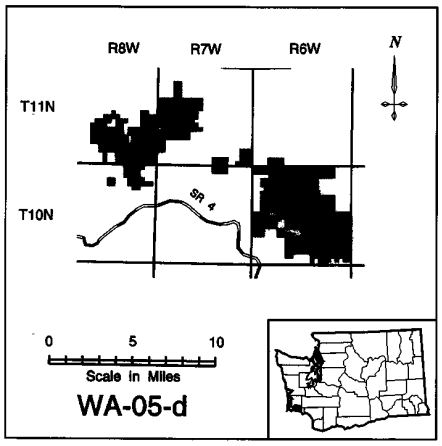
T.11N., R.08W. Willamette Meridian: S½ SW¼ Section 13; SE¼ SE¼ Section 20; S½, S½ NE¼ Section 21; S½ NW¼, NW¼ NW¼, SE¼ Section 22; NW¼ SW¼ Section 23; Sections 24–25; Section 26 except W½ NW¼, E½ SW¼; Sections 27–28; E½ SE¼, NE¼ Section 33; N½, SE¼ Section 34; Sections 35–36.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.10N., R.07W. Willamette Meridian: NW¼ Section 2; NE¼ Section 3.

T.11N., R.06W. Willamette Meridian: S½ Section 32.

T.11N., R.07W. Willamette Meridian: SE¼ Section 34; SW¼ Section 35.



Map and description of WA–05–e taken from United States Fish and Wildlife Service 1:100;000 map; Astoria, Oregon-Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.08N., R.04W. Willamette Meridian: Section 4 except SE¼ SE¼; W½ NW¼, SW¼, S½ SE¼, NE¼ NW¼ Section 5; S½ Section 6; N½ Section 7.

T.08N., R.05W. Willamette Meridian: Section 1 except SW¼ NW¼; NW¼, NW¼ NE¼, Section 2; Section 3 except SE¼; Section 4; N½ SE¼, SE¼ SE¼ Section 5; NW¼, SE¼, N½ NE¼ Section 9; SW¼ Section 10; N½ NE¼ Section 12; Section 16; N½, N½ SE¼ Section 21.

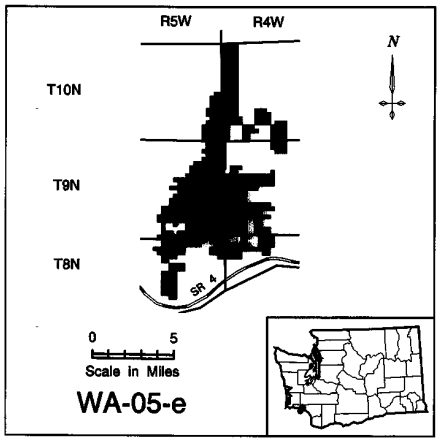
T.09N., R.04W. Willamette Meridian: Section 3 except SW¼ SW¼; W½ W½ Section 6; W½ NW¼, NW¼ SW¼, SE¼ Section 7; NW¼ SW¼ Section 8; SW¼ SW¼ Section 10; W½ NW¼, NW¼ SW¼

Section 15; Section 16 except S½ SE¼, SE¼ SW¼; Sections 17–19; W½, S½ SE¼ Section 20; S½ S½ Section 21; NW¼ NW¼ Section 27; N½ N½, SW¼ NW¼, S½ Section 28; Sections 29–31; W½ Section 32; W½, SE¼ Section 33.

T.09N., R.05W. Willamette Meridian: Section 1; N½ N½, NW¼ SE¼ Section 2; E½ SE¼ Section 10; Section 11 except N½ NW¼; Sections 12–14; Section 15 except N½ NW¼; S½ SE¼, SE¼ NE¼ Section 16; SE¼, SE¼ NE¼ Section 21; Sections 22–28; E½ SE¼ Section 29; SE¼ SE¼ Section 32; Section 33 except E½ NW¼, W½ NE¼, SE¼ NE¼, NE¼ SE¼; Section 34 except NW¼; Sections 35–36.

T.10N., R.04W. Willamette Meridian: Sections 6–7; Sections 18–19; S½ SE¼, SE¼ SW¼ Section 27; Section 28 except NE¼ NE¼,W½ SW¼ Section 29; Section 30; W½ Section 31; W½, NE¼ Section 32; SW¼ NW¼ Section 33; Section 34.

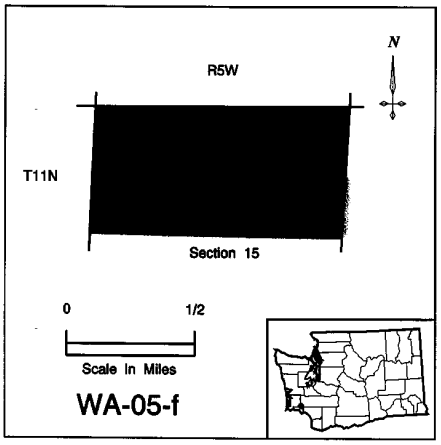
T.10N., R.05W. Willamette Meridian: Section 24 except NW¼ NW¼; Section 25; E½ NE¼, SE¼ SE¼ Section 26; E½ Section 35; Section 36.



Map and description of WA–05-f taken from United States Fish and Wildlife Service 1:100;000 map; Astoria, Oregon-Washington; 1995.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.11N., R.05W. Willamette Meridian: N½ Section 15.



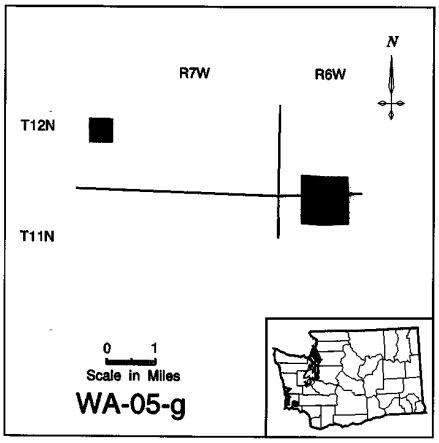
Map and description of WA–05–g taken from United States Fish and Wildlife Service 1:100;000 map; Astoria, Oregon-Washington; 1995.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.11N., R.06W. Willamette Meridian: NW¼, NW¼ SW¼ Section 5; NE¼, SE¼ Section 6.

T.12N., R.06W. Willamette Meridian: SE¼ SE¼ Section 31; SW¼ SW¼ Section 32.

T.12N., R.07W. Willamette Meridian: SW¼ Section 28.



Map and description of WA–05–h taken from United States Fish and Wildlife Service 1:100;000 map; Chehalis River, Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.12N, R.05W. Willamette Meridian: NW¼ Section 6.

T.12N, R.06W. Willamette Meridian: NE¼ NE¼, S½ NE¼ Section 1; NW¼, W½ NE¼, NE¼ NE¼ Section 3; N½ NE¼ Section 6.

T.12N, R.07W. Willamette Meridian: N½ NE¼ Section 1.

T.12N, R.08W. Willamette Meridian: NE¼ NW¼, NE¼ Section 1.

T.13N, R.05W. Willamette Meridian: N½ NW¼ Section 1; N½ NE¼ Section 2; NE¼ SW¼, S½ SW¼, SE¼ Section 8; S½ SW¼, NE¼ SW¼ Section 9; S½ Section 10; Sections 15–21; Section 22 except S½ SE¼, NE¼ SE¼, E½ NE¼; NW¼, NW¼ NE¼ Section 27; NE¼ Section 28; Section 29–31; Section 32 except W½ SW¼.

T.13N, R.06W. Willamette Meridian: Sections 6–7; SW¼ SW¼ Section 8; SE¼ Section 12; Section 13; Section 14 except W½ W½; W½ NW¼ Section 15; Section 16; Sections 18–33; Section 34 except SW¼ SW¼; Section 35; Section 36 except SE¼ SW¼.

T.13N, R.07W. Willamette Meridian: Sections 1–2; Section 3 except NW¼; S½ NW¼, SW¼ SW¼ Section 7; SE¼ NE¼, NE¼ SE¼ Section 9; S½ NW¼, NE¼ NW¼, S½ Section 10; Sections 11–16; W½ SW¼, SE¼ SW¼, S½ SE¼, NE¼ Section 17; NW¼, SE¼ Section 18; E½ NE¼, SE¼ Section 19; N½, SE¼ Section 20; Sections 21–24; Section 27; W½ W½ Section 28; Section 29 except W½ NW¼; SE¼ Section 30; W½ Section 31; NW¼, NW¼ NE¼, Section 32; Section 36.

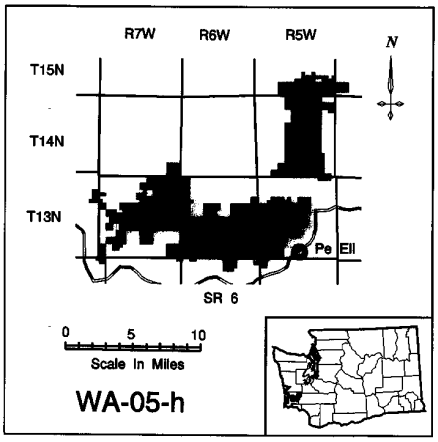
T.13N, R.08W. Willamette Meridian: SE¼ SW¼, E½ Section 12.

T.14N, R.05W. Willamette Meridian: S½ Section 1; Sections 2–4; E½ Section 9; Section 10–11; N½ NE¼ Section 12; Sections 14–16; Sections 21–23; W½ W½ Section 25; Sections 26–28; SW¼, E½ Section 32; Sections 33–35; SW¼, W½ NW¼ Section 36.

T.14N, R.07W. Willamette Meridian: Section 36.

T.15N, R.04W. Willamette Meridian: Section 31 except S½ S½.

T.15N, R.05W. Willamette Meridian: SW¼, S½ SE¼, NE¼ SE¼ Section 25; SW¼, N½ SE¼, SE¼ NW¼ Section 26; S½ SW¼, SE¼, SW¼ NE¼, Section 27; Sections 33–36.



Map and description of WA–06–a taken from United States Fish and Wildlife Service 1:100,000 map; Port Angeles, Mt Olympus and Seattle, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.26N., R.02W. Willamette Meridian: SW¼ SW¼, NE¼, E½ SW¼ Section 2; Section 3 except N½ NE¼, SE¼ NE¼; E½, N½ NW¼, SE¼ NW¼, NE¼ SW¼ Section 4; N½ N½, SW¼ NW¼, S½ SW¼ Section

5; Sections 6–7; W½, S½ SE¼ Section 8; S½ SE¼, SE¼ SW¼, NE¼ NE¼ Section 9; Section 10 except SW¼ NW¼, NW¼ SW¼; Section 14 except E½ SE¼; S½ SW¼, E½ NE¼, NW¼ NE¼, NE¼ SE¼ Section 15; Section 16 except NE¼ SE¼, E½ NE¼; Section 17–21; W½ W½, SE¼ SW¼, SW¼ SE¼ Section 22; Section 27 except E½ E½, NW¼ NE¼.

T.26N., R.03W. Willamette Meridian: Sections 1–2; Section 3 except W½ SW¼, SE¼ SW¼, SW¼ NW¼; NE¼ NE¼ Section 4; E½ Section 10; Section 11–14; Section 15 except N½ NW¼; N½ S½, SE¼ NE¼ Section 16; SE¼ SE¼ Section 17; S½ N½ Section 19; NE¼, S½ NW¼, NE¼ NW¼ Section 20; NE¼ NE¼, NW¼ NW¼ Section 21; N½ NW¼, E½ NE¼ Section 22; Section 23 except SW¼; Section 24.

T.26N., R.04W. Willamette Meridian: NE¼ Section 24.

T.27N., R.02W. Willamette Meridian: SW¼ SW¼ Section 5; Section 6 except NE¼ NE¼; Section 7; W½ W½ Section 8; W½ W½, SE¼, SW¼ NE¼ Section 17; Sections 18–20; NW¼ SW¼ Section 21; SW¼, S½ NW¼, NW¼ NW¼ Section 28; Sections 29–33; W½, N½ NE¼ Section 34; N½ NW¼, E½ Section 35.

T.27N., R.03W. Willamette Meridian: Section 1; Section 2 except SW¼ SW¼; NE¼ NE¼ Section 3; E½, E½ SW¼, SE¼ NW¼ Section 11; Section 12–13; Section 14 except W½ NW¼, SE¼ NW¼; E½ SE¼ Section 15; E½ E½, SW¼ SE¼ Section 22; Sections 23–26; Section 27 except N½ NW¼, SW¼ NW¼; SE¼ SW¼, SE¼ Section 28; E½ NW¼, S½ SE¼, NE¼ SE¼, NE¼ Section 33; N½ N½, S½ SW¼, NW¼ SW¼, SE¼ NE¼, SE¼ Section 34; Sections 35–36.

T.28N., R.02W. Willamette Meridian: NE¼ NW¼, NW¼ NE¼ Section 5; SW¼ SW¼ Section 7; SE¼ SW¼ Section 8; NE¼ NW¼, NW¼ SE¼, SE¼ SE¼ Section 17; NW¼, SW¼ NE¼ Section 18; NE¼ NW¼, SE¼ SW¼ Section 20; N½ SW¼, SE¼ SW¼, W½ SE¼ Section 28; NE¼ NW¼, W½ NE¼ Section 29; S½ SE¼ Section 30; SE¼ NW¼, SW¼, W½ SE¼ Section 31.

T.28N., R.03W. Willamette Meridian: W½ SE¼, NE¼, N½ NW¼ Section 1; W½, N½ NE¼, SE¼ NE¼, SW¼ SE¼ Section 2; Sections 3–5; Section 6 except SW¼ NW¼, SW¼ SW¼; Section 7 except NW¼ NW¼; Sections 8–10; SW¼, NW¼, NW¼ NE¼, NW¼ SE¼, S½ SE¼ Section 11; S½ SW¼, SE¼, SE¼ NE¼ Section 12; Section 13–23; N½ NE¼, SE¼ NE¼, N½ NE¼, SE¼ NE¼ Section 24; N½ SW¼, W½ NW¼ Section 25; Section 26–28; Section 29 except W½ SW¼; S½ S½, Section 30 except SE¼, S½ SW¼; E½ E½, NW¼ NE¼ Section 32; Section 33 except S½ SE¼, SE¼ SW¼; Section 34; Section 35 except NE¼ SE¼, SE¼ NE¼; E½ SE¼ Section 36.

T.28N., R.04W. Willamette Meridian: SE¼ SE¼ Section 12; SE¼ SW¼, SE¼, E½ NE¼ Section 13; Section 24 except NW¼ NW¼; Section 25; S½ SE¼, NE¼ SE¼ Section 26; E½ NW¼, E½ Section 35; NW¼, N½ SW¼, SW¼ SW¼, N½ NE¼, SW¼ NE¼ Section 36.

T.29N., R.02W. Willamette Meridian: W½ NW¼, SE¼ NW¼, N½ S½, NE¼ Section 30; SW¼ NW¼, W½ SW¼, NE¼ SE¼ Section 31; W½ NW¼, SE¼ NW¼, SW¼, W½ SE¼ Section 32.

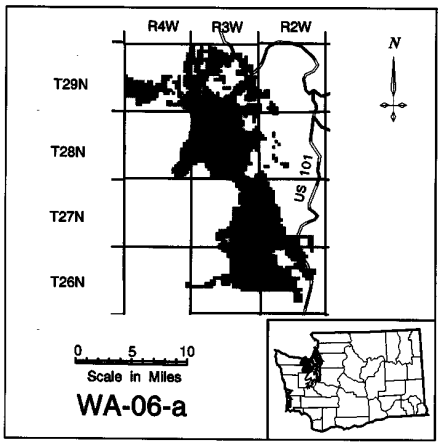
T.29N., R.03W. Willamette Meridian: S½ SE¼ Section 18; Section 19; NW¼, W½ SW¼ Section 20; E½ NE¼, E½ SW¼, NE¼ SW¼, SE¼ Section 23; Section 24 except E½ SE¼, SE¼ NE¼; Section 25; NW¼, N½ SW¼, N½ NE¼, SW¼ NE¼, SE¼ SE¼ Section 26; SE¼, S½ SW¼, E½ NE¼ Section 27; S½ SW¼, NE¼ SW¼ Section 28; W½, SE¼, SW¼ NE¼ Section 29; Section 30 except E½ E½; Sections 31–34; S½, NW¼ SW¼ Section 35; N½ NW¼, S½, NW¼ NE¼ Section 36.

T.29N., R.04W. Willamette Meridian: S½, S½ NW¼, NW¼ NW¼, SW¼ NE¼ Section 19; SW¼, S½ SE¼, NW¼ SE¼ Section 20; SW¼, SE¼ SE¼ Section 21; E½ W½, SW¼ SW¼, W½ SE¼, NE¼ Section 22; NE¼ SW¼, SE¼, E½ NE¼, NW¼ NW¼ Section 23; Section 24 except W½ W½; NW¼ SW¼, SE¼ SW¼, SE¼, E½ NE¼, NW¼ NE¼ Section 25; SW¼ NW¼, NE¼ SW¼, E½ E½, NW¼ NE¼ Section 26; NW¼, N½ SE¼, NW¼ NE¼, S½ NE¼ Section 27; Sections 28–30; N½, N½ SW¼ Section 32; N½ NW¼, SW¼ NW¼, NW¼ NE¼ Section 33; SE¼ NE¼, NE¼ SE¼ Section 34; SW¼ NW¼, SE¼ NE¼, N½ S½ Section 35; Section 36 except SW¼ SW¼.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.29N., R.03W. Willamette Meridian: W½ SW¼, SE¼ SW¼, SW¼ SE¼ Section 4; S½ SW¼, SE¼, SE¼ NE¼ Section 5; SE¼ NE¼, S½ SE¼, W½ SW¼, NE¼ SE¼ Section 6; Section 7 except E½ NW¼; Section 8 except NE¼, SW¼ SW¼; Section 9; W½ NW¼, SE¼ NW¼, SW¼, NE¼ SE¼, NE¼ Section 10; E½ SW¼, SE¼ NE¼, NW¼, SE¼ Section 11; NW¼, E½ SW¼ Section 13; Section 14 except W½ NW¼, SE¼ NW¼; N½ NW¼ Section 15; W½, NW¼ NE¼, NW¼ SE¼ Section 16; Section 17 except W½ NW¼; N½ SE¼, W½ NE¼, E½ NW¼, NE¼ SW¼ Section 18; S½ NW¼, NE¼, NE¼ SE¼ Section 21; N½ NW¼ Section 27; NE¼ NE¼ Section 28.

T.29N, R.04W. Willamette Meridian: E½ SE¼ Section 1; E½, SE¼ SW¼ Section 12; NE¼, E½ NW¼, N½ SE¼, SW¼ SE¼, NE¼ SW¼ Section 18.



Map and description of WA–06–b taken from United States Fish and Wildlife Service 1:100;000 map; Mt Olympus and Shelton, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.23N., R.04W. Willamette Meridian: NW¼, N½ NE¼ Section 3; Section 4 except SE¼ SE¼; Sections 5–6; N½ Section 7; N½ Section 8; NW¼ Section 9.

T.23N., R.05W. Willamette Meridian: SE¼ Section 3; E½ NE¼ Section 10; S½ N½, NE¼ SW¼, NW¼ SE¼ Section 11; S½ NW¼, NE¼ Section 12.

T.24N., R.03W. Willamette Meridian: Sections 5–6; N½ SW¼, W½ NE¼ Section 7.

T.24N., R.04W. Willamette Meridian: Sections 1–5; E½ SE¼ Section 6; SE¼ NW¼, SW¼, N½ SE¼, SW¼ SE¼, NE¼ Section 7; Section 8 except S½ SW¼, SW¼ SE¼; Sections 9–16; SE¼ SW¼, E½ Section 17; N½ NW¼ Section 18; S½ SE¼, NE¼ SE¼, S½ NE¼ Section 19; Sections 20–24; Section 25 except S½ SE¼; Sections 26–29; S½ NW¼, NE¼ NW¼, S½ SE¼, NE¼ SE¼, E½ NE¼, NW¼ NE¼ Section 30; Section 31 except NW¼, NW¼ SW¼; Sections 32–34; Section 35 except S½ SE¼; W½ NE¼ Section 36.

T.24N., R.05W. Willamette Meridian: SE¼ SE¼ Section 12; NE¼ NE¼ Section 13.

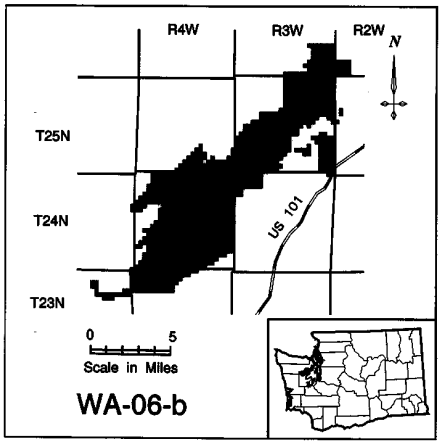
T.25N., R.02W. Willamette Meridian: E½ NW¼, SW¼ SW¼ Section 18.

T.25N., R.03W. Willamette Meridian: Sections 1–3; Sections 10–12; N½, N½ SE¼, SE¼ SE¼ Section 13; Section 14 except SE¼ SE¼; Section 15; Section 16 except N½ NW¼, NW¼ NE¼; S½ SW¼, SE¼, S½ NE¼ Section 17; S½ SW¼, SE¼, NE¼ SW¼, NE¼ Section 19; Sections 20–21; Section 22 except NE¼ SE¼, SE¼ NE¼, S½ SE¼; S½ SE¼, NE¼ NW¼ Section 23; N½, N½ SE¼ Section 24; Section 25 except SE¼ SE¼; SE¼ NW¼, SW¼ Section 26; NW¼, N½ SW¼, SW¼ SW¼, N½ SE¼ Section 27; Sections 28–32; Section 33 except E½ E½, SW¼ SE¼, SW¼ NE¼; Section 36 except SE¼ NW¼, NE¼ NE¼, SW¼ SE¼.

T.25N., R.04W. Willamette Meridian: E½ SE¼ Section 25; SW¼ SW¼ Section 26; SE¼ SW¼, SE¼, SE¼ NE¼ Section 27; SE¼ SW¼, SE¼ NE¼, SE¼ Section 33; Section 34; Section 35 except NE¼ NE¼; Section 36 except N½ NW¼.

T.26N., R.02W. Willamette Meridian: Section 31.

T.26N., R.03W. Willamette Meridian: Section 25; E½ Section 26; SE¼ SE¼ Section 33; S½ S½ Section 34; Section 35 except NW¼ NW¼, NW¼ SW¼; Section 36.



Map and description of WA–07–a taken from United States Fish and Wildlife Service 1:100;000 map; Bellingham and Mt Baker, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.37N., R.06E. Willamette Meridian: N½ NE¼ Section 1.

T.37N., R.07E. Willamette Meridian: NW¼ NW¼, S½ NW¼, SW¼, W½ SE¼, NE¼ SE¼, SW¼ NE¼ Section 3; Section 4 except SE¼ SW¼; Section 5 except SW¼ SW¼; N½, NE¼ SE¼ Section 6; N½ NE¼ Section 8; NE¼ NW¼ Section 10.

T.38N., R.06E. Willamette Meridian: Section 1; Sections 12–13; E½, E½ W½ Section 36.

T.38N., R.07E. Willamette Meridian: NW¼, N½ SW¼, SW¼ SW¼ Section 3; Sections 4–8; Section 9 except S½ SE¼; W½ NW¼, N½ NW¼, SW¼ NW¼ Section 16; Section 17 except SE¼; Sections 18–19; NW¼, NW¼ NE¼, W½ SW¼ Section 20; SW¼, N½ SE¼, SW¼ SE¼ Section 27; NW¼ NW¼ Section 29; Section 30 except NE¼ SE¼; Section 31; Section 32 except NE¼ NE¼; Section 33 except NW¼ NW¼; W½ W½, NE¼ SW¼ Section 34.

T.39N., R.06E. Willamette Meridian: E½ Section 23; Sections 25–26; Section 36.

T.39N., R.07E. Willamette Meridian: Sections 1–4; Section 5 except SW¼; E½ E½, W½ SE¼ Section 8; Section 9 except NE¼ NE¼; Sections 10–12; E½ E½ Section 13; Sections 14–15; N½, SE¼ Section 16; NE¼ Section 17; Section 21 except N½ NW¼; W½, SW¼ NE¼ Section 22; NE¼ NW¼ Section 23; W½, SW¼ NE¼ Section 27; Section 28; W½ NW¼, SW¼ Section 30; Sections 31–33; W½, SW¼ SE¼ Section 34.

T.39N., R.08E. Willamette Meridian: Sections 1–12; W½, W½ E½ Section 15; Sections 16–17; S½ SE¼, NE¼ SE¼, SE¼ NE¼ Section 19; Sections 20–21; W½, W½ E½ Section 22.

T.39N., R.09E. Willamette Meridian: N½ NW¼, SW¼ NW¼, SW¼ SW¼ Section 3; Sections 4–8; Section 9 except S½ SE¼; Section 10 except E½ E½, NW¼ NE¼; SW¼ NW¼ Section 14; N½ NE¼, NE¼ NW¼, SE¼ NE¼ Section 15; W½ Section 16; Section 17; NE¼, NE¼ SE¼ Section 18; N½ NE¼, SE¼ NE¼ Section 20; NW¼, N½ SW¼, W½ NE¼ Section 21.

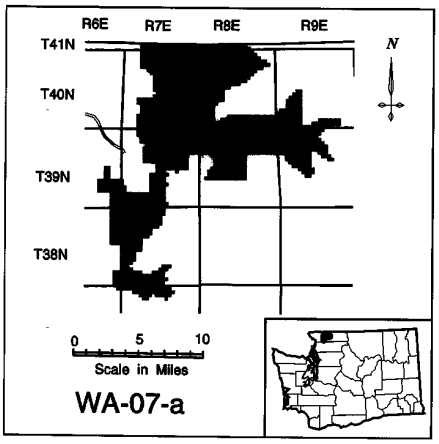
T.40N., R.07E. Willamette Meridian: Sections 1–4; E½ Section 5; NE¼ Section 8; Section 9 except SW¼ SW¼; Sections 10–15; E½ Section 16; SE¼, E½ SW¼ Section 20; SW¼, E½ Section 21; Sections 22–28; E½ Section 29; Sections 32–36.

T.40N., R.08E. Willamette Meridian: S½ SW¼ Section 1; Section 2 except NE¼, NE¼ NW¼, NE¼ SE¼; Sections 3–10; Section 11 except SE¼ SW¼, SE¼; N½ NW¼ Section 12; NW¼, N½ NE¼, SW¼ NE¼, NW¼, SW¼ Section 15; Section 16 except S½ SE¼; Sections 17–20; W½ W½, NE¼ NW¼ Section 29; Sections 30–31; S½, W½ NW¼, SE¼ NE¼ Section 32; Sections 33–36.

T.40N., R.09E. Willamette Meridian: SE¼ SE¼ Section 19; NE¼, SE¼ NW¼ Section 20; Section 29; S½, E½ NE¼ Section 30; Sections 31–32; S½ S½, N½ SE¼ Section 33; Section 34 except N½ N½; S½ N½, N½ S½, S½ SW¼ Section 35.

T.41N., R.07E. Willamette Meridian: Sections 32–36.

T.41N., R.08E. Willamette Meridian: Sections 31–34, W½ SW¼ Section 35.



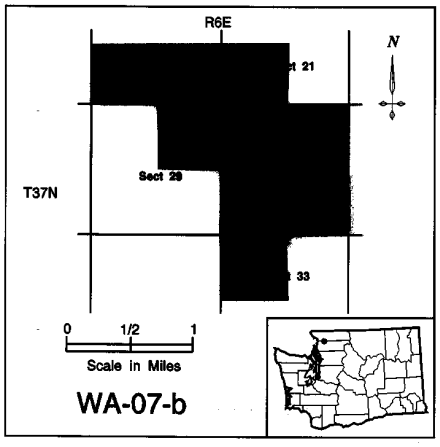
Map and description of WA–07–b taken from United States Fish and Wildlife Service 1:100;000 map; Bellingham, Washington; 1995.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.37N., R.06E. Willamette Meridian: SW¼ SW¼ Section 20; NE¼ NE¼ Section 28.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.37N., R.06E. Willamette Meridian: N½ SW¼, SE¼ SW¼, SE¼ Section 20; SW¼ Section 21; Section 28 except NE¼ NE¼; NE¼ Section 29; NW¼ Section 33.



Map and description of WA–07–c taken from United States Fish and Wildlife Service 1:100;000 map; Mt Baker and Sauk River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.35N., R.09E. Willamette Meridian: Section 1; Section 2; E½ Section 11; Section 12; NE¼ NE¼ Section 13; N½ NE¼ Section 14.

T.35N., R.10E. Willamette Meridian: SW¼ NW¼, SW¼, SW¼ SE¼ Section 6; Section 7; Section 8 except N½ NE¼, NE¼ NW¼; NW¼ SW¼ Section 9; NW¼ NW¼ Section 17; N½ N½, S½ NW¼ Section 18.

T.36N., R.07E. Willamette Meridian: Section 1; E½ E½ Section 2; Section 3.

T.36N., R.08E. Willamette Meridian: W½ W½ Section 4; Section 5 except W½ W½; W½ W½ Section 6.

T.36N., R.09E. Willamette Meridian: Section 1; Section 2; Section 3 except S½ S½; Section 4; E½ Section 5; Section 8 except S½ SE¼; N½ SW¼, NW¼ Section 9; E½ SE¼, SE¼ NE¼ Section 10; Section 11 except N½ NW¼; Sections 12–15; E½ E½ Section 16; Sections 21–24; W½ W½ Section 26; Section 27 except SW¼, SW¼ SE¼; Section 28 except SW¼ SW¼, SE¼ SE¼; S½, W½ NE¼, E½ NW¼ Section 33.

T.36N., R.10E. Willamette Meridian: W½ SW¼ Section 5; S½ S½ Section 6; Section 7; W½ W½ Section 8; S½ NW¼, NW¼ NW¼, SW¼, SW¼ SE¼ Section 17; Sections 18–19; Section 20 except NE¼ NE¼; W½ SW¼, SW¼ NW¼ Section 21; W½ W½, SE¼ SW¼ Section 28; Section 29; Section 30; W½ W½, N½ NE¼, NE¼ NW¼ Section 31; N½ NW¼, NE¼ NE¼ Section 32.

T.37N., R.07E. Willamette Meridian: S½ SE¼, NE¼ SE¼ Section 9; S½, S½ NE¼ Section 10; S½, SE¼ NE¼ Section 11; W½ SW¼ Section 13; Sections 14–15; Section 16 except NW¼ NW¼; NE¼ SE¼ Section 17; E½ W½, NW¼ NW¼, E½ Section 21; Sections 22–27; E½, NE¼ NW¼ Section 28; E½ E½, NW¼ NE¼ Section 33; Sections 34–36.

T.37N., R.08E. Willamette Meridian: Sections 1–3; SE¼ NE¼, N½ NE¼ Section 4; NE¼ SW¼, N½ SE¼, SE¼ SE¼, S½ N½, NE¼ NW¼, NW¼ NE¼ Section 7; S½,

S½ N½ Section 8; Sections 9–15; Section 16 except S½ SW¼; N½ NW¼, NE¼ Section 17; S½ SW¼ Section 18; Section 19; S½ N½, S½ Section 20; Section 21 except NE¼ NW¼; Sections 22–36.

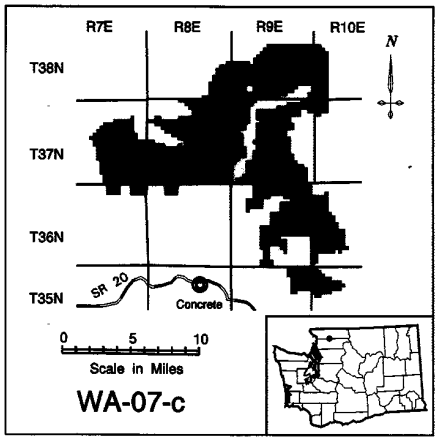
T.37N., R.09E. Willamette Meridian: Section 1 except S½ SW¼; Section 2 except N½ N½; S½ SW¼, SE¼, NE¼ SW¼ Section 3; S½ S½ Section 4; NW¼, W½ SW¼, W½ NE¼, SE¼ SE¼ Section 5; Sections 6–7; W½ NW¼, NW¼ SW¼, E½ E½ Section 8; Section 9; Section 10; N½ N½, SW¼ NW¼, SW¼ Section 11; W½ SW¼ Section 14; Sections 15–16; E½ E½, W½ SE¼ Section 17; W½, W½ SE¼, N½ NE¼, SW¼ NE¼ Section 18; Section 19 except NE¼ NE¼; E½ Section 20; Sections 21–22; W½ W½, SE¼ SW¼ Section 23; W½ SW¼, SE¼ SW¼ Section 25; W½, SE¼, SW¼ NE¼ Section 26; Sections 27–28; SW¼, E½, S½ NW¼ Section 29; NW¼, NW¼ SW¼, N½ NE¼ Section 30; SE¼ SW¼, S½ SE¼, NE¼ SE¼ Section 31; Sections 32–35; W½ Section 36.

T.37N., R.10E. Willamette Meridian: Section 6; N½ NW¼, Section 7.

T.38N., R.08E. Willamette Meridian: SE¼ SE¼ Section 23; S½, S½ NE¼ Section 24; Section 25; SE¼, SE¼ SW¼, S½ NE¼, NE¼ NE¼ Section 26; S½ S½ Section 33; S½ S½, NE¼ SE¼ Section 34; SW¼, E½, E½ NW¼ Section 35; Section 36.

T.38N., R.09E. Willamette Meridian: Sections 13–15; Section 16 except N½ NW¼, SW¼ NW¼; SE¼ SE¼ Section 17; Section 19 except N½ N½; Section 20 except N½ NW¼, SE¼ NW¼; Sections 21–31; Section 32 except NW¼; Section 33 except S½ SE¼; Section 34 except S½ S½; NW¼, NW¼ NE¼ Section 35; SE¼, E½ NE¼ Section 36.

T.38N., R.10E. Willamette Meridian: Section 18 except NE¼ NE¼; Section 19; Section 30; Section 31.



Map and description of WA–07–d taken from United States Fish and Wildlife Service 1:100;000 map; Cape Flattery, Mt. Baker and Sauk River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.34N, R.12E. Willamette Meridian: Sections 1–2; Section 3 except SW¼ NW¼, NW¼ SW¼; NE¼ NW¼, N½ NE¼ Section 10; N½ N½ Section 11; N½ NW¼, NW¼ NE¼ Section 12.

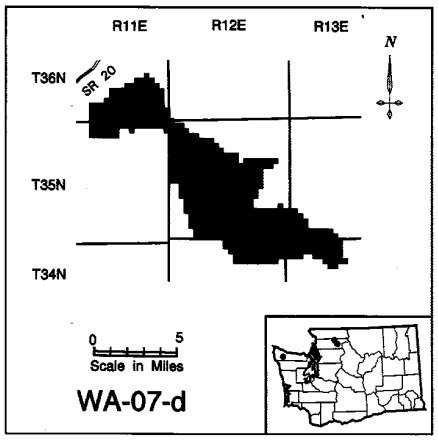
T.34N, R.13E. Willamette Meridian: W½ Section 4; Section 5; Section 6 except SE¼ SE¼; N½ NE¼, SE¼ NE¼ Section 8; NW¼, N½ NE¼ Section 9.

T.35N, R.11E. Willamette Meridian: N½, NE¼ SE¼ Section 1; N½, NW¼ SW¼ Section 2; N½, SW¼ Section 3; Section 4.

T.35N, R.12E. Willamette Meridian: S½ SW¼, NW¼ SW¼ Section 5; S½ NW¼, S½, SW¼ NE¼, NW¼ NW¼ Section 6; Sections 7–8; Section 9 except NE¼, NE¼ SE¼, NE¼ NW¼; S½ SW¼ Section 10; N½ NW¼, SW¼ NW¼ Section 13; Section 14 except E½ SE¼; Section 15 except NW¼ NE¼; Sections 16–18; N½ SE¼, SE¼ SE¼, NE¼ Section 19; Sections 20–22; W½, W½ NE¼ Section 23; S½, SW¼ NE¼ Section 25; S½, N½ NW¼ Section 26; Sections 27–29; E½ NE¼, NE¼ SE¼ Section 30; Section 32 except W½ SW¼, SW¼ NW¼; Sections 33–36.

T.35N, R.13E. Willamette Meridian: SW¼, SW¼ SE¼ Section 30; Section 31 except NE¼ NE¼; SW¼, S½ Section 32; SW¼ SW¼ Section 33.

T.36N, R.11E. Willamette Meridian: S½ S½, N½ SE¼ Section 23; SW¼ SW¼ Section 24; W½, W½ E½ Section 25; Section 26; Section 27 except N½ NW¼; SE¼ SE¼ Section 28; Sections 33–35; Section 36 except E½ NE¼.



Map and description of WA–08–a taken from United States Fish and Wildlife Service 1:100;000 map; Bellingham, Mt. Baker and Sauk River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.32N., R.08E. Willamette Meridian: N½, N½ SW¼ Section 1; N½ Section 3; NW¼, N½ NE¼ Section 4; N½ Section 5; N½ Section 6.

T.33N., R.08E. Willamette Meridian: Sections 1–30; Section 31 except S½ SE¼; Sections 32–35; Section 36 except SE¼ SW¼, SE¼, SE¼ NE¼.

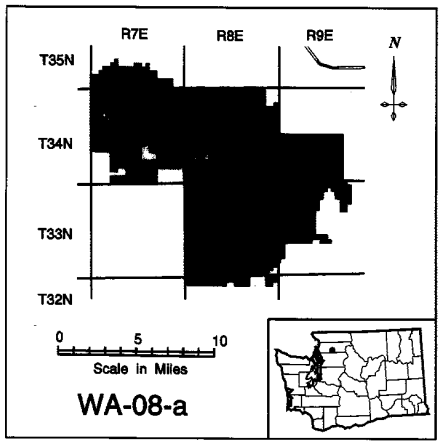
T.33N., R.09E. Willamette Meridian: NW¼, SW¼ NE¼, SW¼, W½ SE¼ Section 2; Sections 3–10; W½, W½ NE¼ Section 11; Sections 15–20; Section 21 except S½ SW¼; SW¼ SW¼ Section 22; W½ W½ Section 30.

T.34N., R.07E. Willamette Meridian: Sections 1–6; Section 7 except NW¼ SE¼, SE¼ SE¼; Sections 8–21; Section 22 except SW¼; Sections 23–24; Section 25 except SW¼ SE¼; Section 26; S½ Section 27; Sections 28–29; N½ NW¼, S½ Section 32; Section 33; Section 34 except SW¼ NE¼.

T.34N., R.08E. Willamette Meridian: Sections 2–11; Section 12 except N½ NW¼; Sections 13–28; Section 29 except S½ NW¼, N½ SW¼; N½, NE¼ SE¼, S½ SE¼, NW¼ SW¼ Section 30; Sections 31–36.

T.34N., R.09E. Willamette Meridian: Sections 19–22; Sections 27–34.

T.35N., R.07E. Willamette Meridian: S½ SW¼, NE¼ SW¼ Section 27; S½, S½ SW¼, SE¼ Section 28; Section 29 except NW¼ NW¼, NE¼; SE¼ SW¼, SE¼ Section 30; Sections 31–34; S½ Section 35.



Map and description of WA–08–b taken from United States Fish and Wildlife Service 1:100;000 map; Sauk River, Washington; 1995.

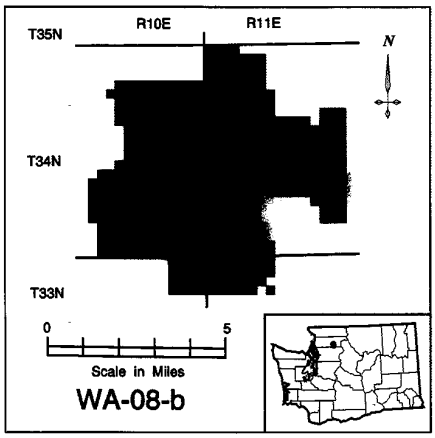
Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.33N., R.10E. Willamette Meridian: Section 1.

T.33N., R.11E. Willamette Meridian: Section 5 except NE¼ SE¼, SW¼ SE¼; Section 6.

T.34N., R.10E. Willamette Meridian: SW¼ NE¼, E½ Section 10; Sections 11–14; NW¼ NE¼, E½ E½ Section 15; SE¼ SE¼ Section 21; Section 22 except NW¼, NW¼ NE¼; Sections 23–27; E½ E½ Section 28; Sections 34–36.

T.34N., R.11E. Willamette Meridian: Section 5 except N½ N½, E½ E½; Sections 6–7; Section 8 except NE¼ NE¼; S½ SE¼, SE¼ SW¼ Section 10; Section 15 except NW¼ NW¼; Sections 16–22; Section 27 except W½ SW¼; N½ N½ Section 28; W½, NE¼ NE¼ Section 29; Sections 30–31; Section 32 except E½ NE¼.



Map and description of WA–09–a taken from United States Fish and Wildlife Service 1:100;000 map; Sauk River, Washington; 1995.

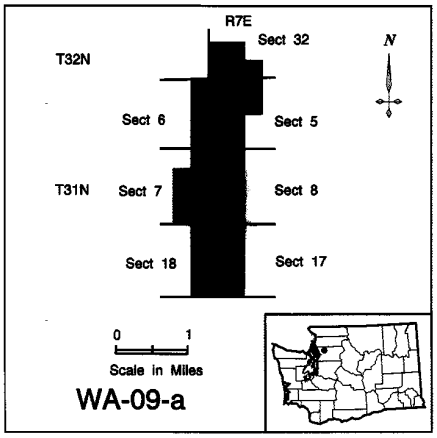
Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.31N., R.07E. Willamette Meridian: NW¼, N½ SW¼, W½ NE¼ Section 5; E½ NE¼ Section 6.

T.32N., R.07E. Willamette Meridian: SW¼, SW¼ SE¼ Section 32.

Proposed Critical Habitat includes only Federal lands designated as Congressionally Withdrawn Areas described within the following areas:

T.31N., R.07E. Willamette Meridian: S½ SW¼ Section 5; E½ SE¼ Section 6; Section 7 except W½, NW¼ NE¼; W½ Section 8; W½ Section 17; E½ E½ Section 18.



Map and description of WA–09–b taken from United States Fish and Wildlife Service 1:100;000 map; Sauk River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.29N., R.09E. Willamette Meridian: Section 1; N½ Section 2; Sections 3–6; N½ Section 7; N½ Section 8; N½ Section 9; NW¼ Section 10.

T.29N., R.10E. Willamette Meridian: Sections 1–3; W½ Section 6; Sections 11–13.

T.29N., R.11E. Willamette Meridian: N½ NE¼, SE¼ NE¼, NE¼ NW¼ Section 3; Sections 6–7; SW¼, S½ SE¼, NW¼ SE¼ Section 17; Section 18; N½ NW¼, SE¼ NW¼, NE¼, NE¼ SE¼ Section 19; N½, NW¼ SW¼ Section 20.

T.30N., R.08E. Willamette Meridian: Sections 1–3; N½ Section 4; N½ Section 5; N½, SE¼ Section 11; Section 12; Section 13 except E½ SW¼; E½ E½ Section 14; SW¼ Section 15; N½ NE¼ Section 16; Section 17; Section 18 except SW¼ NW¼, N½ SW¼; Sections 19–23; Section 24 except NE¼ NW¼ ; Sections 25–26; N½ Section 27; N½ Section 28; N½, SE¼ Section 35.

T.30N., R.09E. Willamette Meridian: N½ NW¼, SE¼ NW¼, E½ SE¼, SE¼, S½ NE¼ Section 1; NE¼ NE¼ Section 2; W½, NW¼ NE¼ Section 6; Section 7; S½ NW¼, S½ Section 8; S½ SW¼ Section 10; N½ NE¼ Section 12; SE¼ SE¼ Section 13; S½ NW¼, SW¼, W½ SE¼ Section 14; Section 15 except NE¼ NW¼, SE¼ SE¼; SE¼ NW¼, NE¼, SW¼, N½ SE¼, SW¼ SE¼ Section 16; SE¼, S½ NE¼ Section 17; W½ W½, NE¼ SW¼, SE¼ NW¼ Section 18; Section 19 except E½ NE¼; Section 20 except NE¼ NW¼, SW¼; Section 21; Section 22 except SE¼ SW¼; Section 23 except SE¼ SE¼, NW¼ NW¼; S½ NW¼, SE¼ SW¼, SE¼, SE ¼ NE¼ Section 24; Sections 25–36.

T.30N., R.10E. Willamette Meridian: Sections 1–6; N½, NE¼ SE¼ Section 7; Section 8 except SW¼ SW¼; Sections 9–17; E½ E½ Section 18; Section 19 except N½ NW¼, SW¼ NE¼; Sections 20–28; Section 29 except S½ S½; Section 30 except S½ SE¼; Section 31 except NE¼; NE¼ NE¼ Section 32; NE¼, E½ SE¼, NE¼ NW¼ Section 33; Sections 34–36.

T.30N., R.11E. Willamette Meridian: SW¼ SE¼, S½ SW¼, NW¼ SW¼ Section 5; Sections 6–7; Section 8 except NE¼ NE¼; N½ SE¼, SE¼ SE¼, NE¼ SW¼ Section 9; Section 10 except N½ NW¼, SW¼ NW¼, NW¼ NE¼; Section 15 except SE¼ SE¼; Sections 16–22; NW¼ NW¼ Section 27; Section 28 except E½ SE¼, SE¼ NE¼; Sections 29–31; Section 32 except SE¼, SE¼ NE¼, NE¼ SW¼; Section 33 except SW¼, SW¼ NW¼, SW¼ SE¼; Section 34 except NE¼, N½ NW¼, SE¼ NW¼, NE¼ SE¼.

T.31N., R.07E. Willamette Meridian: Sections 12–13.

T.31N., R.08E. Willamette Meridian: W½ SW¼ Section 3; S½, S½ NE¼ Section 4; S½ Section 5; SE¼ SE¼ Section 6; Section 7 except N½ NW¼, NW¼ NE¼; Section 8 except SE¼; N½ N½, NW¼ SW¼ Section 9; N½ NW¼, SW¼ NW¼, SW¼, SW¼ SE¼ Section 17; Sections 18–21; Section 22 except N½ NE¼; S½ NW¼, SW¼, W½ SE¼ Section 23; Section 25 except N½ NE¼, SE¼ NE¼; Sections 26–36.

T.31N., R.09E. Willamette Meridian: Section 1; E½ NE¼ Section 2; SE¼, E½ NE¼ Section 3; SE¼ NW¼, NE¼ SW¼, W½ NE¼ Section 10; S½ SE¼, NE¼ SE¼, SE¼ NE¼, N½ NE¼ Section 12; Section 13 except NW¼, W½ SW¼; Section 23 except N½ NW¼, NW¼ NE¼, W½ SW¼, SW¼ NW¼; Sections 24–26; S½ Section 27; NE¼ SE¼ Section 28; W½ Section 31; NE¼ NW¼, S½ SE¼, NE¼ SE¼, SE¼ NE¼, N½ NE¼ Section 35; Section 36.

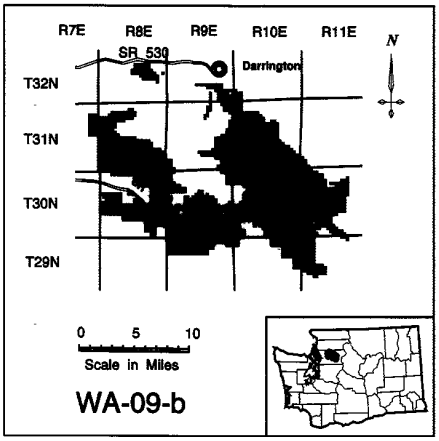
T.31N., R.10E. Willamette Meridian: Section 6 except E½ E½; Sections 7–8; S½ NW¼, SW¼, W½ SE¼, NW¼ NW¼ Section 9; SE¼ SW¼, SW¼ SE¼ Section 10; Sections 15–22; S½ SW¼, NW¼ SW¼ Section 23; SW¼, S½ SE¼, SW¼ NW¼ Section 25; Sections 26–36.

T.31N., R.11E. Willamette Meridian: SW¼ NW¼, SW¼ Section 31.

T.32N., R.08E. Willamette Meridian: SW¼ Section 14; S½ Section 15; E½ NE¼ Section 21; N½ SE¼ Section 22; Section 23 except NE¼ NE¼; E½ SW¼, SE¼ NE¼ Section 24; NW¼ NW¼ Section 25.

T.32N., R.09E. Willamette Meridian: S½ Section 26; N½ S½, S½ SE¼ Section 27; N½ SE¼ Section 28; SE¼ NE¼, E½ SE¼ Section 34; E½, NE¼ NW¼ Section 35; Section 36 except SW¼ NE¼.

T.32N., R.10E. Willamette Meridian: Section 31 except E½ E½, NW¼ NE¼, NE¼ NW¼.



Map and description of WA–09–c taken from United States Fish and Wildlife Service 1:100;000 map; Sauk River and Skykomish River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.27N., R.09E. Willamette Meridian: NE¼ NW¼, N½ NE¼ Section 1.

T.27N., R.10E. Willamette Meridian: NW¼ NW¼ Section 6.

T.28N., R.09E. Willamette Meridian: N½ NE¼ Section 3; S½ S½ Section 23; S½ S½ Section 24; Section 25 except S½ SW¼, SW¼ SE¼; Section 26 except N½ N½, S½ S½; SE¼ SW¼, S½ SE¼, NE¼ SE¼ Section 36.

T.28N., R.10E. Willamette Meridian: S½ Section 19; Section 20 except NW¼ NW¼, NE¼ NE¼; NW¼ SW¼ Section 21; S½ SW¼, SW¼ SE¼ Section 24; NW¼, NW¼ NE¼ Section 25; S½ NW¼, N½ SW¼, NW¼ SE¼, NE¼ Section 26; S½ N½, N½ S½ Section 27; NW¼ NW¼ Section 29; NW¼, W½ SW¼, W½ NE¼, NE¼ NE¼ Section 30; Section 31 except SW¼ NW¼; NW¼, W½ SW¼, NE¼ SW¼, SW¼ NE¼ Section 32.

T.29N., R.08E. Willamette Meridian: S½ SE¼ Section 22; NE¼ SE¼ Section 25; NW¼, N½ NE¼, SW¼ NE¼ Section 27.

T.29N., R.09E. Willamette Meridian: S½ NW¼, N½ SW¼ Section 29; S½ SW¼, SW¼ SE¼, N½ S½, S½ NE¼, SE¼ NW¼ Section 30; S½ SE¼ Section 34.

Proposed Critical Habitat includes only State or County lands described within the following areas:

T.27N., R.09E. Willamette Meridian: NW¼ NW¼, SW¼ Section 2; N½ NW¼, SE¼ NW¼, E½ Section 3; NE¼ NE¼ Section 4; N½ NE¼ Section 10; S½ NW¼, NE¼ NW¼, S½ SW¼, SE¼, SW¼ NE¼ Section 11; Section 12 except NW¼ NW¼; Section 13; Section 14 except SW¼, S½ NW¼, W½ NE¼, SW¼ SE¼; N½ NE¼, NE¼ NW¼ Section 24.

T.27N., R.10E. Willamette Meridian: SW¼ SW¼ Section 3; S½ SE¼ Section 4; SE¼ SW¼, S½ SE¼ Section 6; Section 7; Section 8 except N½ N½; Section 9; NW¼, W½ SW¼ Section 10; N½, N½ S½, SE¼ SE¼ Section 16; Section 17 except S½ SE¼, NE¼ SE¼; Section 18; N½ NW¼ Section 19.

T.28N., R.08E. Willamette Meridian: Section 3 except N½ NW¼; Sections 4–5; W½ NW¼, SW¼, SW¼ SE¼ Section 6; Section 7 except NE¼ NE¼; NW¼ NW¼, SE¼ SE¼, NW¼ NE¼, E½ NE¼ Section 8; W½ W½, NE¼ NW¼, SW¼ SE¼, E½ E½, NW¼ NE¼ Section 9; Section 10; W½ W½ Section 11; W½ W½ Section 14; Section 15; S½ S½, E½ NE¼, W½ NW¼, SW¼ NW¼ Section 16; Section 17 except E½ NW¼; Section 18 except SW¼; NE¼ SE¼ Section 19; W½, E½ SE¼ Section 20; N½ NW¼, NE¼ NW¼ Section 21; NW¼ NE¼, W½ NW¼ Section 29; NE¼ NW¼, NE¼ Section 36.

T.28N., R.09E. Willamette Meridian: Sections 1–2; Section 3 except N½ NE¼; Section 4; SE¼ Section 5; NE¼ Section 8; Section 9 except SW¼; Sections 10–11; Section 12 except SE¼, S½ SW¼; N½ S½, SE¼ NE¼ Section 13; Section 14 except SE¼ SE¼; Section 15 except SW¼; Sections 16–17; S½ Section 20; Section 21; Sections 27–28; Section 29 except NW¼, N½ SW¼; N½ N½, NE¼ SE¼, SE¼ NE¼ Section 31; N½ NW¼, SW¼ NW¼, NE¼ Section 32; Section 33 except SW¼ SW¼; Section 34 except NE¼ SE¼; SW¼ Section 35.

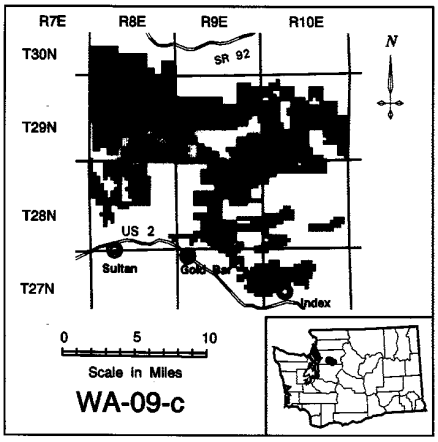
T.28N., R.10E. Willamette Meridian: W½ Section 2; Section 3; Section 4 except N½ NE¼, SW¼ NE¼; Sections 5–6; NW¼ Section 7; SW¼ NW¼, NW¼ SW¼ Section 18.

T.29N., R.08E. Willamette Meridian: Sections 1–21; Section 22 except S½ SE¼; Section 23 except S½ SW¼; Section 24; N½ NW¼, SE¼ NW¼, NE¼, S½ S½ Section 25; S½ NW¼, NW¼ SE¼, SW¼, S½ SE¼, N½ NE¼ Section 26; Section 27 except NW¼, N½ NE¼, SW¼ NE¼; N½ NW¼, E½ SE¼, NW¼ NE¼, W½ SW¼ Section 28; Sections 29–30; SE¼ SE¼, N½ NW¼ Section 31; E½ NW¼, NE¼ Section 32; Sections 33–34; Section 35 except SE¼ SW¼, SW¼ SE¼; Section 36.

T.29N., R.09E. Willamette Meridian: S½ Section 2; S½ Section 7; S½ Section 8; S½ Section 9; Section 11; Section 12 except NE¼ SE¼; Section 13 except S½ SW¼; Sections 14–19; Section 20 except S½SE¼, SE¼ SW¼; Section 21 except S½ S½; Section 22 except S½ S½; NW¼, W½ NE¼ Section 23; N½ NE¼ Section 24; Section 25 except N½ NE¼; Section 26 except N½ NW¼, NW¼ NE¼; S½ SE¼ Section 29; N½ N½, SW¼ NW¼ Section 30; W½, W½ E½, NE¼ SE¼, NE¼ NE¼ Section 31; Section 32 except W½ NW¼, NW¼ SW¼; NW¼ NW¼, S½ NW¼, SW¼, W½ SE¼, SE¼ SE¼, SW¼ NE¼ Section 33; NE¼ NW¼, SW¼ SW¼, NE¼ SE¼, NE¼ Section 34; Section 35; Section 36 except NE¼ SE¼, SE¼ NE¼.

T.29N., R.10E. Willamette Meridian: SE¼ SW¼, S½ SE¼, NE¼ SE¼ Section 6; NW¼, N½ SW¼, SE¼ SW¼, NW¼ SE¼, S½ SE¼, N½ NE¼ Section 7; Section 8; S½ SW¼, SW¼ SE¼ Section 9; Section 10 except SE¼ SW¼; Section 14; Section 15 except N½ NW¼, NW¼ NE¼; Section 16; SE¼, E½ NE¼ Section 17; Sections 18–19; W½ SW¼, E½ E½ Section 20; Sections 21–24; Section 25 except SE¼ SE¼; Section 26 except NW¼ SW¼; SW¼ SW¼ Section 27; Sections 28–33; SW¼ NW¼, W½ SW¼, SE¼ SW¼, S½ SE¼ Section 34; Section 36 except S½ SW¼.

T.30N., R.10E. Willamette Meridian: S½ Section 27; S½ Section 28; Sections 27–34; SW¼ Section 35; Section 36.



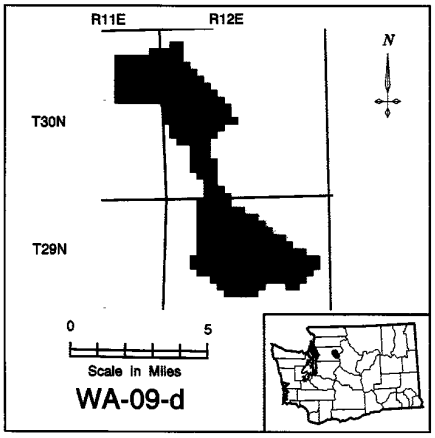
Map and description of WA–09–d taken from United States Fish and Wildlife Service 1:100;000 map; Sauk River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.29N., R.12E. Willamette Meridian: SW¼ SE¼, SW¼ Section 3; Section 4 except N½ NE¼; Section 5 except W½ W½; Section 8 except W½ W½; Section 9; Section 10; SW¼, S½ SE¼, NW¼ SE¼, S½ NW¼ Section 11; SW¼ SW¼ Section 12; Section 13 except E½ NE¼, SE¼, SE¼ SW¼; Sections 14–16; Section 17 except SW¼ SE¼, S½ SW¼, NW¼ SW¼; Section 21 except S½, SW¼ NW¼; NW¼, NW¼ NE¼ Section 22; N½ NE¼ Section 23.

T.30N., R.11E. Willamette Meridian: S½ SW¼, SE¼ Section 1; S½ S½ Section 2; Sections 11–12; N½ Section 13; N½ Section 14.

T.30N., R.12E. Willamette Meridian: Section 6 except N½ NE¼, NW¼; Section 7; SW¼ NW¼, SW¼, SW¼ SE¼ Section 8; SW¼ NW¼, SW¼ Section 16; Sections 17–18; N½ NW¼, E½, SE¼ NW¼, NE¼ SW¼ Section 19; Section 20 except SE¼ SE¼; N½ NW¼, SW¼ NW¼, NW¼ NE¼ Section 21; Section 29 except E½ NE¼; NE¼ NW¼, E½ Section 32; W½ SW¼, SE¼ SW¼ Section 33.



Map and description of WA–09–e taken from United States Fish and Wildlife Service 1:100;000 map; Sauk River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.31N., R.11E. Willamette Meridian: N½ N½ Section 1; S½ NW¼, NW¼ NW¼, SW¼, N½ NE¼ Section 2; Section 3; Section 4 except SE¼ SE¼; NE¼ NW¼, NE¼ SE¼, NE¼ Section 5; NE¼ NW¼, N½ NE¼ Section 9; E½ Section 10; W½ SE¼, SW¼ NE¼, NW¼, SW¼ Section 11; W½, W½ NE¼, SE¼ Section 14; E½ Section 15; N½ NE¼ Section 22; N½ NW¼ Section 23.

T.31N., R.12E. Willamette Meridian: N½ NW¼, SW¼ NW¼, NW¼ NE¼ Section 5; N½ NW¼, NE¼ Section 6.

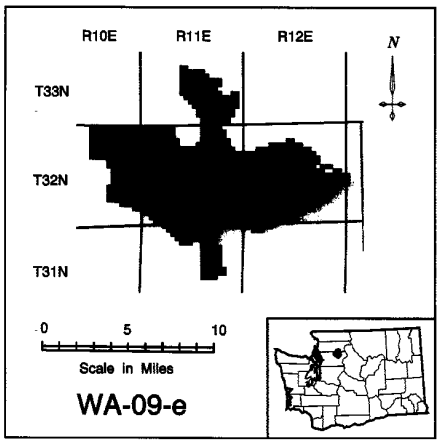
T.32N., R.10E. Willamette Meridian: Sections 1–3; Sections 10–13; Section 14 except SW¼ SW¼; N½ N½ Section 15; Section 23 except W½ NW¼, NW¼ SW¼; Sections 24–25; Section 26 except S½ SW¼, SW¼ SE¼; N½ NE¼, NE¼ NW¼ Section 36.

T.32N., R.11E. Willamette Meridian: NE¼ NE¼ Section 2; E½ Section 3; Sections 5–8; S½ Section 9; Section 10 except NW¼ NW¼; Section 11; SW¼, S½ SE¼, W½ NW¼ Section 12; Sections 13–30; N½, NE¼ SW¼, SE¼ Section 31; Section 32–36.

T.32N., R.12E. Willamette Meridian: S½ S½, NE¼ SE¼ Section 7; S½, S½ NE¼ Section 8; Section 9 except N½ NW¼; Section 10 except N½ NW¼, NE¼; SW¼ SW¼ Section 13; SW¼, S½ NW¼, NW¼ NW¼, S½ SE¼ Section 14; Sections 15–23; Section 24 except NE¼ NE¼; NW¼, NW¼ SW¼, NW¼ NE¼ Section 25; Sections 26–33; NW¼, N½ NE¼, NW¼ SW¼ Section 34; N½ NW¼, SW¼ NW¼ Section 35.

T.32N., R.13E. Willamette Meridian: W½ SW¼, SW¼ NW¼ Section 24.

T.33N., R.11E. Willamette Meridian: S½ SW¼ Section 15; SW¼, S½ SE¼ Section 16; Section 21; Section 22 except NE¼ NE¼; S½ NW¼, N½ SW¼, SW¼ SW¼ Section 23; W½ Section 25; Section 26 except N½ NE¼; Section 27; NE¼, N½ SE¼, SE¼ SE¼, N½ NW¼, SE¼ NW¼ Section 28; Section 34 except W½ SW¼; Section 35; W½ NW¼ Section 36.



Map and description of WA–10–a taken from United States Fish and Wildlife Service 1:100;000 map; Skykomish River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.26N., R.09E. Willamette Meridian: NW¼ NW¼ Section 6.

T.26N., R.10E. Willamette Meridian: NW¼ SW¼ Section 4; NW¼ NW¼, E½ NW¼, NE¼ SE¼, NE¼ Section 5; Section 7 except N½ N½, NE¼ SE¼, SE¼ NE¼; SW¼ SE¼, E½ SE¼ Section 8; Section 9 except N½ N½, SW¼ NW¼; S½ Section 13; Section 14 except N½ NE ¼; Sections 15–16; Section 17 except NW ¼ NW ¼; Sections 18–19; NE¼ NW¼, E½ SE¼, NE¼ Section 20; Sections 21–23; Section 24 except E½ NW¼, NW¼ SW¼, NW¼ NE¼; N½ NE¼ Section 25; NE¼ NW¼ Section 26; N½ N½ Section 27; N½ N½ Section 28; N½ NE¼ Section 29; NW¼, N½ SW¼, W½ NE¼, NE¼ NE¼ Section 30.

T.26N., R.11E. Willamette Meridian: Section 2; Section 4 except SW¼ SW¼; Section 5 except SE¼ SE¼; Sections 6–7; NW¼, W½ SW¼, NE¼ SW¼, NW¼ NE¼ Section 8; NW¼ NE¼ Section 9; Section 18 except NW¼ NW¼, SW¼ SW¼, E½ SE¼, S½ NE¼; E½ Section 19; SW¼ NW¼ Section 20; N½ N½ Section 30.

T.27N., R.09E. Willamette Meridian: S½ SE¼ Section 19; SW¼ SW¼ Section 20; Section 30 except N½ NW¼, SW¼ NW¼; Section 31; Section 32 except SE¼, E½ NE¼.

T.27N., R.10E. Willamette Meridian: Section 1 except W½ NW ¼; E½, NE¼ SW¼ Section 11; Sections 12–13; N½ NW¼, E½ Section 14; N½, NE¼ SW¼, SE¼ Section 23; Section 24; N½ N½, SE¼ NE¼ Section 25; SE¼ SW¼, E½ Section 26; S½ S½ Section 29; SE¼ SE¼ Section 30; E½ NW¼, NE¼ SE¼, NE¼ Section 31; Section 32; Section 35 except SW¼ SW¼; Section 36.

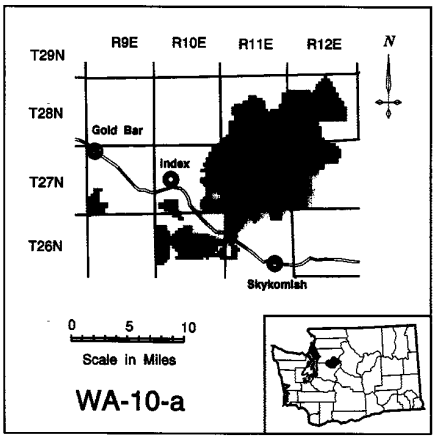
T.27N., R.11E. Willamette Meridian: Sections 1–11; Section 12 except NE¼ SE¼, SE¼ NE¼; Sections 13–20; NW¼, N½ SW¼, E½ SE¼, NW¼ SE¼, SW¼ SW¼ Section 21; Section 22 except SW¼ NW¼; Sections 23–36.

T.27N., R.12E. Willamette Meridian: W½ SW¼, SE¼ SW¼ Section 2; Section 3 except N½ NE¼; Sections 4–6; Section 7 except W½ SW¼; Sections 8–10; NW¼, W½ SW¼ Section 11; N½, W½ SW¼, NE¼ SW¼ Section 16; Sections 17–19; W½ Section 20; W½, SW¼ NE¼, NW¼ SE¼ Section 29; Sections 30–31; W½ NW¼, NW¼ SW¼ Section 32.

T.28N., R.10E. Willamette Meridian: SE¼ SE¼ Section 36.

T.28N., R.11E. Willamette Meridian: S½ SE¼ Section 9; SW¼ SW¼ Section 10; SE¼ Section 12; Section 13 except W½ SW¼, NW¼; Section 15 except NE¼ NE¼; Section 16 except N½ NW¼; S½, SE¼ NW¼, S½ NE¼ Section 17; SE¼ SE¼ Section 19; Section 20 except SW¼ NW¼, NW¼ SW¼; Sections 21–22; Section 23 except NE¼ NW¼; Section 24–29; E½ Section 30; Section 31 except N½ NW¼, SW¼ NW¼; Sections 32–36.

T.28N., R.12E. Willamette Meridian: SW¼ NW¼, SW¼, SW¼ SE¼ Section 3; SW ¼ SE¼, E½ SE¼ Section 4; Section 7 except N½ N½; SW¼, W½ SE¼, SE¼ SE¼ Section 8; Section 9 except W½ NW¼; Section 10 except NE¼ NE¼; SW¼ SW¼ Section 11; W½ NW¼, SW¼, W½ SE¼, SE¼ NW¼ Section 14; Sections 15–23; N½ Section 26; N½ Section 27; W½, N½ NE¼, SW¼ SE¼ Section 28; Sections 29–32; W½, W½ E½, SE¼ SE¼ Section 33.



Map and description of WA–10-b taken from United States Fish and Wildlife Service 1:100;000 map; Skykomish River, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.25N., R.10E. Willamette Meridian: Section 3 except N½ NE¼, SW¼ SW¼, NE¼ NW¼; Sections 4 except SE¼ SE¼; Section 5 except NW¼ NW¼, NW¼ NE¼; S½, SE¼ NE¼ Section 6; Sections 7–8; Section 9 except NW¼ SW¼, NE¼, E½ SE¼, SW¼ SE¼; NE¼ NE¼ Section 10; S½ S½, N½ SW¼, N½ NW¼, SW¼ NW¼ Section 16; Section 17; N½, E½ SE¼ Section 18; NE¼ NE¼ Section 20; N½ N½, SW¼ NW¼, S½ NE¼ Section 21; W½ NW¼, N½ SW¼, SE¼ NW¼, SW¼ NE¼, SE¼ SW¼, SE¼ Section 22; SW¼ SW¼ Section 23; W½ SW¼, SE¼ SW¼ Section 25; NW¼, N½ SE¼, SE¼ SE¼, S½ NE¼, NW¼ NE¼ Section 26; NE¼ Section 27;

T.25N., R.11E. Willamette Meridian: Sections 1–4; Sections 9–12; N½, NW¼ SE¼ Section 13; N½, N½ S½ Section 14; Section 15; N½, NW¼ SW¼ Section 16; N½ SE¼, SW¼ SE¼, SE¼ SW¼ Section 17; SE¼ SW¼, NW¼ SE¼, S½ NE¼, NE¼ NE¼ Section 19; N½ NW¼, SW¼ NW¼ Section 20; E½ NW¼, NE¼ SW¼, E½ Section 22; W½ NW¼ Section 23; NE¼ SW¼, W½ NE¼ Section 27.

T.25N., R.12E. Willamette Meridian: Sections 1–4; Section 5 except W½ W½; W½ Section 6; Section 7; Section 8 except NE¼ NW¼; Section 9; Section 10 except SE¼ SE¼; Section 11–12; N½, N½ S½ Section 13; N½ NE¼, NE¼ NW¼, SE¼ NE¼, NE¼ SE¼ Section 14; Sections 16–20; NW¼, W½ SW¼, NW¼ NE¼ Section 21; N½, NW¼ SE¼, NE¼ SW¼ Section 29; E½ NE¼ Section 31.

T.25N., R.13E. Willamette Meridian: NW¼ Section 6; W½, W½ E½ Section 7; W½, NW¼ SE¼, SW¼ NE¼ Section 18; NW¼, N½ SW¼, SW¼ SW¼ Section 19.

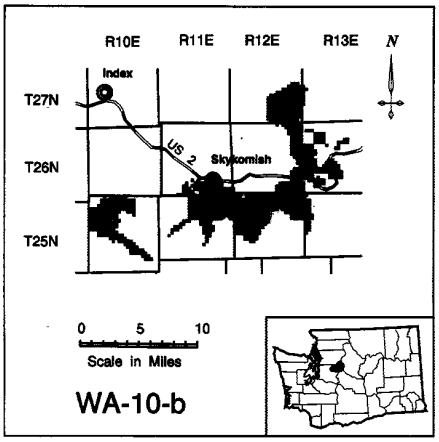
T.26N., R.11E. Willamette Meridian: W½ SW¼ Section 27; S½ SE¼, E½ SW¼, NE¼ SE¼ Section 28; S½ SW¼, E½ Section 32; NE¼ NW¼, SW¼ NW¼, N½ SW¼, NE¼ Section 33; Sections 34–35; S½ Section 36.

T.26N., R.12E. Willamette Meridian: Section 1; NE¼, E½ SE¼, NE¼ NW¼ Section 2; NE¼ NE¼ Section 3; Section 12; Section 13 except SW¼ SW¼; Section 24 except NW¼, N½ SW¼, SW¼ NE¼, SW¼ SW¼; N½, S½ S½ Section 25; E½ E½, W½ SE¼, NW¼ NE¼ Section 34; Sections 35–36

T.26N., R.13E. Willamette Meridian: SE¼ SW¼, S½ SE¼ Section 6; Section 8; S½ SW¼, SE¼ Section 10; NW¼ NW¼, S½ NE¼, NW¼ NW¼ Section 16; W½ SW¼ Section 17; Section 18–19; SE¼, W½ W½, SE¼ SW¼, SW¼ SE¼, E½ SE¼ Section 20; S½, SE¼ NW¼, SW¼ NE¼ Section 21; W½ SW¼ Section 22; NW¼, N½ SW¼ Section 27; NE¼, N½ SE¼, NE¼ SW¼, N½ NW¼, SE¼ NW¼ Section 28; N½ N½, S½ S½, NE¼ SW¼ Section 29; N½, W½ SE¼, SE¼ SE¼ Section 30; W½ W½ Section 31; N½, N½ SW¼ Section 32.

T.27N., R.12E. Willamette Meridian: S½ SW¼, SW¼ SE¼ Section 13; S½ S½, NE¼ SW¼, SE¼ NW¼, N½ SE¼ Section 22; S½, S½ NE¼, NE¼ NE¼, SE¼ NW¼ Section 23; Sections 24–27; Section 34–36.

T.27N., R.13E. Willamette Meridian: W½ W½, SE¼ NW¼ Section 19; W½ NW¼, NW¼ SW¼ Section 20.



Map and description of WA–10-c taken from United States Fish and Wildlife Service 1:100;000 map; Cape Flattery, Skykomish River and Snoqualmie Pass, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.20N., R.10E. Willamette Meridian: Section 2 except N½ N½, SW¼ NW¼, NW¼ SW¼.

T.21N., R.09E. Willamette Meridian: Section 12; Section 14; NE¼ Section 22; N½ NW¼ Section 24.

T.21N., R.10E. Willamette Meridian: Section 2; S½ SE¼, NW¼ SE¼, SW¼ Section 4; Section 6; Section 8 except S½ SW¼; Section 10 except E½ SE¼, SE¼ NE¼; Section 12; Section 14; Section 16 except E½ NE¼; Section 18; N½ NW¼, E½ SE¼, NE¼ Section 20; Section 22 except E½ NE¼; Section 24 except SW¼ SW¼; N½ NE¼ Section 26; NE¼ NW¼, SW¼ SW¼, N½ NE¼ Section 36.

T.21N., R.11E. Willamette Meridian: Section 6; E½ W½, NW¼, W½ SW¼, W½ NE¼ Section 8; Section 18 except E½ SE¼; N½ NW¼, SW¼ NW¼, SW¼ SW¼ Section 30.

T.22N., R.09E. Willamette Meridian: S½ S½ Section 2; N½ Section 11; W½ NW¼, S½, NE¼ NW¼ Section 12; Section 36 except W½ NW¼, NE¼ NW¼, NW¼ SW¼.

T.22N., R.10E. Willamette Meridian: S½ SE¼ Section 12; S½, NE¼, S½ NW¼ Section 13; S½, SE¼ NE¼ Section 14; W½, SE¼ Section 18; Section 20 except SE¼ SE¼; S½ SE¼, NE¼ SE¼, NE¼ NE¼ Section 22; Section 23; Sections 24–26; E½ SE¼ Section 28; S½ S½ Section 32; Section 34; N½ NW¼, NW¼ NE¼ Section 35; Section 36.

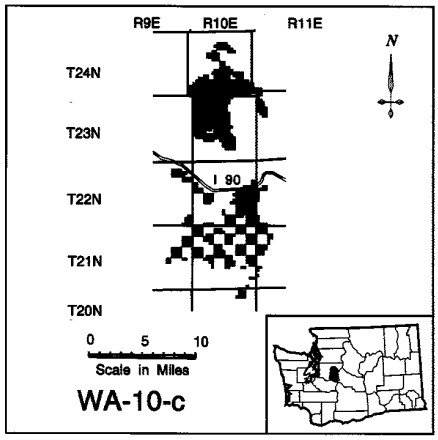
T.22N., R.11E. Willamette Meridian: S½ SW¼, SE¼ Section 18; W½ W½ Section 19; W½ SW¼, SW¼ NW¼ Section 31.

T.23N., R.10E. Willamette Meridian: NW¼ NE¼, N½ SW¼, NW¼, SW¼ SW¼ Section 3; Sections 4–9; Section 10 except E½ NW¼, E½; W½, SW¼ SE¼ Section 15; Sections 16–19; Section 20 except SE¼ NW¼, S½ NE¼, NE¼ NE¼; Section 21; Section 22 except SW¼ NE¼, NE¼ SE¼, E½ NE¼; Section 27; Section 28 except N½ SE¼, SE¼ NE¼, NE¼ SE¼; N½ N½ Section 29.

T.23N., R.11E. Willamette Meridian: NW¼, W½ SW¼, SE¼ SW¼, W½ NE¼ Section 6; Section 7; W½ SW¼ Section 8; W½ NW¼ Section 17; N½ NE¼, SE¼ NE¼ Section 18.

T.24N., R.10E. Willamette Meridian: S½ SE¼, SE¼ NE¼ Section 9; N½ S½, N½ Section 10; SW¼, SW¼ NW¼, SW¼ SE¼ Section 11; W½ NW¼, NW¼ SW¼, SE¼ SW¼, SW¼ SE¼ Section 15; N½, N½ SE¼ Section 16; E½ SE¼, SW¼ SE¼ Section 21; E½ NW¼, S½, W½ NE¼, SE¼ NE¼ Section 22; SW¼, SW¼ NW¼, S½ SE¼ Section 23; S½ SW¼ Section 24; Section 25 except NE¼; S½, SE¼ NE¼, N½ NE¼ Section 26; Section 27; Section 28 except NW¼; Section 29 except N½ NW¼; S½ SE¼, NE¼ SE¼ Section 30; Sections 31–36.

T.24N., R.11E. Willamette Meridian: W½ SE¼ Section 31.



Map and description of WA–11-a taken from United States Fish and Wildlife Service 1:100;000 map; Snoqualmie Pass and Mt Rainier, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.17N., R.10E. Willamette Meridian: Sections 1–2; Section 3 except W½ NW¼, SW¼ SW¼.

T.17N., R.11E. Willamette Meridian: W½ SW¼, SE¼ SW¼ Section 6; NW¼ NE¼ Section 7.

T.18N., R.08E. Willamette Meridian: Sections 1–2; E½, E½ NW¼, NW¼ NW¼ Section 3; E½ NW¼, N½ NE¼, SW¼ NE¼ Section 4; NE¼ NE¼ Section 10; Section 11 except SW¼ SE¼, W½ SW¼, SE¼ SW¼; Sections 12–13; Section 14 except NW¼, NW¼ NE¼, N½ SW¼, SW¼ SW¼; SW¼ Section 20; E½ SE¼, SE¼ NE¼ Section 22; Sections 23–24; Section 25 except SW¼ SW¼; N½, NE¼ SE¼ Section 26; S½ SE¼, NE¼ SE¼ Section 36.

T.18N., R.09E. Willamette Meridian: Sections 1–30; Section 31 except N½ NW¼; Sections 32–36.

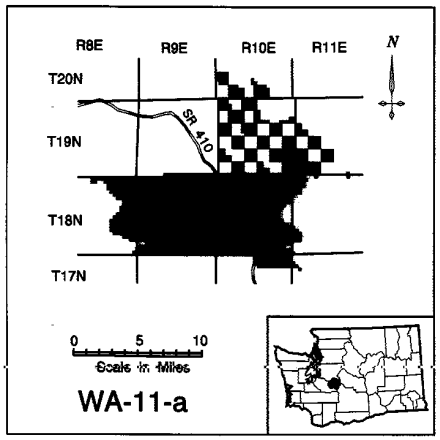
T.18N., R.10E. Willamette Meridian: Sections 1–12; NW¼, NW¼ SW¼, N½ NE¼ Section 13; Sections 14–23; NW¼ SW¼, S½ SW¼, SW¼ SE¼ Section 24; Sections 25–35; Section 36 except S½ NE¼.

T.18N., R.11E. Willamette Meridian: NW¼ NE¼ Section 2; NE¼ NE¼, SW¼ NW¼ Section 5; Section 6; NW¼, W½ NE¼, NW¼ SW¼ Section 7; W½ NW¼, SE¼ NW¼, SW¼, W½ SE¼ Section 30; SW¼ SW¼ Section 31.

T.19N., R.10E. Willamette Meridian: Section 4; Section 6 except E½ NE¼; Section 8; W½ W½, SE¼ SW¼, S½ SE¼ Section 10; S½ SW¼, SE¼ Section 12; Section 14; Section 16; Section 18; Section 20; Section 22; Sections 24–26; Section 28; W½, SE¼ Section 30; Section 32; W½, SE¼ Section 34; Section 36.

T.19N., R.11E. Willamette Meridian: W½, SE¼ Section 18; Section 20; Section 28; SW¼ SW¼ Section 35.

T.20N., R.10E. Willamette Meridian: W½ SE¼, SE¼ SE¼ Section 28; Section 30 except SW¼ SW¼; Section 32 except N½ NE¼; Section 34 except NE¼ NE¼.



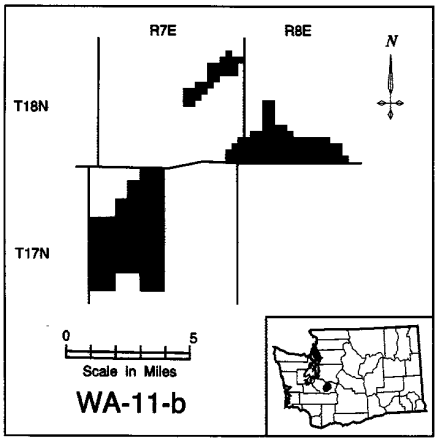
Map and description of WA–11-b taken from United States Fish and Wildlife Service 1:100;000 map; Snoqualmie Pass and Mt Rainier, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.17N, R.07E. Willamette Meridian: Section 4; SE¼ Section 5; Section 8 except N½ NW¼; Section 9; Sections 16–21; Section 28; N½ N½ Section 29; Section 30.

T.18N, R.07E. Willamette Meridian: S½ SW¼, NE¼ SW¼, S½ SE¼ Section 12; NW¼, W½ SE¼ Section 13; NE¼, N½ SE¼, SW¼ SE¼, S½ SW¼ Section 14; NE¼, N½ SE¼ Section 22; N½ NW¼, SW¼ NW¼ Section 23; Section 36 except W½ NW¼, NE¼ NW¼.

T.18N, R.08E. Willamette Meridian: SW¼ Section 20; SW¼ SW¼ Section 28; Section 29 except NE¼; S½ SE¼ Section 30; Sections 31–33; Section 34 except NE¼ NE¼; SW¼ NW¼, W½ SW¼, SE¼ SW¼ Section 35.



Map and description of WA–11-c taken from United States Fish and Wildlife Service 1:100;000 map; Tacoma and Centralia, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

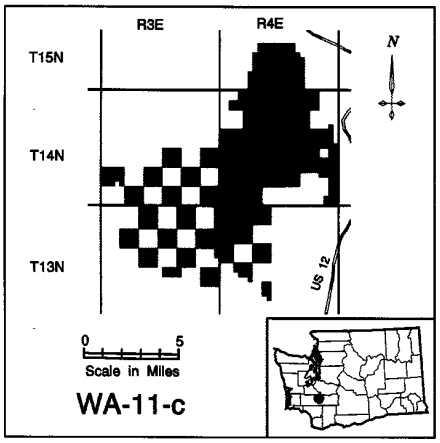
T.13N., R.03E. Willamette Meridian: Section 2; Section 4; Section 8; Section 10; Section 12; Section 14; Section 16; N½ Section 22; Section 24.

T.13N., R.04E. Willamette Meridian: Sections 4–8; Section 16; Section 18 except SW¼ SW¼; N½, NE¼ SW ¼, N½ SE¼, SE¼ SE¼ Section 20; N½ SE¼, SE¼ SE¼, NE¼ Section 28.

T.14N., R.03E. Willamette Meridian: Section 22; Section 24; Section 26; Section 28; Section 30; Section 32; Section 34; Section 36.

T.14N., R.04E. Willamette Meridian: Section 2–5; SE¼ Section 6; Sections 8–10; W½ Section 11; SE¼ SE¼ Section 12; Section 13 except NE¼ SE¼, E½ NE¼; Sections 14–23; Section 24 except NW¼; Section 25 except SW¼; N½ N½ Section 26; Sections 27–32; E½ SW¼, E½ Section 36.

T.15N., R.04E. Willamette Meridian: S½ Section 21; S½ Section 22; NW¼ NW¼, S½ NW¼, SW¼ Section 26; Sections 27–28; E½ E½ Section 29; E½ Section 32; Sections 33–34; W½ Section 35.



Map and description of WA–11–d taken from United States Fish and Wildlife Service 1:100;000 map; Mt. Rainier, Washington; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.13N., R.07E. Willamette Meridian: Section 10; Section 12; Section 14; Section 22.

T.13N., R.08E. Willamette Meridian: Sections 1–8; Section 9 except SE¼ SE¼; N½ N½, SW¼ NE¼ Section 10; SE¼, N½ NW¼ Section 11; Section 12 except S½ S½; Section 16 except E½ E½; Section 17; Section 18 except S½ S½; Section 20 except SW¼, W½ NW¼, S½ SE¼; NW¼, N½ SW¼ Section 21.

T.13N., R.09E. Willamette Meridian: NW¼ NW¼ Section 3; Section 4 except S½ SE¼; Sections 5–6; N½, N½ S½ Section 7; N½, N½ SW¼, NE¼ SE¼ Section 8; W½ NW¼ Section 9.

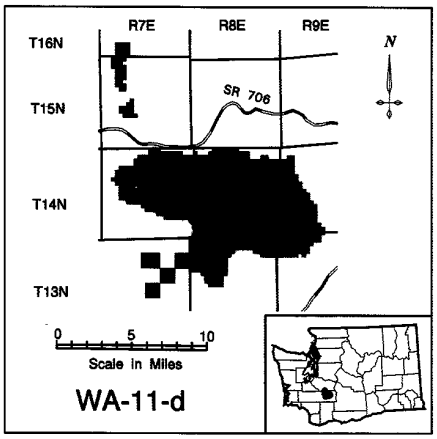
T.14N., R.07E. Willamette Meridian: SW¼ NW¼, S½ Section 1; Section 2 except N½ N½; Section 3 except NE¼ NE¼, SE¼, E½ SW¼, SW¼ SW¼; Section 4; E½ SE¼ Section 7; S½, S½ N½ Section 8; Sections 9–17; N½ NE¼, SE¼ NE¼ Section 18; Section 20 except SW¼, S½ SE¼; N½, SE¼, N½ SW¼ Section 21; Sections 22–24; Section 25 except S½ SW¼, SW¼ SE¼; Section 26 except S½ S½; NE¼, N½ NW¼ Section 27; NE¼ NE¼ Section 28.

T.14N., R.08E. Willamette Meridian: S½ SE¼ Section 2; SW¼, W½ SE¼ Section 3; Section 4; Section 5 except NW¼ NW¼; SW¼ NW¼, S½ Section 6; Sections 7–36.

T.14N., R.09E. Willamette Meridian: Section 7 except N½ NW¼; W½ W½ Section 8; SW¼, W½ NW¼, SE¼ NW¼, SW¼ SE¼ Section 17; Sections 18–19; Section 20 except NE¼ NE¼; W½ SW¼ Section 21; W½, W½ SE¼, SW¼ NE¼ Section 28; Section 29–32; Section 33 except W½ NE¼; SW¼ SW¼ Section 34.

T.15N., R.07E. Willamette Meridian: W½, W½ SE¼, NW¼ NE¼ Section 5; E½ NE¼, NE¼ SE¼ Section 6; W½, W½ NE¼, SW¼ SE¼ Section 8; SW¼ SW¼ Section 16; NE¼ NW¼, NW¼ NE¼ Section 17; SE¼, NE¼ SW¼, SE¼ NW¼, S½ NE¼, NE¼ NE¼ Section 20; W½ W½, SE¼ SW¼ Section 21.

T.16N., R.07E. Willamette Meridian: Section 32.



Map and description of OR–01-a taken from United States Fish and Wildlife Service 1:100,000 map; Astoria, Nehalem River, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.05N., R.07W. Willamette Meridian: SE¼ SE¼ Section 3.

Proposed Critical Habitat includes only State lands described within the following areas:

T.08N., R.06W. Willamette Meridian: W½ SW¼, SW¼ NW¼ Section 17; Section 18 except NE¼ NE¼; Section 19; W½ W½ Section 20; W½ Section 28; E½ Section 29; NW¼, N½ SW¼, SW¼ SW¼ Section 30; W½ W½, SE¼ SW¼ Section 31; E½ Section 32; W½ Section 33.

T.08N., R.07W. Willamette Meridian: Section 13; E½ Section 14; Section 23 except NW¼; Section 24–26; Section 36.

T.07N., R.06W. Willamette Meridian: N½ SW¼, SE¼ SW¼ Section 2; W½ W½, SE¼ SW¼ Section 3; Section 4; Sections 9–11; Sections 13–14; Section 16; Sections 25–36.

T.07N., R.07W. Willamette Meridian: Sections 30–31; W½ Section 32.

T.07N., R.08W. Willamette Meridian: Section 22 except N½ N½; Section 23 except N½ NW¼; Section 24 except NE¼; Section 25; Section 26 except S½ SW¼; N½, N½ SW¼, SE¼ SW¼ Section 27; NE¼ Section 28; SE¼ NE¼, NE¼ SE¼ Section 34; S½ Section 35; Section 36.

T.06N., R.05W. Willamette Meridian: W½ SW¼, SW¼ NW¼, Section 18; W½ W½ Section 19; NW¼ NW¼ Section 30.

T.06N., R.06W. Willamette Meridian: Section 1 except N½ NE¼; Sections 2–6; N½ NE¼ Section 7; Section 8 except W½ SW¼; Sections 9–10; Section 11 except S½ NE¼, N½ SE¼, SE¼ NW¼; N½ NW¼, NW¼ NE¼, SW¼ SW¼ Section 12; Section 13 except S½ SW¼, NW¼ SW¼, NE¼ NE¼; Section 14 except S½ SE¼; Section 15; Section 16 except SW¼ SE¼, SE¼ SW¼; Section 17 except SW¼ SW¼; S½ SE¼, NE¼ SE¼ Section 19; E½ NE¼ Section 21; NE¼, N½ NW¼ Section 22; NW¼ Section 23; NE¼, E½ SE¼ Section 24; NE¼ NE¼ Section 25; W½ Section 28; SW¼, W½ NW¼, E½ NE¼, SW¼ SE¼ Section 29; Sections 30–32; S½ N½, W½ SW¼, NE¼ SW¼ Section 33.

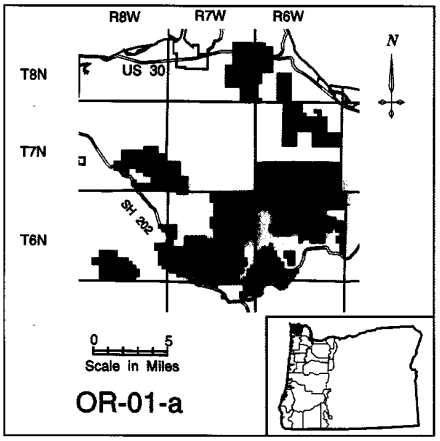
T.06N., R.07W. Willamette Meridian: Sections 1–3; E½ NE¼ Section 4; NW¼ NW¼ Section 5; N½ NE¼ Section 6; E½ SE¼ Section 9; Sections 10–15; NE¼ NE¼, S½ SW¼ Section 16; S½ S½ Section 17; SW¼, S½ NW¼ Section 18; Section 19 except N½ SE¼, S½ NE¼, NW¼ NW¼, NE¼ NE¼; Sections 20–23; W½ W½ Section 24; W½ W½, NE¼ SW¼, SE¼ NW¼, SE¼ SE¼ Section 25; Sections 26–30; Section 31 except SW¼, S½ SE¼, SW¼ NW¼; N½ Section 32; Section 33; Section 34 except SE¼ SE¼; Section 35 except NE¼ SW¼; Section 36 except S½ NW¼, NE¼ NW¼, NW¼ SW¼.

T.06N., R.08W. Willamette Meridian: S½ NE¼, NE¼ SE¼ Section 13; SE¼, E½ SW¼ Section 24; E½ Section 25; SW¼, SW¼

SE¼ Section 27; Section 28 except E½ NE¼; Section 29 except NW¼; E½ Section 32; Sections 33–34; SW¼ NW¼, NW¼ SW¼ Section 35; NE¼ NE¼ Section 36.

T.05N., R.06W. Willamette Meridian: W½ NW¼ Section 4; NE¼ Section 5; W½, NW¼ NE¼ Section 6.

T.05N., R.07W. Willamette Meridian: Section 1 except W½ NW¼, S½ SE¼; N½ NW¼ Section 3.



Map and description of OR–01–b taken from United States Fish and Wildlife Service 1:100,000 map; Nehalem River, Oregon; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.03N., R.08W. Willamette Meridian: Sections 6–7; Sections 16–17; Section 18 S of Foss River; Sections 19–21; Sections 27–28.

T.03N., R.09W. Willamette Meridian: Section 1 except W½ NW¼, NW¼ SW¼; S½ SE¼ Section 2; NW¼, W½ SW¼ Section 3; Section 4 except W½ NW¼, NW¼ SW¼; Section 5 except W½ NW¼; Section 8 except SW¼ NW¼, NW¼ SW¼; Section 9; Section 10 except N½ NE¼, NE¼ NW¼; Section 11 except NW¼ NW¼; Sections 12–16; Section 21 except W½ NW¼, SE¼ NW¼; Section 23 lying N of Foss River; W½, NW¼ Section 24 lying N of Foss River; Section 28.

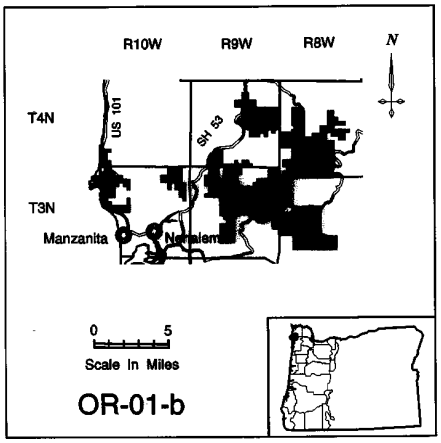
T.03N., R.10W. Willamette Meridian: W½ Section 1; Section 2 except NW¼; SW¼, S½ SE¼ Section 5; Section 6 except NW¼ NW¼, NE¼ NE¼; Section 7; N½ NE¼, SE¼ NE¼, NW¼ NW¼ Section 8; W½ NE¼ Section 11; Section 12 except E½ E½, W½ SW¼; NW¼ NE¼ Section 13; S½, E½ NE¼ Section 17; Section 18 except N½ NE¼, SE¼ NE¼.

T.03N., R.11W. Willamette Meridian: SE¼ Section 1; Section 12.

T.04N., R. 08W. Willamette Meridian: S½, S½ NW¼, SW¼ NE¼ Section 8; SE¼ Section 10; S½ S½, W½ NW¼, SE¼ NW¼, SW¼ NE¼ Section 14; Section 15 except NW¼; Section 17 except NW¼ SW¼; Sections 19–20; Section 21 except N½ NW¼; Section 22 except S½ NE¼, NW¼ NE¼; E½ NW¼, NW¼ NW¼, W½ NE¼ Section 23; Section 27–29; S½ SE¼, SE¼ SW¼ Section 30; SE¼, NE¼, NE¼ NW¼, E½ SW¼, SW¼ SW¼ Section 31; Sections 32–33; Section 34 except SE¼ NE¼, NE¼ SE¼.

T.04N., R.09W. Willamette Meridian: Section 10 except NW¼; SW¼ Section 11; Sections 13–14; E½, SE¼ SW¼ Section 15; N½ NE¼, SE¼ NE¼ Section 22; Section 23 except SE¼ SE¼; N½, W½ SW¼, NW¼ SE¼ Section 24; SW¼ SW¼ Section 28; SE¼ SE¼ Section 29; Section 32 except W½ W½, NE¼ NW¼; W½ W½, S½ SE¼, SE¼ SW¼ Section 33; Section 34 except N½, NE¼ SW¼; SW¼ SW¼ Section 35.

T.04N., R.10W. Willamette Meridian: S½ SW¼, NW¼ SW¼, SW¼ SE¼ Section 30; Section 31 except NE¼, E½ SE¼.



Map and description of OR–01–c taken from United States Fish and Wildlife Service 1:100,000 map; Nehalem River and Yamhill River, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.01N., R.09W. Willamette Meridian: W½ SW¼ Section 25; E½ SE¼, SW¼ SE¼ Section 26; E½ SE¼, W½ SW¼, SE¼ SW¼, SE¼ NE¼, SW¼ NW¼ Section 34; Section 35 except SW¼, NW¼ NW¼; N½ NW¼ Section 36.

T.01S., R.08W. Willamette Meridian: Section 7 except SE¼, E½ NE¼, NW¼ NW¼; S½ S½ Section 17; Section 18 except N½, NW¼ SE¼; N½ N½, SW¼ NE¼, SE¼ NW¼, SE¼ SE¼ Section 19; N½ N½, NE¼ SW¼, SW¼ SW¼ Section 20; Section 21 except N½ NE¼, S½ SW¼; S½ SW¼, NW¼ SW¼, SW¼ NW¼ Section 22; SW¼, S½ NW¼ Section 27; S½ NW¼, S½ SE¼, N½ SW¼, SE¼ SW¼ Section 28; S½ NE¼, N½ SE¼, S½ SW¼, NE¼ SW¼ Section 29; NE¼, N½ NW¼, SW¼ NW¼, SE¼ SE¼ Section 30; N½ NE¼ Section 31.

T.01S., R.09W. Willamette Meridian: Section 1 except E½ E½; E½ E½, NW¼ NE¼ Section 2; S½ SW¼ Section 3; Section 4 except SW¼ SW¼; NE¼, NE¼ SE¼, NE¼ NW¼ Section 5; S½ NE¼, NW¼ NE¼, NE¼ NW¼ Section 9; S½ Section 10; S½, S½ NW¼ Section 11; NW¼, N½ SW¼, NW¼ NE¼, NE¼ SE¼ Section 12; SE¼ NW¼, NE¼ SW¼, NW¼ SE¼ Section 13; N½ N½, SW¼ NE¼, SE¼ NW¼, NE¼ SW¼ Section 14; N½ NW¼ Section 15.

T.01S., R.11W. Willamette Meridian: SE¼ SE¼ Section 13.

Proposed Critical Habitat includes only State lands described within the following areas:

T.02N., R.09W. Willamette Meridian: Section 3; E½, E½ NW¼ Section 7; S½ Section 16; Section 18 except W½ NW¼; Sections 19–22; Sections 29–32.

T.02N., R.10W. Willamette Meridian: E½ SE¼ Section 13; E½ E½, NW¼ SE¼ Section 24; S½ SE¼, SE¼ SW¼ Section 25; SE¼ NE¼, SE¼ SE¼ Section 35; Section 36 except SE¼ NW¼.

T.01N., R.09W. Willamette Meridian: Section 9; Section 16 except S½ SW¼; SW¼, SW¼ SE¼ Section 19; Section 20 except N½ N½, SE¼ NE¼, SW¼ NW¼, NW¼ SW¼; N½ NE¼, S½ SW¼, NW¼ SW¼ Section 21; Section 26 except S½ SE¼, NE¼ SE¼; Section 27; W½ Section 28; Section 29 except SE¼ NW¼, SW¼ NE¼; Section 30; NE¼, N½ NW¼, SW¼ NW¼, NE¼ SE¼ Section 31; N½, NE¼ SE¼ Section 32; S½ S½, N½ NW¼, SW¼ NW¼, NW¼ SW¼ Section 33; Section 34 except E½ SE¼, SE¼ NE¼, S½ SW¼, SW¼ NW¼; NW¼ NW¼ Section 35; Section 36 except N½ NW¼.

T.01N., R.10W. Willamette Meridian: NW¼ NE¼, NE¼ NW¼ Section 1; SW¼ Section 2; W½, S½ SE¼ Section 11; NW¼, SE¼, S½ NE¼, S½ SW¼ Section 13; S½ SE¼ Section 14; S½ SE¼ Section 22; Section 23 except NW¼; Sections 24–26; E½, SE¼ NW¼, NE¼ SW¼ Section 27; Section 34 except S½ S½; Section 35 except SW¼, S½ NW¼, SW¼ SE¼; NE¼, W½ NW¼ Section 36.

T.01S., R.08W. Willamette Meridian: N½ Section 6; SE¼ Section 7; SW¼ Section 16; N½ S½, SE¼ NW¼ Section 17; N½ N½, SE¼ NW¼, SW¼ NE¼, NW¼ SE¼ Section 18; Section 19 except N½ N½, SE¼ SE¼, SW¼ NE¼ SE¼ NW¼; Section 20 except S½ S½, N½ N½, NE¼ SW¼; S½ SW¼, Section 21; N½ N½, SW¼ NE¼ Section 28.

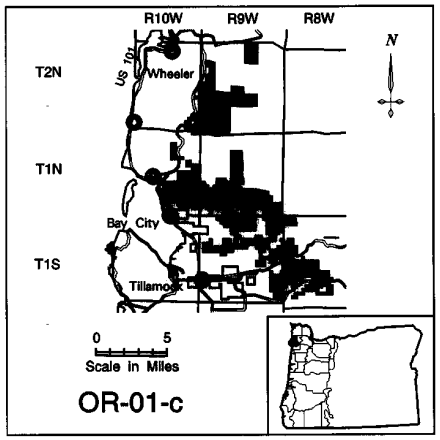
Proposed Critical Habitat includes only County lands described within the following areas:

T.01N., R.09W. Willamette Meridian: S½ SW¼ Section 16; NW¼, S½ NE¼, N½ SE¼, SW¼ SE¼, NE¼ SW¼ Section 21; E½ Section 28; N½ NE¼, SE¼ NE¼, SE¼ NW¼ Section 33.

T.01S., R.09W. Willamette Meridian: E½ SE¼ Section 8; W½ SW¼ Section 9; W½ NW¼ Section 16.

T.01S., R.09W. Willamette Meridian: E½ E½ Section 1; Section 3 except S½ SW¼; S½ SE¼, NE¼ SE¼, SE¼ SW¼ Section 7; W½ SE¼ Section 9; Section 13 except N½ NW¼, SE¼ NW¼, NE¼ SW¼ NW¼ SE¼; S½ SE¼, SE¼ SW¼ Section 14; N½ NE¼, E½ NW¼ Section 16; N½, N½ SE¼ Section 17; NE¼, E½ NW¼ Section 18; NW¼, W½ NE¼ Section 23; N½ NW¼, SW¼ SW¼, SE¼ SE¼ Section 24; Section 25; Section 36 except S½ S½, SW¼ NW¼, NW¼ SW¼.

T.01S., R.11W. Willamette Meridian: N½ S½, NE¼ Section 13.



Map and description of OR–01–d taken from United States Fish and Wildlife Service 1:100,000 map; Nehalem River, Oregon; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.04N., R.06W. Willamette Meridian: W½ NW¼, NE¼ NW¼, NW¼ NE¼, NW¼ SW¼ Section 4; NE¼, E½ SE¼, NW¼ SE¼, NE¼ NW¼ Section 5; SW¼ SW¼ Section 19; NW¼, N½ SW¼, SW¼ SW¼, N½ SE¼, SE¼ SE¼, SW¼ NE¼ Section 30; W½ NW¼ Section 31.

T.04N., R.07W. Willamette Meridian: S½ NW¼, N½ SW¼, SW¼ SW¼ Section 1; Section 2; E½, E½ NW¼, NW¼ NW¼, NE¼ SW¼ Section 3; SE¼, S½ NE¼, S½ SW¼, NW¼ SW¼ Section 9; E½, S½ SW¼, NE¼ NW¼ Section 10; Section 11 except E½ NE¼; W½ Section 13; Sections 14–16; Sections 21–23; Section 24 except NE¼ NE¼; NE¼, E½ NW¼, NW¼ NW¼, NE¼ SE¼ Section 25.

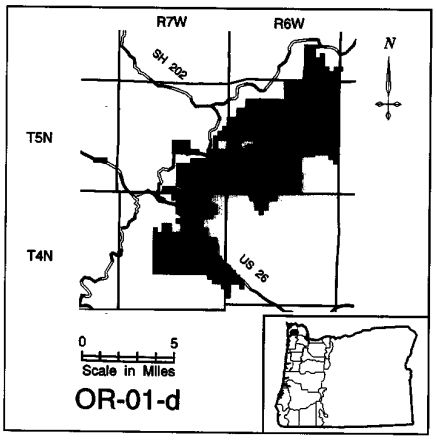
T.05N., R.06W. Willamette Meridian: Sections 1–3; SE¼, S½ NE¼, S½ SW¼ Section 7; Sections 8–18; Section 19 except SE¼ NE¼, NE¼ SE¼; Section 20 except S½ NW¼; Section 21 except NE¼ SW¼, NW¼ SE¼; Section 22; Section 23 except SE¼ SE¼; Section 24 except S½ SW¼; NE¼ NE¼ Section 25; Sections 27–34.

T.05N., R.07W. Willamette Meridian: SE¼, SE¼ NE¼, SE¼ SW¼ Section 13; Section 22 except S½ S½; N½ SW¼ Section 23; S½, E½ NW¼ Section 24; Sections 25–26; SE¼, S½ NE¼, E½ SW¼, SE¼ NW¼ Section 27; SE¼ Section 33; Section 34 except W½ NW¼, NE¼ SW¼; Sections 35–36.

T.05N., R.08W. Willamette Meridian: S½ NW¼ Section 25; SE¼ NE¼ Section 26.

T.06N., R.05W. Willamette Meridian: SW¼ NW¼ Section 31.

T.06N., R.06W. Willamette Meridian: W½ SW¼ Section 25; Section 26 except SE¼ NE¼, NE¼ SE ¼; Section 35; S½, SE¼ NE¼, S½ NW¼, NW¼ NW¼ Section 36.

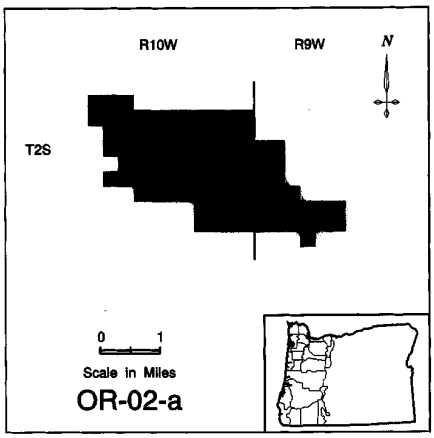


Map and description of OR–02–a taken from United States Fish and Wildlife Service 1:100,000 map; Yamhill River, Oregon; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.02S., R.09W. Willamette Meridian: Section 22 except SW¼, W½ NW¼; Sections 23–25; Section 26 except S½ S½; E½ NE¼, SW¼ NE¼ Section 27.

T.02S., R.08W. Willamette Meridian: SW¼ Section 19; SW¼ Section 29; Section 30 except N½ NE¼, SE¼ NE¼; NE¼ NE¼ Section 31.



Map and description of OR–02-b taken from United States Fish and Wildlife Service 1:100,000 map; Yamhill River, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.03S., R.09W. Willamette Meridian: SW¼, SE¼ NW¼ Section 3; Section 4 except N½ NE¼, W½ NW¼, SE¼ NW¼; SE¼ SE¼ Section 8; Section 9 except SW¼ NW¼; W½ W½, NW¼ NE¼, NE¼ NW¼ Section 10; W½ NW¼ Section 15; N½ N½, NW¼ SE¼, SE¼ NW¼, SW¼ NE¼ Section 16; SE¼ NE¼ Section 17; Section 19 except E½, NW¼ NW¼, S½ SW¼; SE¼ SE¼ Section 31.

T.03S., R.10W. Willamette Meridian: S½ SE¼, NW¼ SE¼, SE¼ SW¼ Section 22; Section 23 except N½ NW¼; S½, SE¼ NE¼ Section 24; N½ NW¼, NW¼ SW¼, NW¼ NE¼ Section 25; Section 26 except E½ SE¼; Section 27 except N½ SE¼, SW¼ NE¼, NE¼ SW¼, SE¼ NW¼; Section 28 except W½ W½, NE¼ NW¼; SE¼, S½ N½, E½ SW¼ Section 32; Section 33 except NW¼ NW¼; N½ N½, SW¼ NW¼ Section 34; N½ NW¼, NW¼ SE¼, SE¼ NW¼, NE¼ SW¼ Section 35.

T.04S., R.09W. Willamette Meridian: SW¼ SW¼ Section 4; S½ S½, NW¼ SE¼, N½ SW¼ Section 5; Section 6 except W½ W½, NE¼ NE¼; Section 7 except W½ NW¼; Section 8; Section 9 except NE¼ NE¼; SW¼, SW¼ NW¼ Section 10; NW¼ Section 15; Section 16 except SW¼, S½ NW¼, SW¼ SE¼; N½ N½, SW¼ NE¼ Section 17; N½ N½, S½ NW¼ Section 18.

T.04S., R.10W. Willamette Meridian: W½ SW¼, NE¼ SW¼ Section 3; Section 4 except S½ SW¼, SW¼ NW¼; Section 5 except SE¼, SE¼ NE¼; SE¼, S½ NE¼, NE¼ NE¼, SE¼ SW¼ Section 6; N½ NE¼, NE¼ NW¼ Section 7; N½ NE¼ Section 9.

T.05S., R.09W. Willamette Meridian: SW¼ SW¼ Section 5; S½ SE¼, NW¼ SE¼ Section 6; Section 7; W½ W½, SE¼ NW¼, NE¼ SW¼, SW¼ SE¼ Section 8; NW¼, NW¼ NE¼, NW¼ SW¼ Section 17; Section 18; Section 19 except S½, SE¼ NE¼; NW¼ NW¼ Section 20.

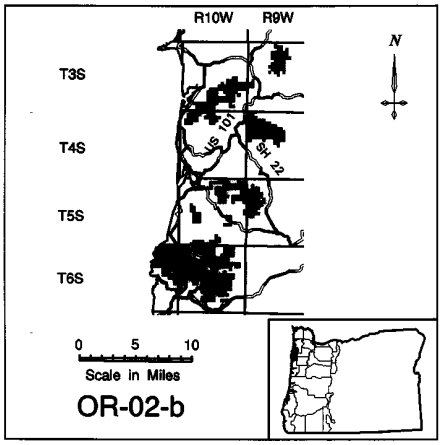
T.05S., R.10W. Willamette Meridian: S½, S½ NE¼, SE¼ NW¼ Section 1; Section 2 except NE¼; NE¼, S½ NW¼, S½ SE¼, SE¼ SW¼ Section 3; E½ SE¼, SE¼ NE¼, SE¼ SW¼ Section 4; Section 10 except W½ W½, E½ SW¼, SE¼ NE¼, NE¼ SE¼; W½ NW¼, E½ SE¼, NE¼ SW¼ Section 11; Section 12 except NW¼; NE¼ NE¼, SE¼ SE¼ Section 13; NE¼ NE¼ Section 14; N½ NE¼ Section 15; SW¼, SW¼ NW¼ Section 17; Section 20 except W½ W½; SE¼ NW¼, SW¼ NE¼, NW¼ SE¼ Section 23; NE¼ NE¼ Section 24; N½ NW¼, NW¼ NE¼ Section 26; Section 32 except N½, NW¼ SW¼; S½ S½, NE¼ SE¼, NW¼ SW¼ Section 33; SW¼, E½ NW¼, SW¼ NE¼, NW¼ SE¼ Section 34.

T.06S., R.10W. Willamette Meridian: Section 2; W½ W½, SE¼ SE¼ Section 3; Section 4 except SW¼ SW¼; NE¼, N½ SE¼, E½ NW¼ Section 5; W½ SE¼, SW¼, SW¼ NW¼, SW¼ NE¼, SE¼ SE¼ Section 6; Section 7 except SE¼ SE¼, E½ NE¼; Section 8 except N½ NE¼; Section 9 except S½ SE¼, SE¼ SW¼, NW¼ NW¼, Section 10; Section 11 except NE¼, SE¼ SE¼, SW¼ Section 12; S½, SW¼ NW¼, NW¼ NE¼ Section 14; Section 15 except NW¼; Section 16 except N½ NE¼; Section 17; Section 18 except W½ NE¼, SE¼ NW¼; Section 19 except E½ SW¼, E½ E½, SW¼ SE¼; W½ NE¼, E½ NW¼ Section 20; Sections 21–22; Section 23 except E½ E½; W½ NW¼, SE¼ NW¼, S½ SW¼ Section 26; W½ W½, NE¼, NE¼ NW¼, SE¼ SE¼ Section 27; Section 28 except SW¼ NW¼.

T.06S., R.11W. Willamette Meridian: Section 1–2; Section 11 except NW¼ SW¼; Section 12; Section 13 except SW¼ NE¼, SE¼ NW¼; NE¼, N½ SE¼ Section 14; NE¼ Section 24.

Proposed Critical Habitat includes only State lands described within the following areas:

T.05S., R.10W. Willamette Meridian: SE¼ NE¼, NE¼ SE¼ Section 10; W½ SW¼ Section 11; NW¼ NW¼ Section 14.



Map and description of OR–02–c taken from United States Fish and Wildlife Service 1:100,000 map; Yamhill River and Corvallis, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.06S., R.09W. Willamette Meridian: SE¼ Section 33.

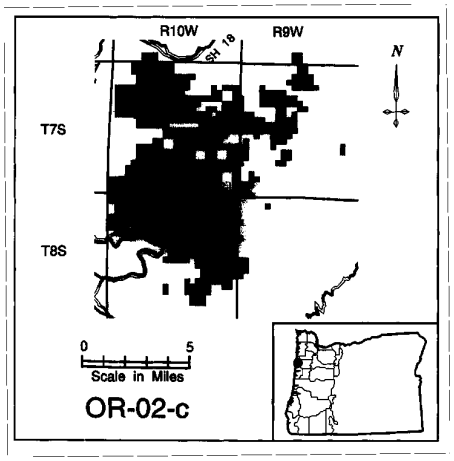
T.06S., R.10W. Willamette Meridian: SE¼, E½ SW¼ Section 32.

T.07S., R.09W. Willamette Meridian: SW¼, W½ NW¼, SE¼ NW¼, SW¼ SE¼ Section 3; SE¼, E½ NE¼, SW¼ NE¼, NE¼ SW¼ Section 4; SW¼ SW¼ Section 5; W½ SW¼, SW¼ NW¼ Section 7; Section 8 except S½ SW¼ SW¼ SE¼; Section 9 except N½ NE¼, NE¼ NW¼, SE¼ NE¼, SW¼ SE¼, SE¼ SW¼; SW¼ SW¼ Section 10; Section 16 except E½ E½, NE¼ NW¼; S½, E½ NE¼, SW¼ NW¼ Section 17; Section 18 except W½ W½, NE¼ NE¼; S½ SW¼, NE¼ SW¼, SE¼ NW¼, NE¼ NE¼ Section 19; NE¼, NW¼ SE¼ Section 20; W½ NW¼, NE¼ NW¼, S½ SW¼ Section 21; E½ SE¼ Section 23; N½ NW¼, SW¼ NW¼ Section 28; SE¼ NE¼ Section 29; N½ NW¼, SW¼ NW¼, SW¼ SE¼ Section 30; Section 31 except N½ NW¼, E½ SE¼, NW¼ SE¼, SE¼ NE¼.

T.07S., R.10W. Willamette Meridian: Section 3 except N½, SE¼ SE¼; Section 4; Section 5 except W½ SW¼; Section 7 except W½ W½; Sections 8–9; Section 10 except E½ NE¼, SW¼ NE¼; N½ S½, E½ NE¼, SW¼ SW¼ Section 11; Section 12 except NW¼ NW¼, SW¼ SW¼, SW¼ NE¼, NW¼ SE¼, SE¼ NW¼, NE¼ SW¼; Section 13 except NW¼ NW¼; Section 14 except N½ NW¼, SW¼ SW¼, SE¼ NE¼; Section 15 except S½ S½; Section 16 except SE¼ SE¼; Section 17 except W½ SW¼; NE¼, E½ NW¼ Section 18; S½ SE¼, SE¼ SW¼ Section 20; NE¼, SW¼ Section 21; Sections 22–23; Section 24 except N½ SE¼, S½ NE¼, NE¼ SW¼; Section 25 except NW¼; Section 26 except NW¼; Sections 27–28; Section 29 except W½ NW¼; SE¼ SE¼ Section 30; Section 31 except N½ NW¼, NW¼ NE¼; Sections 32–35; W½ W½, E½ E½ Section 36.

T.08S., R.09W. Willamette Meridian: SE¼ NW¼ Section 5; NW¼ NW¼, SW¼ SW¼ Section 7; S½ SW¼ Section 18; NW¼, NW¼ SW¼ Section 19.

T.08S., R.10W. Willamette Meridian: Sections 1–5; Section 6 except W½ SW¼; Section 7 except NE¼ SE¼, SW¼ SW¼; Sections 8–14; Section 15 except SE¼ SE¼; E½ E½, NW¼ NE¼, SW¼ SE¼ Section 16; Sections 23 except SW¼ NW¼, NW¼ SW¼; Section 24; NE¼ NW¼, NW¼ NE¼ Section 25; Section 26 except SE¼, E½ NE¼; Section 27 except W½, W½ SE¼; W½ NE¼ Section 28.



Map and description of OR–02–d taken from United States Fish and Wildlife Service 1:100,000 map; Corvallis, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.07S., R.06W. Willamette Meridian: SW¼, W½ Section 4; Section 5 except N½ NE¼, NW¼ NW¼; Section 6 except NE¼, N½ NW¼, NW¼ SE¼; Section 7; S½ Section 9; Section 17 except NW¼, W½ NE¼, NW¼ SW¼.

T.07S., R.07W. Willamette Meridian: Section 1 except NW¼; Sections 2–3; Section 4 except NW¼, NW¼ NE¼; Section 5 except E½ NE¼; NE¼ NE¼ Section 6; Section 7; N½ Section 8; Section 9; Section 11 except SE¼ SW¼, SW¼ SE¼; E½ NE¼, NE¼ SE¼ Section 12; Section 13 except NE¼ NE¼, NE¼ SE¼; Section 15; Section 17; N½ Section 18; Section 19; Section 21; Section 23; N½ Section 25; N½ Section 26; Section 27; E½ SW¼ Section 28; Section 29; Section 31; S½ SW¼ Section 32; Section 33; NW¼ Section 34.

T.07S., R.08W. Willamette Meridian: Section 1; SE¼ Section 12; Section 13; S½, S½ N½ Section 14; Section 15 except W½ W½; Section 17; Section 18 except W½ W½; Section 19 except W½ W½; W½ Section 20; N½ NE¼ Section 22; Section 23; Section 25; Section 27 except NE¼ NE¼; Section 28 except E½ SW¼, NW¼ SW¼; Section 29 except S½ SE¼; Section 30 except W½ W½; Section 31 except W½ W½; Section 32 except NE¼, N½ SE¼; Section 33 except SE¼ SE¼; Section 35 except N½ N½.

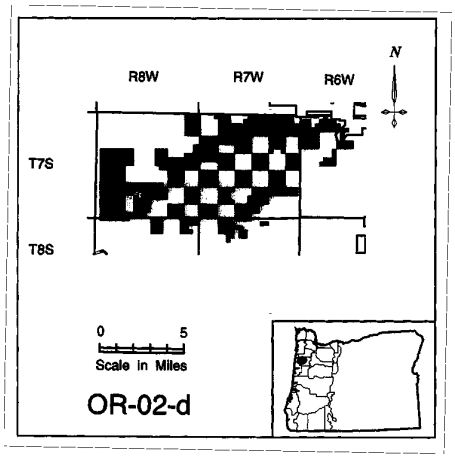
T.08S., R.07W. Willamette Meridian: S½ NE¼ Section 3; N½ N½, N½ SW¼, SE¼ SW¼, SW¼ SE¼ Section 4; Section 5 except N½ NE¼; N½ NE¼, SW¼ NE¼ Section 8; NW¼ NE¼, NE¼ NW¼ Section 9.

T.08S., R.08W. Willamette Meridian: Section 1 except SE¼, NE¼ SW¼; E½ E½ Section 2; Section 3 except W½ W½; N½ N½ Section 5; N½ N½ Section 6.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.07S., R.06W. Willamette Meridian: SE¼ SW¼, SW¼ SE¼ Section 4; E½ NW¼ Section 9.



Map and description of OR–02–e taken from United States Fish and Wildlife Service 1:100,000 map; Yamhill River, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.01S., R.05W. Willamette Meridian: SE¼, S½ SW¼, S½ NE¼ Section 19; N½ NE¼, NE¼ NW¼ Section 30.

T.02S., R.05W. Willamette Meridian: SW¼ NE¼, NE¼ SW¼ Section 5; SW¼ SE¼ Section 7.

T.02S., R.06W. Willamette Meridian: NW¼, SW¼ SW¼ Section 25; S½ S½, S½ NE¼, NE¼ NE¼, SE¼ NW¼ Section 26; Section 35; W½ SW¼ Section 36.

T.02S., R.08W. Willamette Meridian: Section 31 except W½ NW¼, E½ SE¼, NE¼ NE¼; Section 32 except NE¼, SW¼ SW¼; Section 33 except NW¼ NW¼; W½ NW¼, NW¼ SW¼ Section 34.

T.03S., R.06W. Willamette Meridian: NE¼ NW¼ Section 1; Section 7; S½ SW¼ Section 16; Sections 17–20; W½, W½ E½ Section 21; SW¼, W½ SE¼, SW¼ NE¼ Section 27; SW¼, S½ NW¼, NW¼ SE¼, SW¼ NE¼ Section 28; Section 29; Section 30 except NE¼; Section 31; W½ Section 32; Section 33 except SW¼, SW¼ SE¼; NE¼ NE¼ Section 35.

T.03S., R.07W. Willamette Meridian: S½ Section 5; Section 7; S½ NE¼, W½ NW¼,

N½ SW¼, NW¼ SE¼, SE¼ SE¼ Section 8; Section 9; Section 10 except N½ NE¼, NW¼ NW¼; Section 11; Section 12 except E½ E½, SW¼ NE¼; Sections 13–15; S½ Section 16; Section 17; SW¼, N½ NE¼, W½ NW¼ Section 18; Section 19; Section 20 except W½ W½, SE¼ SW¼; Sections 21–25; E½ Section 26; Sections 27–29; E½ Section 30; Section 31; Section 32 except S½ SE¼, NE¼ SE¼; Section 33 except NW¼ NW¼, SW¼ SW¼; N½ N½, SE¼ Section 34; Section 35; W½ Section 36.

T.03S., R.08W. Willamette Meridian: SW¼, S½ SE¼ Section 1; Section 3 except E½ SE¼; S½ S½, W½ NW¼ Section 4; Section 5 except W½ NW¼, SE¼ NW¼, SW¼ NE¼; N½ NW¼, E½ SE¼ Section 6; Section 7 except N½ N½, SW¼ NE¼, SE¼ NW¼; Section 8 except S½ SE¼; Section 9 except SW¼ SW¼; Section 10 except N½ NW¼, NW¼ NE¼; Section 11; Section 13; NE¼, N½ NW¼, SE¼ SW¼ Section 14; Section 15 except SW¼, SW¼ NW¼; NW¼ NW¼ Section 17; Section 18 except S½ SE¼; NW¼, N½ SW¼, SE¼ SW¼, SW¼ NE¼ Section 19; SE¼, S½ NE¼, E½ SW¼ Section 21; Section 22 except SW¼ NE¼, SE¼ NW¼; Section 23; Section 24 except N½ NE¼, SE¼ NE¼; Section 25 except NE¼ SW¼, SW¼ NE, NW¼ SE¼, SE¼ NW¼; N½ NE¼, NW¼ NW¼, SE¼ SE¼; Section 26; Section 27 except NE¼ SW¼, SW¼ NE¼, NW¼ SE¼, SE¼ NW¼; SW¼ SW¼ Section 28; S½ S½ Section 29; S½, W½ NW¼ Section 31; Section 32 except SW¼; Sections 33–34; S½, W½ NW¼ Section 35; W½ NE¼ Section 36.

T.03S., R.09W. Willamette Meridian: Section 1 except S½ SE¼, NE¼ SE¼, SW¼ NW¼; SE¼ SE¼ Section 2; Section 11 except NW¼, W½ NE¼, NW¼ SW¼; Sections 12–13; NE¼, N½ NW¼, E½ SE¼ Section 14; E½ NE¼ Section 23; N½, NE¼ SE¼ Section 24.

T.04S., R.06W. Willamette Meridian: Section 5 except E½ E½, SW¼ SE¼; Sections 6–7; S½ SW¼, W½ SE¼ Section 18.

T.04S., R.07W. Willamette Meridian: Section 1 except NE¼; W½, N½ NE¼ Section 2; Section 3 except NW¼; E½ E½, NW¼ NE¼, NE¼ NW¼, SE¼ SW¼, SW¼ SE¼ Section 4; N½, E½ SE¼ Section 5; Section 6 except NE¼, W½ SE¼; Section 7; SW ¼, NE¼ SE¼ Section 8; Section 9; N½ Section 10; Section 11; Section 12 except SE¼ SW¼; Section 13; Section 14 except N½ NW¼, S½ NE¼, E½ SE¼; Section 15 except SW¼ SW¼; E½ E½, NW¼ NE¼ Section 16; Section 17 except N½ S½; Section 18 except NW¼.

T.04S., R.08W. Willamette Meridian: SE¼ NE¼, SE¼ SE¼, SW¼ SW¼ Section 1; Section 2 except SE¼ NW¼, E½ NE¼, SW¼ NE¼, NE¼ SE¼, NW¼ SW¼; N½ N½, S½ S½, SW¼ NW¼ Section 3; Section 4 except S½ SE¼; Sections 5–8; Section 9 except N½ NE¼; Section 10; Section 11; Section 12 except NE¼ NE¼, SW¼ NW¼, NW¼ SW¼; Sections 13–14; Section 15 except N½ NE¼; Sections 16–25; Section 26 except W½ SW¼; Section 27 except E½ SE¼; Section 28–35; N½ Section 36.

T.04S., R.09W. Willamette Meridian: S½ SE¼, NE¼ SE¼ Section 1; SE¼, SE¼ SW¼ Section 11; Section 12 except NW¼ NE¼, SW¼ NW¼, N½ NW¼; Section 13; E½, NE¼ NW¼ Section 14; Section 23 except N½ NW¼, SW¼ NW¼; Sections 24–26; SE¼, E½ NE¼, SW¼ NE¼, SE¼ NW¼ Section 27; NE¼, SE¼ SE¼ Section 34; N½ N½, S½ S½, SW¼ NW¼, E½ SE¼, SE¼ NE¼, NE¼ SE¼ Section 35; Section 36.

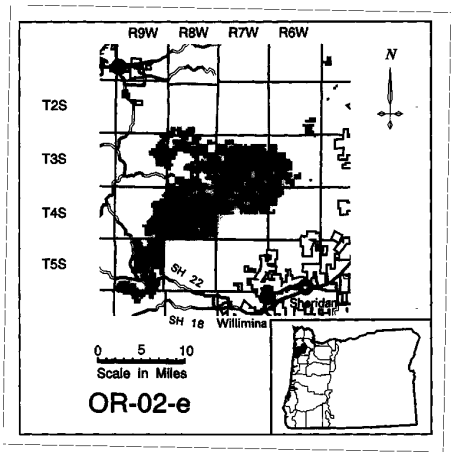
T.05S., R.09W. Willamette Meridian: Sections 1–2; NE¼ NE¼, W½ SW¼, SE¼ SW¼, SW¼ NW¼, E½ SE¼, SW¼ SE¼ Section 3; Section 4 except W½ W½; Section 9 except, S½, N½ SW¼, SE¼ SW¼; Section 10–15; Section 16 except W½ W½; Section 21 except W½ NW¼, NW¼ SW ¼; Section 22; Section 23 except SE¼, SW¼ NW¼, NW¼ SW¼; Section 24 except W½ SW¼; N½ NE¼ Section 25; Section 26 except E½ E½; Section 27 except E½ NE¼, S½ SW¼, NW¼ NW¼; NE¼ NW¼ Section 28; Section 31 except N½ NW¼, SW¼ NW¼; Section 32 except NE¼ NE¼; SW¼, S½ NW¼, SW¼ SE¼ Section 33; Section 34 except W½, NW¼ SE¼; Section 35 except NE¼ NE¼.

T.06S., R.09W. Willamette Meridian: W½, W½ NE¼ Section 2; N½, N½ SW¼, SW¼ SW¼ Section 3; Section 4 except SE¼ SE¼; N½ Section 5; N½ NE¼, NE¼ NW¼ Section 6; NE¼, E½ NW¼ Section 9.

T.06S., R.10W. Willamette Meridian: NE¼ NE¼ Section 1.

Proposed Critical Habitat includes only State lands described within the following areas:

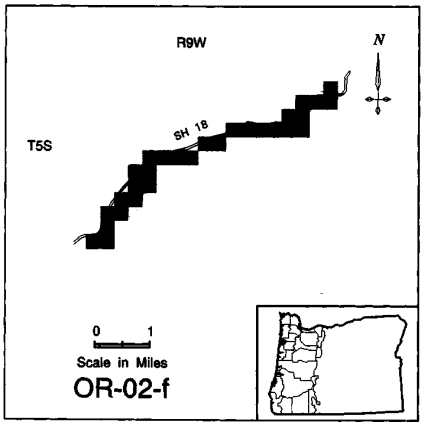
T.03S., R.07W. Willamette Meridian: N½ Section 16.



Map and description of OR–02–f taken from United States Fish and Wildlife Service 1:100,000 map; Yamhill River, Oregon; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.06S., R.09W. Willamette Meridian: E½ SE¼ Section 11; S½ SW¼, NE¼ SE¼ Section 12; W½ NW¼ Section 13; N½ Section 14; S½ NE¼, N½ SW¼, NE¼ NE¼, SW¼ SW¼ Section 15; S½ Section 16; SE¼ SE¼ Section 17; E½ NE¼, SW¼ NE¼, N½ SE¼, SW¼ SE¼, SE¼ SW¼ Section 20; W½ NW¼, NE¼ NW¼ Section 21; W½ NE¼, E½ NW¼ Section 29.



Map and description of OR–03–a taken from United States Fish and Wildlife Service 1:100,000 map; Corvallis, Oregon; 1995.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.09S., R.09W. Willamette Meridian: S½ SE¼, NE¼ SE¼ Section 23; W½ NW¼, NW¼ SW¼ Section 25; NE¼ Section 26; W½ SW¼ Section 34.

T.10S., R.09W. Willamette Meridian: SW¼ Section 15.

T.10S., R.10W. Willamette Meridian: SE¼ Section 14.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.09S., R.09W. Willamette Meridian: SE¼ SE¼ Section 33.

T.10S., R.10W. Willamette Meridian: NW¼ SE¼ Section 2.

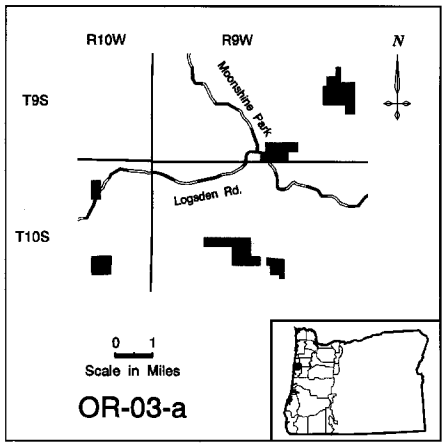
Proposed Critical Habitat includes only State lands described within the following areas:

T.09S., R.09W. Willamette Meridian: E½ SW¼, NW¼ SE¼ Section 34.

T.10S., R.09W. Willamette Meridian: NW¼, N½ SW¼, NW¼ SE¼ Section 16; N½ NE¼, NE¼ NW¼ Section 17.

Proposed Critical Habitat includes only County lands described within the following areas:

T.10S., R.10W. Willamette Meridian: SW¼ SE¼ Section 2.



Map and description of OR–03–b taken from United States Fish and Wildlife Service 1:100,000 map; Corvallis, Oregon; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.10S., R.06W. Willamette Meridian: W½ SW¼ Section 30.

T.10S., R.07W. Willamette Meridian: S½ Section 25; N½ Section 36.

T.11S., R.07W. Willamette Meridian: SW¼ SW¼ Section 15; S½ N½, SE¼ Section 16; Section 21 except S½, SW¼ NW¼; S½, S½ NW¼ Section 29; Section 31; Section 32 except SE¼, NE¼ SW¼.

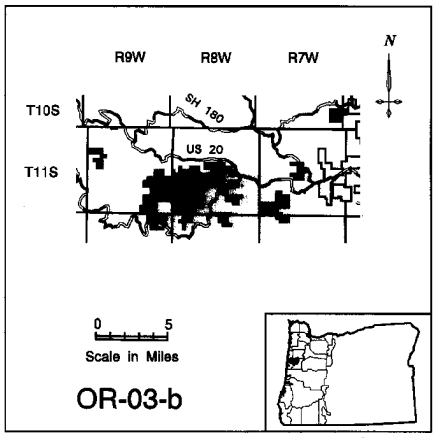
T.11S., R.08W. Willamette Meridian: SW¼ SW¼ Section 14; Section 15 except NE¼, NE¼ NW¼; S½ N½, N½ S½, S½ SW¼ Section 16; SW¼, W½ SE¼ Section 17; S½ SE¼, E½ SW¼ Section 18; Sections 19–21; W½, S½ SE¼, NE¼ SE¼, NE¼ NE¼ Section 22; SW¼, NW¼ NW¼ Section 23; SW¼, NW¼ SE¼ Section 26; Section 27 except SW¼, E½ NE¼; NW¼ NW¼ Section 28; Sections 29–31; Section 32 except SE¼; SE¼ SE¼ Section 33; S½ S½ Section 34; N½ NW¼ Section 35.

T.11S., R.09W. Willamette Meridian: N½ NE¼ Section 5; S½ Section 7; NW¼ NW¼ Section 17; SE¼, S½ NE¼, NE¼ NE¼, SE¼ NW¼ Section 18; SE¼ SE¼ Section 22; Section 23 except NW¼; Section 24 except W½ NE¼, E½ NW¼; Section 25; Section 26 except S½ NW¼, N½ SW¼; E½ SE¼, SE¼ NE¼ Section 34; Section 35.

T.12S., R.07W. Willamette Meridian: Section 5 except S½, SW¼ NW¼.

T.12S., R.08W. Willamette Meridian: NW¼ SW¼ Section 2; NE¼, E½ NW¼, N½ SE¼ Section 3; NW¼ Section 5; E½ E½, SW¼ NE¼ Section 6.

T.12S., R.09W. Willamette Meridian: S½ SW¼, N½ NW¼, SE¼ NW¼, NW¼ NE¼ Section 1; E½, E½ NW¼ Section 2.



Map and description of OR–03–c taken from United States Fish and Wildlife Service 1:100,000 map; Corvallis, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.08S., R.06W. Willamette Meridian: SE¼ SE¼, SW¼ SW¼ Section 30; Section 31 except S½ S½, N½ SE¼, SE¼ NE¼, W½ NW¼ Section 33.

T.08S., R.07W. Willamette Meridian: Section 31 except S½ SE¼, NE¼ NE¼, NW¼ NW¼, SW¼ SW¼.

T.09S., R.06W. Willamette Meridian: N½ N½, S½ NW¼ Section 5; NE¼, N½ NW¼, NE¼ SE¼ Section 7.

T.09S., R.07W. Willamette Meridian: Section 1 except W½ NW¼; Section 3 except NE¼; SE¼ SW¼, SW¼ SE¼ Section 4; Section 9 except SE¼ SE¼; Section 11; Section 13; W½, W½ NE¼, NW¼ SE¼ Section 15; SE¼, E½ SW¼ Section 17; NW¼, NW¼ SW¼ Section 21; E½ NE¼, NE¼ SE¼ Section 23; Section 29 except SE¼; Section 31; S½, SE¼ NW¼ Section 33; W½ W½, NE¼ NE¼ Section 35.

T.09S., R.08W. Willamette Meridian: NW¼, W½ SW¼ Section 11; Section 27 except N½ NE¼, SE¼ NE¼; Section 35 except S½ NE¼, NE¼ NW¼.

T.10S., R.05W. Willamette Meridian: N½ SE¼ Section 29.

T.10S., R.07W. Willamette Meridian: N½ N½ Section 1; N½ N½ Section 5; S½ NE¼, N½ SE¼, SW¼ SE¼, SE¼ SW¼ Section 18.

Proposed Critical Habitat includes only State lands described within the following areas:

T.08S., R.07W. Willamette Meridian: SE¼ Section 11; SE ¼ Section 12; N½, W½ SE¼ Section 13; E½ Section 14.

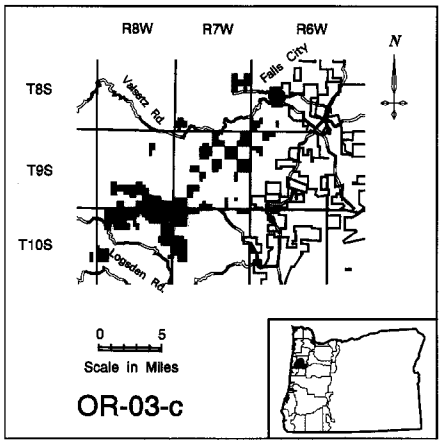
T.09S., R.08W. Willamette Meridian: Section 28 except N½ N½; N½ S½, NW¼, S½ NE¼ Section 29; SE¼ Section 32; N½ NW¼ Section 33; Section 34 except NW¼; Section 36 except N½ N½.

T.10S., R.07W. Willamette Meridian: Section 6; N½ N½ Section 7; NW¼, W½ SW¼, NE¼ SW¼, NW¼ NE¼ Section 18; Section 19 except W½ SW¼.

T.10S., R.08W. Willamette Meridian: Section 1 except SW¼ SE¼; Section 2; NE¼, N½ NW¼, SW¼ NW¼, NE¼ SE¼ Section 3; Section 4 except SW¼ SE¼, SE¼ SW¼; Section 5; E½ Section 6; NE¼ Section 7; NE¼, E½ NW¼ Section 8; NW¼, NE¼ NE¼ Section 9; W½ NW¼ Section 10; Section 12; Section 13 except S½ SW¼, SW¼ SE¼; E½ NE¼ Section 14; SW¼ SW¼ Section 18; Section 19; E½ NE¼, N½ SE¼ Section 24.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.09S., R.08W. Willamette Meridian: S½ SW¼ Section 29; N½ NE¼, NE¼ NW¼ Section 35.



Map and description of OR–04–a taken from United States Fish and Wildlife Service 1:100,000 map; Corvallis, Waldport and Eugene, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.11S., R.10W. Willamette Meridian: SE¼ SE¼ Section 35.

T.12S., R.09W. Willamette Meridian: N½ N½ Section 6; Section 7 except NW¼ NE¼; Section 8 except NE¼ NW¼, W½ NE¼, NW¼ SE¼, NE¼ NE¼; SE¼ SE¼ Section 14; S½ SW¼ Section 15; SE¼ SE¼ Section 16; Sections 17–18; Section 19 except W½ W½, NE¼ NE¼, SE¼ SW¼; Section 20 except SE¼ NW¼; Section 21 except N½ NW¼, NW¼ NE¼; Section 22 except NE¼ NE¼; Section 23 except N½ NW¼; E½ E½ Section 24; Sections 26–28; N½, N½ SE¼ NE¼, SE¼ SE¼ Section 29; S½ NE¼, NE¼ NE¼ Section 32; W½ Section 33; NE¼ NW¼ Section 34; S½ SW¼, NE¼ NW¼ Section 35.

T.12S., R.10W. Willamette Meridian: Sections 1–2; Section 3 except E½ NW¼, S½ NE¼; Section 4; S½, E½ NE¼, SW¼ NW¼ Section 5; S½ SE¼ Section 6; Sections 7–8; N½, N½ SE¼ Section 9; N½ Section 10; Section 11 except SW¼ SW¼; Section 12; N½ N½, SW¼ NE¼, NE¼ SW¼, NW¼ SE¼, SE¼ NW¼ Section 13; NE¼ NE¼ Section 14; Section 16; Section 17; Section 18 except N½ S½; Sections 19–21; Section 25 except NW¼; Section 28; Section 29 except SW¼, NW¼ SE¼; N½, NW¼ SW¼ Section 30; NE¼ SE¼ Section

31; Section 32 except W½ NW¼, NE¼ NW¼, SW¼ SW¼; Section 33 except S½ SE¼, SE¼ SW¼; SE¼, E½ Section 35.

T.12S., R.11W. Willamette Meridian: S½ NW¼, S½ SW¼, NE¼ SW¼ Section 9; SE¼, S½ SW¼, NE¼ SW¼ Section 11; Section 12; Section 13 except SE¼ SE¼; N½, N½ SE¼, S½ S½ Section 14; NE¼ Section 22; Sections 23–24; Section 25 except W½ SW¼, SW¼ NW¼; Section 26 except SE¼ NE¼; E½ Section 27; Section 35; Section 36 except E½ SE¼, SE¼ NE¼.

T.13S., R.09W. Willamette Meridian: Section 2 except SE¼; NE¼ Section 4; SW¼ Section 5; Section 6–7; W½ Section 8; Sections 18–19; Section 20 except N½, NE¼ SE¼; Section 28 except NE¼, NE¼ NW¼; Section 29 except NW¼ SW¼; Sections 30–33; W½ W½, SE¼ SW¼, SW¼ SE¼ Section 34; SW¼ SE¼ Section 35.

T.13S., R.10W. Willamette Meridian: Section 1; Section 2; E½ E½ Section 3; NW¼ NW¼ Section 4; NE¼, NE¼ NW¼ Section 5; W½ NW¼ Section 6; S½ NE¼, NE¼ SE¼, S½ S½ Section 7; Section 10 except NW¼, NW¼ SW¼; Sections 11–15; Section 16 except NW¼, NW¼ NE¼; SE¼, SW¼ SW¼, E½ SW¼, SW¼ NE¼ Section 17; Sections 18–25; Section 26 except SW¼ SW¼; N½ NE¼, SE¼ NE¼, SE¼ SE¼ Section 27; SE¼ NW¼, W½ NW¼, SW¼ SE¼ Section 28; Section 29; N½, N½ SE¼, NE¼ SW¼, SW¼ SW¼ Section 30; S½, S½ NE¼ Section 31; Section 32 except W½ SE¼; Section 33 except E½ E½, S½ SE¼, NE¼ SE¼, NE¼ NE¼ Section 34; Section 35 except SE¼ NE¼, NE¼ NW¼; SW¼, N½ SE¼, N½ NE¼, SE¼ NW¼ Section 36.

T.13S., R.10½W. Willamette Meridian: N½ Section 6.

T.13S., R.11W. Willamette Meridian: Section 1 except SE¼ SE¼; Section 2 except NW¼ NW¼; Section 11 except W½ SW¼, SE¼ SW¼, SW¼ SE¼; W½, W½ NE¼, E½ SE¼ Section 12; Section 13 except W½ SW¼, NE¼ NW¼, SW¼ NW¼, S½ SE¼; E½, N½ NE ¼, SW¼ SE¼ Section 14; Section 15 except W½ NW¼, NE¼ NW¼, NW¼ SW¼; N½ NE¼ Section 22; N½ NW¼, SW¼ NE¼ Section 23; except N½ NE¼, S½ NW¼, NE¼ NW¼ Section 24; N½ N½, SW¼, S½ SE¼, N½ NW¼ Section 25; SW¼, SW¼ SE¼ Section 26; NW¼ SE¼ Section 33; Section 34 except W½ W½; Section 35; Section 36 except SE¼, E½ NE¼.

T.14S., R.08W. Willamette Meridian: SW¼ SW¼ Section 7.

T.14S., R.09W. Willamette Meridian: Section 2 except NE¼, SE¼ SE¼; Section 3 except S½ SW¼; Section 4 except S½ SE¼; Section 5 except S½ SW¼, SW¼ SE¼; Section 6 except S½ NW¼, N½ SW¼, SW¼ NW¼; Section 7 except SE¼ SW¼, NW¼ SE¼, SE¼ NE¼; NW¼, SE¼, S½ SW¼ Section 8; Section 9 except W½ NW¼; Section 10 except N½ NE¼; SW¼, S½ NW¼, S½ SE¼ Section 11; S½ S½ Section 12; Section 13 except SE¼; Sections 14–15; Section 16 except SW¼, W½ NW¼; Section 18 except N½ N½, N½ SE¼, SE¼ NE¼, SE¼ SW¼, SE¼ SE¼; N½, NE¼ SE¼ Section 19; Section 23 except SW¼, E½ NW¼; W½ Section 24; Section 25; E½ Section 26; S½ NW¼ Section 36.

T.14S., R.10W. Willamette Meridian: Section 1 except N½ SE¼, E½ NE¼; Section 2; Section 3 except N½ SE¼; Section 4; Section 5 except W½ NE¼, SE¼ NW¼, NE¼ SW¼ NW¼ SE¼; Sections 6–7; Section 8 except SW¼ SW¼; Sections 9–11; Section 12 except NW¼ NW¼; Sections 13–15; Section 16 except S½ SW¼; Section 17 except S½ SE¼, NW¼ NW¼; Section 18 except S½ S½; N½ NE¼ Section 22; Section 23 except E½ SW¼, SW¼ NW¼, SE¼ SW¼; Section 24 except NE¼ SE¼; N½ N½, SE¼ NW¼ Section 25.

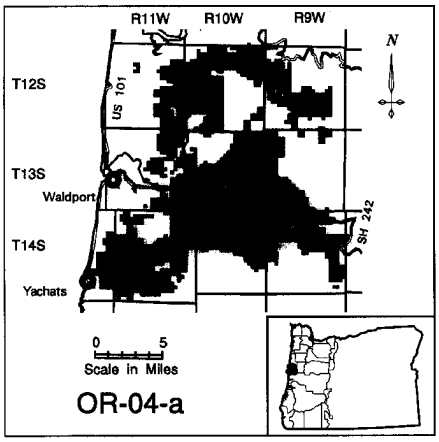
T.14S., R.11W. Willamette Meridian: Sections 1–2; N½ NE¼ Section 3; S½ NW¼, SW¼ NE¼ Section 4; Section 5 except SE¼, NE¼ SW¼; NE¼, E½ SE¼, E½ NW¼ Section 6; Section 7; Section 8 except N½ NE¼; S½ S½, NE¼ SE¼ Section 9; Section 10 except N½ NW¼, SW¼ SW¼, NW¼ NE¼; Sections 11–12; W½ W½ Section 13; Sections 14–21; Section 22 except NE¼, S½ NW¼, N½ SW¼; Section 23 except SE¼ SE¼; W½ NW¼, NW¼ SW¼, E½ SW¼ Section 24; E½ NW¼, N½ SW¼, Section 25; W½ NE¼, W½ SW¼, W½ SE¼, SE¼ SW¼, NE¼ NE¼ Section 26; Sections 27–30; N½, NE¼ SW¼ Section 31; Section 32 except SE¼, S½ SW¼, S½ NE¼; N½ Section 33; N½ N½, SW¼ NW¼ Section 34; N½ NW¼ Section 35.

T.14S., R.12W. Willamette Meridian: S½ SE¼ Section 1; Section 12 except W½ W½, NE¼ NW¼, SE¼ SW¼; Section 13 except N½ NW¼; E½ SE¼, SE¼ NE¼ Section 14; SE¼, E½ NE¼, E½ SW¼ Section 23; Sections 24–25.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.14S., R.09W. Willamette Meridian: SE¼ NE¼ Section 8.



Map and description of OR–04-b taken from United States Fish and Wildlife Service 1:100,000 map; Waldport, Eugene, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.14S., R.09W. Willamette Meridian: SW¼ SW¼ Section 27; SW¼, S½ SE¼, NW¼ SE¼, SW¼ NW¼ Section 28; Section 29 except N½ NE¼; SE¼, E½ SW¼, SW¼ NW¼, NW¼ SW¼ Section 30; Section 31 except W½ NW¼, NE¼ SW¼; Sections 32–33; Section 34 except W½ NE¼; S½ S½, SW¼ NW¼, E½ NW¼ Section 35.

T.14S., R.10W. Willamette Meridian: S½ SW¼, SW¼ SE¼ Section 20; SE¼ NE¼ Section 25; Section 29 except E½ SE¼; Sections 30–31; Section 32 except E½ E½.

T.14S., R.11W. Willamette Meridian: Section 25; SE¼ SE¼ Section 34; SE¼, E½ SW¼, SW¼ SW¼ Section 35; Section 36 except NW¼, N½ NE¼.

T.15S., R.09W. Willamette Meridian: E½ NE¼, NE¼ SE¼, SW¼ SW¼ Section 1; Sections 2–5; Section 6 except S½ SW¼, SW¼ SE¼; E½ E½ Section 7; N½ N½, S½ S½, NE¼ SE¼ Section 8; Section 9 except S½ SW¼; Section 10 except W½ SE¼, NE¼ SE¼; Section 11; N½ SW¼, S½ NW¼, NW¼ NW¼, E½ SE¼, SE¼ NE¼ Section 12; Section 13; Section 14 except NE¼ SE¼; Section 15; Section 16 except W½ SW¼, N½ SE¼, SW¼ NE¼, NE¼ NW¼; Section 17 except SE¼; Section 18 except NW¼, W½ SE¼, NW¼ NE¼; Section 19 except E½ SE¼, SE¼ NE¼, NW¼ NW¼; E½ SE¼, N½ NW¼, SE¼ NE¼ Section 20; Section 21 except N½ NW¼; Section 22 except SW¼, SE¼ NW¼; Sections 23–26; E½, E½ SW¼, SW¼ SW¼ Section 27; Section 28; E½ Section 29; N½ NW¼, NW¼ NE¼ Section 30; Section 32 except E½ E½; Sections 33–36.

T.15S., R.10W. Willamette Meridian: Section 1 except N½ NW¼, W½ NE¼, E½ SE¼; E½ SE¼ Section 2; SW¼ SW¼ Section 4; Sections 5–7; Section 8 except NE¼ SW¼; SW¼, W½ NW¼, SE¼ NW¼,W½ SE¼ Section 9; NE¼ NE¼ Section 11; N½ NW¼, SE¼ NW¼, NW¼ NE¼ Section 12; W½ SW¼, SW¼ NW¼ Section 14; SE¼, E½ SW¼, NE¼ NE¼, S½ NE¼ Section 15; Sections 16–22; NE¼ SE¼ Section 24; SW¼ Section 25; Section 26 except NE¼; Sections 27–32; Section 33 except SE¼ SE¼; Section 34 except S½ S½; N½, NE¼ SE¼ Section 35.

T.15S., R.11W. Willamette Meridian: NW¼, N½ SW¼, NW¼ NE¼, SW¼ SE¼ Section 1; N½ N½, S½ SE¼, SE¼ SW¼ Section 2; E½ E½, NW¼ NW¼ Section 3; Section 4 except N½ NW¼; N½ SW¼, N½ NE¼, S½ NW¼ Section 5; SW¼, W½ NW¼, SE¼ NW¼, S½ NE¼, W½ SE¼, NE¼ SE¼ Section 6; W½, W½ SE¼ Section 7; NE¼, S½ NW¼, NE¼ SW¼, NE¼ SE¼ Section 8; Section 9 except N½ NE¼, NE¼ NW¼, SE¼ NE¼; Section 10; Section 11 except, NE¼ SE¼, SE¼ NE¼; Section 12 except SE¼ SW¼; Section 13 except, N½ NW¼, SE¼ NW¼; Section 14; Section 15 except, SW¼ NW¼; N½ NW¼, SW¼ NW¼ Section 18; NE¼ NE¼ Section 21; Section 22 except SW¼, E½ NE¼, NW¼ SE¼; Sections 23–26; Section 27 except N½ NW¼, SW¼ NW¼; Section 28 except N½ NE¼, SE¼ NE¼; S½, SE¼ NE¼ Section 29; S½ Section 30; Section 31 except N½ NW¼, NW¼ NE¼, SE¼ NE¼; Section 32 except S½ N½, NE¼ SE¼; Section 33 except S½ SE¼; NW¼, N½ SW¼, W½ NE¼, NW¼ SE¼ Section 34; Section 35 except SW¼, W½ NW¼, SE¼ NW¼, N½ NE¼; Section 36.

T.15S., R.12W. Willamette Meridian: Section 1 except N½ NW¼; Section 2–3; Section 11 except SE¼ SE¼; Section 12 except S½ SW¼; Section 13 except NW¼, SW¼ NE¼; N½ NW¼, SE¼ NW¼, NW¼ NE¼ Section 14; NE¼ SE¼, SW¼ SE¼ Section 22; N½ N½, SE¼ NW¼ Section 24; Section 25 except N½ NE¼, NE¼ NW¼; S½, S½ NE¼, S½ NW¼, NE¼ NE¼ Section 26; E½ E½ Section 27; Section 34–35; Section 36 except N½ N½.

T.16S., R.09W. Willamette Meridian: Section 1 except N½ S½; Sections 2–5; S½ Section 6; Sections 7–15; Section 16 except SE¼; Section 17; Section 18 except SW¼ SW¼; Section 19; NE¼, E½ W½, NW¼ NW¼ Section 21; Sections 22–24; NE¼, N½ NW¼, NW¼ SW¼, SE¼ NW¼ Section 25; Section 26 except S½ SE¼, SW¼ NW¼; Sections 27–28; Section 29 except N½ N½; Section 30; Section 31 except SW¼, SE¼ NW¼, SW¼ NE¼; Sections 32–34; Section 35 except NE¼, SW¼ SW¼, N½ SE¼; SE¼ NE¼ Section 36.

T.16S., R.10W. Willamette Meridian: SE¼, SE¼ SW¼, SE¼ NE¼ Section 1; S½ SE¼, NE¼ NE¼, SW¼ Section 4; Section 5 except SE¼ NE¼; Sections 6–8; Section 9 except S½ SE¼; Section 10 except SW¼ SW¼, N½ NE¼; NE¼ SE¼ Section 11; Section 12 except W½ NW¼; Section 13 except S½ SE¼, SE¼ SW¼, SW¼ NW¼; Section 14; Section 15 except SE¼ SW¼, SW¼ SE¼, N½ NE¼; Section 16 except N½ SE¼; Section 17–21; Section 22 except W½ NE¼, NW¼ SE¼; Section 23; Section 24 except NW¼ NE¼, E½ NW¼, NE¼ SW¼; N½ N½, E½ SE¼, W½ SW¼ Section 25; Section 26 except S½ SW¼; Section 27 except E½ SE¼, SE¼ NE¼; Section 28; Section 29 except SW¼ SE¼, SE¼ SW¼; Section 30 except NW¼ SE¼, NE¼ SW¼, E½ SE¼; Section 31; Section 32 except N½ N½; Section 33 except W½ NW¼, SE¼ NW¼, E½ NE¼, SW¼ NE¼; NE¼ NW¼, W½ W½ Section 34; N½ NE¼ Section 35; SE¼ NE¼ Section 36.

T.16S., R.11W. Willamette Meridian: NE¼, E½ NW¼, E½ SE¼ Section 1; Section 2 except E½ E½, NW¼ NW¼; W½ Section 3; Section 4–6; N½ NE¼, SE¼ NE¼, NE¼ NW¼ Section 8; N½ Section 9; Section 10 except SE¼ SE¼; Section 11 except S½ S½; Section 12 except E½ NW¼, NW¼ NE¼; Section 13; Section 14 except W½ NW¼, NE¼ NW¼ NW¼ NE¼; SE¼ Section 15; SW¼ SW¼ Section 18; Section 19 except NE¼ SE¼; S½ SW¼, W½ SE¼ Section 20; S½ SE¼, NE¼ SW¼, E½ SW¼ Section 21; Section 22 except NW¼ NW¼; Sections 23–26; Section 27 except E½ NW¼, NW¼ NE¼; Section 28; Section 29 except NE¼ NE¼; Sections 30–36.

T.16S., R.12W. Willamette Meridian: Sections 1–2; S½ SE¼, E½ SW¼ Section 3; NE¼, N½ SE¼, SW¼ SE¼, W½ SW¼ Section 10; N½, N½ SW¼ Section 11; N½ N½ Section 12; SE¼, W½ SW¼ Section 13; N½ NE¼ Section 22; Section 23 except N½ NE¼; Sections 24–25; Section 26 except S½ S½, NW¼ SW¼, SW¼ NW¼; Section 35 except SW¼ SW¼; Section 36.

T.17S., R.08W. Willamette Meridian: NW¼ SE¼ Section 18.

T.17S., R.09W. Willamette Meridian: Section 1 except E½ SE¼, SW¼ SE¼; Section 2 except E½ W½, SW¼ NE¼; Section 3 except S½ SE¼, NE¼ SE¼, SE¼ NE¼; Section 4 except S½ SW¼, SW¼ SE¼; Section 5; Section 6 except NW¼; Section 7 except NW¼ SW¼; Section 8; W½ SW¼, NE¼ SW¼, E½ NE¼ Section 9; N½ NW¼, NW¼ NE¼ Section 10; W½ NE¼, E½ NW¼, NE¼ NE¼, SW¼ SW¼ Section 11; S½ SE¼ Section 14; W½ NW¼, NW¼ SW¼ Section 16; Section 17 except W½ SE¼, SE¼ SW¼; Sections 18–19; Section 20 except E½ E½, NW¼ NE¼; N½ Section 29; N½ N½, W½ SW¼, SE¼ SW¼ Section 30; Section 31 except S½ NE¼, NE¼ SE¼; E½ NE¼, SW¼ NW¼ Section 32; S½ SE¼ Section 33; S½ S½ Section 34; S½ SE¼, SE¼ SW¼ Section 35.

T.17S., R.10W. Willamette Meridian: SE¼ SE¼ Section 1; SE¼ NW¼ Section 2; Section 3 except E½, E½ NW¼; Section 4; Section 5 except NW¼ SE¼; Section 6 except S½ NE¼, NW¼ SE¼; W½, E½ SW¼ Section 7; Sections 8–9; N½, W½ SW¼ Section 10; E½ E½, NE¼ NW¼, NW¼ NE¼, SW¼ SE¼, SE¼ SW¼ Section 12; Section 13 except NW¼ NW¼; S½, SW¼ NW¼ Section 14; E½ SE¼, NW¼ NW¼ Section 15; Sections 16–18; NW¼, N½ NE¼, SE¼ NE¼, E½ SE¼, NW¼ SE¼ Section 19; Section 20; Section 21 except NW¼ NW¼; Section 22 except N½ NW¼, NW¼ NE¼, NE¼ SE¼, SW¼ SE¼; Section 23 except N½ SW¼, S½ SE¼; NW¼, N½ NE¼, N½ SW¼ Section 24; Section 25 except N½ NE¼, NE¼ NW¼, SE¼ NE¼; Section 26; Section 27 except W½ SW¼, S½ NW¼, NE¼ NW¼, NW¼ NE¼; Section 28 except SE¼ SE¼; Section 29; Section 30–31; S½, E½ NE¼ Section 32; Section 33 except NE¼ NE¼; NE¼, W½ SW¼, SE¼ SW¼, NE¼ SE¼, NE¼ NW¼ Section 34; Section 35 except SW¼ SW¼, SW¼ SE¼.

T.17S., R.11W. Willamette Meridian: Section 1 except SE¼ SW¼, S½ SE¼; Section 2 except SE¼ NE¼, NE¼ SE¼; S½, E½ NE¼, S½ NW¼ Section 3; Sections 4–5; Section 6 except S½ SE¼; SE¼, S½ SW¼, NW¼ SW¼, NE¼ NW¼, SE¼ NE¼, SW¼ NW¼ Section 7; Section 8; Section 9 except SE¼ SE¼; N½, N½ SE¼, SE¼ SE¼ Section 10; Section 11 except NE¼ NW¼, NW¼ SE¼; Section 12; NE¼ NE¼ Section 13; Section 16 except E½ E½; W½, S½ SE¼ Section 17; N½, N½ SE¼, S½ SW¼ Section 18; NW¼, E½ SW¼ Section 19; Section 20; W½, NW¼ SE¼ Section 21; E½ SE¼ Section 24; Section 25 except NW¼, NW¼ NE¼, NW¼ SW¼; SE¼ SE¼ Section 26; W½ Section 28; Section 29; S½ NW¼, NE¼ NW¼ Section 30; Section 31 except NW¼, NW¼ NE¼, NW¼ SW¼; Section 32; NW¼, W½ SW¼ Section 33; SE¼, S½ NE¼ Section 34; Section 35 except N½ NW¼, NW¼ NE¼; Section 36.

T.17S., R.12W. Willamette Meridian: Section 1; Section 2 except W½ NW¼, NW¼ SW¼; NE¼ Section 11; Section 12 except S½ SW¼, NW¼ SW¼; E½ Section 13; E½ NE¼, SE¼ SE¼ Section 24; NW¼ NE¼ Section 25.

T.18S., R.08W. Willamette Meridian: SW¼ SW¼ Section 6.

T.18S., R.09W. Willamette Meridian: W½ NE¼, E½ NW¼, NW¼ NW¼ Section 1; Section 2 except S½ SE¼, NE¼ SE¼, SE¼ NE¼; Section 3; Section 4 except W½ SW¼; NE¼ NE¼ Section 5; N½ NE¼, NE¼ SE¼, SE¼ NE¼ Section 7; Section 8 except S½ S½, N½ NW¼; N½ N½, SW¼ NE¼ Section 9; E½ NE¼, SW¼ NE¼ Section 10; NE¼ NW¼ Section 11.

T.18S., R.10W. Willamette Meridian: NW¼ NW¼ Section 3; N½ NE¼ Section 4; N½ NW¼, SW¼ NW¼, W½ SW¼ Section 6; NE¼, NE¼ NW¼ Section 7; W½ NW¼ Section 8.

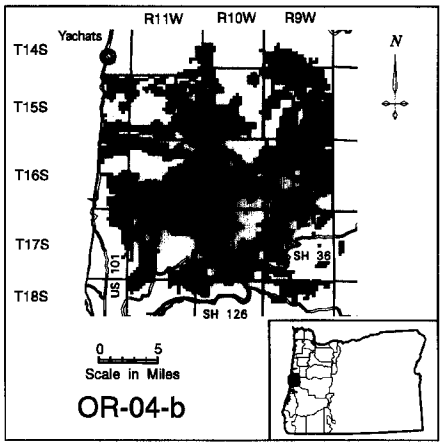
T.18S., R.11W. Willamette Meridian: Section 1 except SW¼ SW¼; N½, W½ SE¼ Section 2; E½ NE¼, NE¼ SE¼ Section 3; NW¼, N½ NE¼, NW¼ SW¼ Section 5; Section 6; NE¼ NW¼ Section 7; NW¼ NE¼ Section 11, NE¼ NE¼ Section 12.

Proposed Critical Habitat includes only State lands described within the following areas:

T.17., R.08W. Willamette Meridian: S½ SE¼, NE¼ SE¼ Section 18; NE¼, NW¼ SE¼ Section 19.

T.17., R.09W. Willamette Meridian: N½ SW¼, SW¼ NE¼, S½ NW¼ Section 25; SE¼ NE¼, N½ SE¼ Section 26; Section 32 except N½ S½, E½ NE¼, SW¼ NW¼; S½ NW¼, NE¼ NW¼, NW¼ NE¼, NE¼ SW¼, S½ SW¼ Section 33.

T.18S., R.09W. Willamette Meridian: W½ SW¼ Section 4; SE¼, S½ NE¼, N½ NW¼ Section 5; N½ SE¼, SE¼ NE¼ Section 9.



Map and description of OR–04–c taken from United States Fish and Wildlife Service 1:100,000 map; Reedsport, Eugene and Cottage Grove, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.18S., R.09W. Willamette Meridian: NW¼ NE¼, NE¼ NW¼, E½ SW¼ Section 14; SE¼, NE¼ NW¼ Section 23; Section 25; S½ SW¼, NW¼ SW¼, SW¼ SE¼ Section 26; Section 27 except N½, NW¼ SW¼; S½ SE¼ Section 28; S½ Section 32; Section 33 except NW¼ NW¼; Sections 34–36.

T.18S., R.10W. Willamette Meridian: S½ Section 9; SW¼, W½ SE¼ Section 10; SW¼ SW¼ Section 14; Section 15 except NE¼ NE¼; N½ N½ Section 16; Section 17 except N½ N½, SE¼ NE¼; Section 18 except N½ NE¼, NE¼ NW¼, SW¼ NW¼, NW¼ SW¼; Section 19 except SE¼ NW¼; Section

20; W½ NW¼, SE¼ NE¼, NE¼ SE¼ Section 21; Section 22 except E½ NE¼, NW¼ NE¼, NE¼ SW¼; Section 23 except NE¼, N½ NW¼, NW¼ SE¼; Sections 25–26; Section 27 except SW¼ SW¼; W½ W½, E½ SE¼, SE¼ NE¼ Section 28; Section 29–32; Section 33 except E½ W½, NW¼ SW¼; Section 34 except SW¼, SE¼ NW¼, SW¼ SE¼; Section 35 except NE¼ NW¼.

T.18S., R.11W. Willamette Meridian: Section 13; Section 14 except NW¼ NW¼; Section 22 except N½ NW¼, SW¼ SW¼; Sections 23–26; NE¼, NE¼ NW¼, SE¼ SE¼ Section 27; S½ SW¼, W½ SE¼ Section 28; S½ SE¼, NE¼ SE¼, SE¼ NE¼ Section 29; NE¼ NE¼ Section 32; Section 33; Section 34 except N½ NE¼, NE¼ NW¼; Section 35 except SE¼ NW¼; Section 36.

T.19S., R.09W. Willamette Meridian: Sections 1–2; Section 3 except S½ SW¼, NW¼ SW¼; Sections 4–5; Section 6 except N½ NW¼, E½ SE¼; Section 7 except NE¼, W½ SW¼, NW¼ SE¼; Section 8; Section 9; Section 11; N½ Section 12; Section 13; Section 15; Sections 17–25; N½ N½, SW¼ NW¼, NW¼ SW¼ Section 26; Sections 27–33; N½ NE¼ Section 34; Section 35 except N½ NW¼; SE¼, E½ NE¼ Section 36.

T.19S., R.10W. Willamette Meridian: Section 1 except NW¼ NW¼; Section 2 except W½ SE¼, NE¼ SE¼, SE¼ NE¼, SW¼ NW ¼; Section 3 except NE¼ SE¼, SW¼ SE¼; Section 4 except S½ SE¼; Sections 5–8; Section 9 except E½ NE¼; S½, SE¼ NW¼, SW¼ NE¼ Section 10; Section 11 except N½ N½, SW¼ NW¼; Section 12 except E½ SE¼; Section 13 except SE¼ SE¼; Sections 14–23; Section 24 except N½ NE¼, NE¼ NW¼; Sections 25–28; Section 29 except W½ SW¼; Section 30; S½ SE¼, SW¼ SW¼ Section 31; Section 32 except W½ NW¼, S½ SE¼, NE¼ SE¼, SE¼ SW¼; Section 33 except S½ N½, N½ NE¼; Section 34 except S½ N½, NW¼ SE¼; Section 35 except NW¼ NW¼; N½ N½ Section 36.

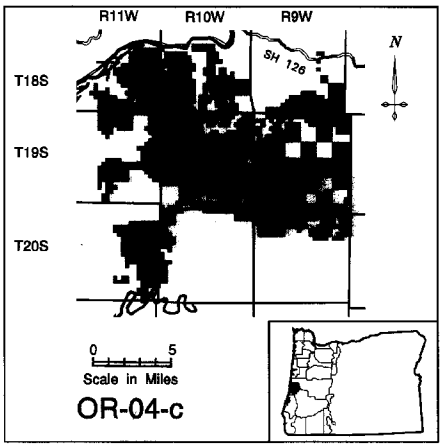
T.19S., R.11W. Willamette Meridian: Section 1 except W½ SW¼, SW¼ NW¼; N½ N½, W½ SW¼, SW¼ NW¼ Section 2; Sections 3–4; Section 9 except S½ SW¼, NW¼ SW¼, SE¼ SE¼; Section 10 except S½, SW¼ NW¼; W½ NW¼ Section 11; Section 12 except W½ SW¼, NE¼ SW¼, SW¼ NW¼; Section 13; E½ SE¼, NW¼ SE¼ Section 14; Section 21 except N½ NW¼, SW¼ NW¼; Section 22 except N½ NE¼; Section 23 except N½ NW¼, NW¼ NE¼; Section 24; NE¼, NE¼ NW¼ Section 25; N½, SW¼ SW¼ Section 27; Section 28 except E½ SW¼; NE¼, W½ SE¼, E½ SW¼, SW¼ NW¼ Section 33.

T.20S., R.09W. Willamette Meridian: Section 1 except NE¼ NE¼; Section 2 except SW¼ SW¼; Section 3 except NW¼ NW¼; Sections 4–6; Section 7 except W½ W½, SE¼ SW¼, S½ SW¼; Section 8; N½, NE¼ SE¼ Section 9; SE¼, S½ NW¼ Section 10; Section 11 except NW¼ NW¼; Section 12 except W½ SW¼; N½ NW¼, NW¼ NE¼ Section 13; N½ NW¼, NW¼ NE¼ Section 14; NE¼ NE¼ Section 15.

T.20S., R.10W. Willamette Meridian: N½ S½, N½ Section 1; N½ N½ Section 2; N½ N½ Section 3; NE¼ NE¼ Section 4; N½ NW¼ Section 5; Section 6; W½, N½ NE¼, SW¼ SE¼ Section 7; Section 18 except S½ SW¼, E½ SE¼; SW¼, W½ NW¼, NW¼ SE¼ Section 19; W½ Section 30.

T.20S., R.11W. Willamette Meridian: Section 10 except N½ N½, SW¼ SW¼; Sections 11–14; E½ Section 15; E½ E½, NW¼ NE¼ Section 22; Section 23 except S½ SW¼; Section 24–25; E½ Section 26; Section 27 except N½, NE¼ SW¼; Section 35 except W½, SW¼ SE¼; N½ N½, W½ SW¼; NE¼ SW¼, SW¼ NW¼ Section 36.

T.21S., R.11W. Willamette Meridian: NE¼ NE¼ Section 2.



Map and description of OR–04–d taken from United States Fish and Wildlife Service 1:100,000 map; Reedsport and Cottage Grove, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.20S., R.09W. Willamette Meridian: E½ SE¼, SW¼ SW¼, SE¼ NE¼ Section 32; SW¼, SW¼ SE¼ Section 33.

T.20S., R.10W. Willamette Meridian: S½ Section 11; W½ Section 13; NE¼ Section 14; SE¼ SE¼ Section 22; W½, SW¼ SE¼ Section 23; SW¼ NW¼ Section 25; Section 26 except SE¼ NE¼; Section 27 except W½ W½, E½ SW¼; NE¼, S½ SE¼ Section 34; Section 35 except N½ S½, SW¼ SW¼.

T.21S., R.09W. Willamette Meridian: S½ SW¼, NE¼ SW¼ Section 2; Section 3 except NE¼ NE¼; W½ NE¼, E½ NW¼ Section 4; E½ E½, NE¼ SW¼, SW¼ SW¼ Section 5; SE¼, SW¼ NE¼ Section 6; Section 7–8; Section 9 except N½ SE¼, S½ NE¼; SW¼, E½ NW¼ Section 10; Section 11; Section 14 except E½ E½; Section 15; Sections 17–19; NW¼ Section 20; Section 21; W½ NE¼ Section 22; Section 23; Section 29; Sections 31–35.

T.21S., R.10W. Willamette Meridian: Section 2; Section 3; NE¼ NE¼ Section 4; SW¼ SW¼ Section 5; W½ SW¼ Section 6; Section 7; S½, NW¼ Section 8; NE¼ Section 10; Sections 11–14; Section 15 except W½ NW¼; Sections 17–21; Section 22 except N½; Sections 23–30; Section 31 except NW¼ SW¼ SE¼ SW¼; Sections 32–35.

T.21S., R.11W. Willamette Meridian: SE¼ SE¼ Section 1; SW¼ SW¼ Section 14; S½ N½, S½ S½, N½ NW¼ Section 23; Sections 24–25; Section 26 except NW¼ NW¼; Section 27 except N½ N½; Section 28 except N½ N½, N½ SW¼; S½ NE¼ Section 29; NE¼ NE¼ Section 32; Section 33 except S½ SW¼; Section 34 except NW¼ SW¼; Section 35 except S½ SW¼, NW¼ SW¼; Section 36 except W½ SW¼.

T.22S., R.09W. Willamette Meridian: Section 4 except SE¼, SW¼ NE¼, NE¼ SW¼; Section 5 except SW¼; Section 6 except SE¼, SE¼ NE ¼; Section 7; Section 9; NW¼ SW¼ Section 17.

T.22S., R.10W. Willamette Meridian: Sections 1–5; NE¼, N½ SE¼, SE¼ SE¼ Section 6; Section 8 except SW¼, SW¼ NW¼, SW¼ SE¼; Sections 9–12; N½ Section 13; NE¼, N½ NW¼, SW¼ NW¼, NE¼ SE¼ Section 14; NW¼, W½ NE¼, NW¼ SW¼ Section 15; N½ NE¼, SE¼ NE¼ Section 17.

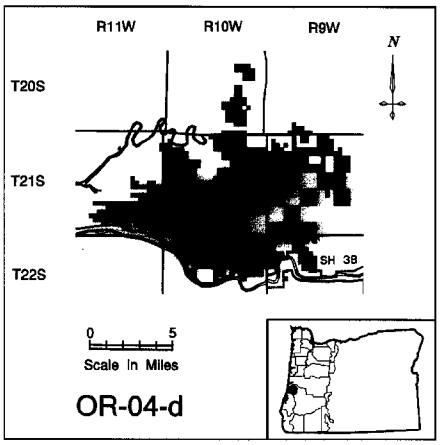
T.22S., R.11W. Willamette Meridian: NE¼ NE¼ Section 1.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.22S., R.09W. Willamette Meridian: N½ NE¼ Section 16.

T.22S., R.11W. Willamette Meridian: SE¼ NE¼ Section 1.



Map and description of OR–04–e taken from United States Fish and Wildlife Service 1:100,000 map; Cottage Grove and Roseburg, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.22S., R.08W. Willamette Meridian: NE¼, N½ NW¼, SE¼ NW¼, NE¼ SW¼ Section 27.

T.22S., R.09W. Willamette Meridian: SE¼ SW¼ Section 34.

T.23S., R.08W. Willamette Meridian: Section 3 except NW¼ NW¼; Section 5; S½, SE¼ NE¼, SW¼ NW¼ Section 6; Section 7; Section 9; NW¼, S½ S½, NW¼ SW¼ Section 11; Section 14 except N½ NE¼; W½ NW¼, N½ SE¼, SE¼ NW¼, SW¼ NE¼, NE¼ SW¼ Section 14; Section 15; Section 17–19; Section 20 except N½ NE¼, SE¼ NE¼, NE¼ SE¼; Section 21;

Section 23 except S½ NE¼, SW¼ NW¼; NW¼ NW¼ Section 25; Section 27; Section 28 except N½ NE¼, SE¼ NE¼, NE¼ NW¼; Sections 29–33; Section 35 except E½ NE¼.

T.23S., R.09W. Willamette Meridian: Section 3 except NE¼, W½ W½; SW¼ SW¼ Section 4; SW¼ SW¼ Section 6; Sections 7–8; W½ Section 9; SW¼ SW¼ Section 12; N½, W½ SW¼, SE¼ SW¼, E½ SE¼ SW¼ SE¼ Section 13; Sections 14–17; Section 20 except S½ N½; Section 21–22; N½ Section 23; Sections 24–25; Section 26 except NW¼; Section 27; Section 28 except E½ SE¼; Section 29.

T.23S., R.10W. Willamette Meridian: Section 1.

T.24S., R.07W. Willamette Meridian: SE¼ NW¼ Section 6; Section 7; E½ Section 18; Section 19 except E½ E½, SW¼ SE¼.

T.24S., R.08W. Willamette Meridian: Section 1; Section 3; E½, E½ SW¼ Section 9; Sections 10–11; Section 13; Section 15; SE¼, SE¼ NE¼ Section 17; Section 20 except NW¼; Section 21; SE¼ Section 22; Section 23; Section 25; Sections 27–29; Section 33; Section 35.

T.25S., R.07W. Willamette Meridian: S½ S½, NW¼ SE¼ Section 6; S½ S½, NE¼ NE¼ Section 7; NW¼ NE¼, NW¼ NW¼ Section 16; Section 17 except NE¼ NE¼; Section 18 except W½ W½; Section 19 except NE¼ NE¼; N½ N½, SE¼ NW¼ Section 20; S½ S½, NW¼ /SW¼ NE¼ SW¼ Section 21; SW¼, S½ NW¼, NW¼ SE¼ Section 27; NW¼ SW¼, NE¼ NE¼, S½ SW¼ Section 28; SE¼, S½ NE¼, NE¼ NE¼, E½ SW¼ Section 29; NW¼ NW¼ Section 30; E½, W½ SW¼ Section 31; W½ Section 32; W½, W½ E½, SE¼ NE¼ Section 33; W½ NW¼ Section 34.

T.25S., R.08W. Willamette Meridian: Section 1; Sections 3–4; E½ E½ Section 5; Section 8 except W½, NW¼ NE¼; Section 9; N½ NE¼, NE¼ NW¼, NW¼ SW¼ Section 10; Section 11; NE¼ NE¼ Section 12; Section 13; S½ SE¼, NE¼ NW¼ Section 14; N½ N½, SW¼, SW¼ NW¼, SE¼ SE¼ Section 15; Section 20 except NW¼ NW¼; W½ NW¼, NW¼ SW¼ Section 21; E½ NE¼, NE¼ SE¼ Section 22; Section 23; Section 24 except SE¼, W½ NW¼; Section 25; Section 30 except SW¼, W½ NW¼; Section 32 except SE¼; NE¼ NE¼ Section 36.

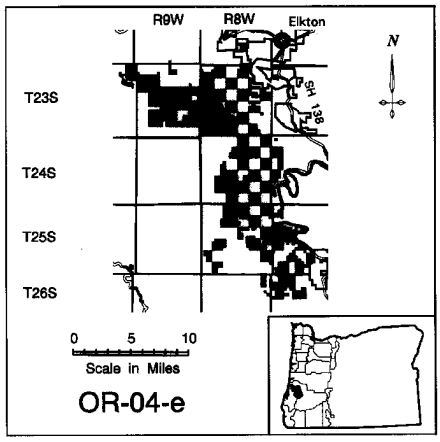
T.26S., R.07W. Willamette Meridian: Section 5; NE¼, SE¼, SW¼ Section 6; Section 7 except NW¼ SW¼, SW¼ NW¼; N½ NE¼, SE¼ NE¼, E½ SE¼, N½ SW¼, NW¼ NW¼ Section 8; Section 9 except N½ NW¼.

T.26S., R.08W. Willamette Meridian: W½, E½ SE¼, SE¼ SW¼ Section 1; NW¼ SE¼, SE¼ NW¼ Section 12.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.25S., R.07W. Willamette Meridian: SW¼ SE¼ Section 6; NE¼ NW¼ Section 34.



Map and description of OR–04–f taken from United States Fish and Wildlife Service 1:100,000 map; Cottage Grove and Roseburg, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.22S., R.06W. Willamette Meridian: S½, S½ NE¼ Section 17; Section 19; Section 21; Section 29; Section 30 except W½ NW¼, SE¼ NW¼, NW¼ SW¼; Section 31; NW¼ NE¼, NE¼ NW¼ Section 32; Section 33.

T.23S., R.06W. Willamette Meridian: W½ SW¼ Section 4; Section 5 except W½ SW¼; N½ NE¼, NE¼ NW¼ Section 8; NW¼ NW¼ Section 9; Section 11 except N½ N½; NW¼ NW¼ Section 12; SE¼ Section 14; Section 15 except W½ W½; Section 19 except NW¼ NW¼; N½ NW¼, SW¼ NW¼, NW¼ SW¼, SE¼ SE¼ Section 20; Section 21 except N½ N½; W½ SW¼, S½ SE¼, NE¼ NW¼, SW¼ NW¼, N½ NE¼ Section 22; Section 23 except N½ NW¼, SE¼ SW¼; N½ NE¼, S½ NW¼, SW¼ NE¼, NW¼ NW¼, SW¼ SW¼ Section 26; Section 27 except N½ NE¼, NE¼ NW¼; Section 28 except E½ NW¼, NW¼ SE¼, NE¼ SW¼; Section 29 except SW¼ SW¼; Section 31; NW¼ NW¼ Section 32; Section 33 except W½ NW¼, NW¼ SW¼; W½ NW¼, NW¼ SW¼ Section 34; Section 35 except NW¼ NW¼.

T.23S., R.07W. Willamette Meridian: N½ NW¼, S½ NE¼, N½ SW¼, NW¼ SE¼ Section 3; E½ NW¼, S½ NE¼, NE¼ SE¼ Section 15; Section 23 except N½ N½, SE¼ NW¼, SW¼ NE¼, SW¼ SW¼; Section 25; S½ SE¼, SW¼ SE¼ Section 33.

T.24S., R.06W. Willamette Meridian: N½ NE¼ Section 2; Section 3; N½ SW¼, NW¼ SE¼, SW¼ NE¼ Section 4; Section 5; NW¼ NE¼ Section 10.

T.24S., R.07W. Willamette Meridian: N½ NW¼ Section 2; S½ SW¼, NW¼ SW¼, SW¼ SE¼, SE¼ NE¼ Section 3; Section 11 except NE¼, E½ SE¼, NE¼ NW¼; N½ N½, W½ SE¼, SW¼ NW¼ Section 15; E½ SE¼ Section 21; Section 23; NW¼ NW¼ Section 24; Section 25; Section 27 except SW¼, SW¼ NW¼; SE¼ SW¼, NW¼ SW¼, SW¼ NW¼ Section 28; Section 35.

T.25S., R.06W. Willamette Meridian: N½ NE¼ Section 6; S½ NW¼, N½ SW¼, SW¼ SW¼ Section 7; NW¼ NW¼ Section 18.

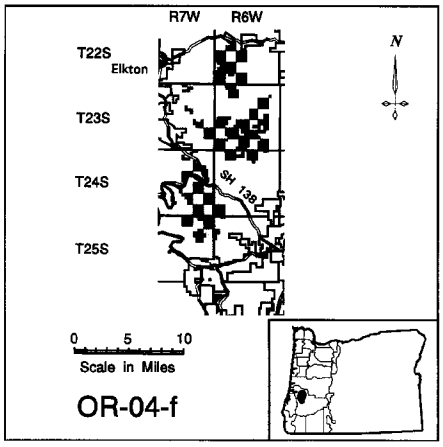
T.25S., R.07W. Willamette Meridian: Section 1; NE¼ Section 2; Section 3; S½, S½ NE¼ Section 11; N½ N½, SW¼ SW¼ Section 12; NE¼, E½ NW¼ Section 14.

T. 26S., R.06W. Willamette Meridian: NW¼, NW¼ SW¼, NW¼ NE¼ Section 7.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.24S., R.07W. Willamette Meridian: SE¼ NE¼ Section 15.



Map and description of OR–04–g taken from United States Fish and Wildlife Service 1:100,000 map; Cottage Grove, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.21S., R.06W. Willamette Meridian: Section 31.

T.21S., R.07W. Willamette Meridian: Section 7 except E½ E½; Section 16 except N½ NW¼; Section 17; Section 18 except N½ NE¼, NE¼ NW¼; Section 19; NW¼, N½ NE¼, SW¼ NE¼, NE¼ SW¼, NW¼ SE¼ Section 20; Section 21; Section 25; NE¼, NW¼ NW¼ Section 28; Section 29; N½, SW¼, NE¼ SE¼ Section 30; Section 31 W½ NW¼, NW¼ SW¼; Section 33; Section 35.

T.21S., R.08W. Willamette Meridian: Section 1; S½ SE¼, SE¼ SW¼ Section 2; S½ SW¼ Section 3; Section 10 except NE¼; Section 11 except SW¼ SW¼; Section 12; Section 13 except S½ SW¼; Section 14; Section 23 except E½ E½; E½ Section 24; Section 25; N½ N½, E½ SE¼, SE¼ NE¼ Section 26; S½ Section 35; SE¼ SE¼, SW¼ SW¼ Section 36.

T.22S., R.06W. Willamette Meridian: Section 5; NW¼, N½ NE¼, NE¼ SW¼ Section 7.

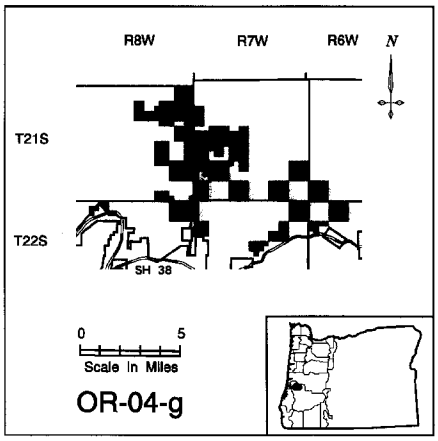
T.22S., R.07W. Willamette Meridian: Section 1; W½ Section 6; Section 7 except S½ S½, W½ NW¼, NW¼ SE¼; Section 11 except NW¼; NW¼, N½ NE¼, SW¼ NE¼, NE¼ SW¼ Section 15.

T.22S., R.08W. Willamette Meridian: Section 1; N½ NE¼, NE¼ NE¼ Section 5.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.21S., R.08W. Willamette Meridian: S½ NW¼, NW¼ SW¼, NW¼ NE¼, SE¼ NE¼ Section 5.

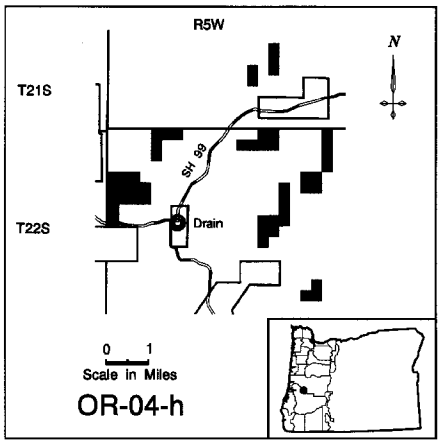


Map and description of OR–04–h taken from United States Fish and Wildlife Service 1:100,000 map; Cottage Grove, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.21S., R.05W. Willamette Meridian: E½ SW¼, E½ NE¼, NE¼ SE¼ Section 27.

T.22S., R.05W. Willamette Meridian: W½ W½ Section 1; NE¼, S½ NW¼ Section 3; W½ NW¼, NE¼ NW¼, NW¼ NE¼, NW¼ SW¼ Section 5; Section 7 except S½ SE¼, SE¼ SW¼, NE¼ NE¼; NE¼, W½ SW¼, SW¼ NW¼ Section 11; NW¼ NW¼ Section 14; NE¼, NW¼ SE¼ Section 15; NW¼ NW¼ Section 18; S½ SE¼, NE¼ SE¼ Section 23.



Map and description of OR–04–i taken from United States Fish and Wildlife Service 1:100,000 map; Eugene and Cottage Grove, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.17S., R.06W. Willamette Meridian: W½ NW¼, NE¼ NW¼, NW¼ NE¼ Section 31; SE¼ SE¼ Section 35.

T.17S., R.07W. Willamette Meridian: E½ SE¼, SE¼ NE¼ Section 10; Section 11; S½, SW¼ NW¼ Section 13; Section 15 except E½ NE¼, NW¼ NW¼; NW¼, S½ S½, NW¼ NE¼ Section 19; SE¼ Section 25; Section 29 except E½ W½, W½ NE¼.

T.17S., R.08W. Willamette Meridian: Section 13; Section 17 except SW¼, NE1/ 4 NE¼, NW¼ NW¼; Section 21; S½ SW¼, NW¼ NW¼ Section 22; Section 23; Section 25; Section 27; NE¼ SW¼ Section 28; E½ E½ Section 33; Section 35.

T.18S., R.06W. Willamette Meridian: Section 5 except SW¼ SW¼; SE¼ Section 11; Section 19 except NW¼ NW¼; Section 21 except E½ SE¼; SW¼ Section 23; Section 27 except S½ NE¼; Section 31; NE¼, W½ SE¼, NE¼ SW¼, NW¼ NW¼ Section 35.

T.18S., R.07W. Willamette Meridian: Section 1 except NW¼ NW¼, SW¼ SW¼; N½, NE¼ SE¼ Section 7; Section 17 except SE¼ SW¼, NW¼ SW¼; Section 19 except S½ SW¼, SW¼ SE¼; Section 21 except S½ SE¼, SE¼ SW¼; Section 25; Section 27; Section 29; Section 31; SW¼ SW¼ Section 32; Section 33 except NE¼ SW¼, NW¼ SE¼; S½ SW¼ Section 34; Section 35 except E½ SE¼.

T.18S., R.08W. Willamette Meridian: NW¼, NW¼ NE¼ Section 1; SE¼ NE¼ Section 2; Section 3; Section 4 except E½, NW¼ NW¼; Section 9; Section 11 except E½ SE¼, SW¼ SE¼; Section 13 except N½ NE¼, E½ NW¼, SW¼ SW¼; N½, S½ SW¼, NE¼ SE¼, SE¼ NE¼, SW¼ NW¼ Section 16; Section 19; Section 21 except E½ NW¼, NW¼ SE¼; S½, SE¼ NE¼, SW¼ NW¼ Section 23; Section 25; Section 27; SE¼, N½ NE¼ Section 28; Section 29 except E½ NE¼; Section 31; NW¼ NE¼ Section 32; Section 33 except NE¼; Section 35 except S½ SW¼, SW¼ SE¼.

T.19S., R.05W. Willamette Meridian: Section 7 except NE¼ NE¼ SW¼ SW¼; NW¼ NW¼, S½ SW¼ Section 17; Section 19; Section 29; Section 31; NW¼ NW¼ Section 32; Section 35 except NE¼ NE¼.

T.19S., R.06W. Willamette Meridian: Section 1 except N½ NW¼, SW¼ NW¼; Section 3 except SW¼ SW¼; Section 5; Section 7 except N½ NE¼; SE¼ NW¼, NE¼ SW¼ Section 8; E½, S½ SW¼, SW¼ NW¼ Section 15; Section 17 except NE¼ NE¼, SW¼ NW¼; Section 19 except SE¼ SE¼; E½ NW¼, SW¼ NE¼ Section 20; Section 21; Section 23; Section 25; Section 27; Section 29; Section 31; Section 33; SE¼ NE¼ Section 34; Section 35.

T.19S., R.07W. Willamette Meridian: Section 1 except S½ SE¼, SE¼ SW¼; N½, E½ SE¼, E½ SW¼ Section 3; S½, E½ NE¼, NW¼ NW¼ Section 5; Section 7; Section 9 except N½ NW¼, SW¼ NW¼; S½, S½ N½, NW¼ NW¼, NE¼ NE¼ Section 11; Section 13; Section 15 except N½ NE¼, NW¼ NE¼; Section 17; Section 19 except N½ SW¼; Section 21; Section 23; SW¼ SE¼ Section 24; NE¼ NE¼, S½ SE¼ Section 25; Section 27; Section 29; S½ Section 30; Section 31; W½ NW¼ Section 32; Section 33; Section 35.

T.19S., R.08W. Willamette Meridian: Section 1; Section 5; N½ NW¼ Section 6; Section 7; SW¼, W½ SE¼ Section 8; W½ Section 9; SE¼ SE¼ Section 11; NE¼, E½ NW¼, NW¼ NW¼, NE¼ SE¼ Section 13; Section 17; N½ S½, SE¼ NE¼, NW¼ NW¼ Section 18; Section 19; NE¼ NE¼, S½ SW¼, SW¼ SE¼ Section 20; Section 21; SW¼ SE¼ Section 22; Section 23; SE¼ SE¼ Section 24; Section 25; NW¼ Section 26; Section 27; SE¼ SE¼ Section 28; Section 29; W½ SE¼, E½ SW¼, SW¼ SW¼ Section 30; Section 31; Section 33; Section 35.

T.20S., R.05W. Willamette Meridian: W½ W½ Section 3; Section 5; Section 7 except N½ SW¼, SW¼ NW¼; W½, W½ NE¼ Section 15; Section 17 except NW¼; Section 19; Section 21 except N½, NE¼ SE¼; NE¼, SW¼, NE¼ SE¼ Section 29; Section 31; Section 33; NW¼ SW¼ Section 34.

T.20S., R.06W. Willamette Meridian: Section 1 except S½ SW¼; Section 3 except E½ SW¼, SW¼ SW¼; SE¼ NE¼ Section 4; Section 5; S½ SW¼, SW¼ SE¼ Section 6; Section 7 except S½ SW¼; Section 9; Section 11 except W½ NW¼, NW¼ SW¼, SE¼ NE¼; Section 13; Section 15; Section 17; E½ SE¼ Section 18; Section 19 except E½ E½; Section 21; Section 23; SW¼ SW¼ Section 24; Section 25; N½ SE¼, SW¼ SE¼ Section 26; Section 27; E½ NE¼, NE¼ SE¼ Section 28; Section 29; E½ E½ Section 30; Section 31; S½ NE¼, W½ SW¼ Section 32; SE¼, N½ NW¼, SW¼ NW¼, NW¼ NE¼, SE¼ NE¼, SE¼ SW¼ Section 33; Section 35 except S½ SW¼.

T.20S., R.07W. Willamette Meridian: Section 1 except N½ NE¼; SE¼ SE¼ Section 2; Section 3 except E½ NW¼; Section 5; Section 6 except N½ N½; Section 11; Section 12 except E½ E½, NW¼ SE¼, SW¼ NE¼; Section 13; Section 14 except E½ SE¼; Section 15; NE¼ SE¼ Section 20; Section 21; Section 22 except SE¼, SE¼ NE¼; Section 23 except W½ SW¼, SE¼ SE¼, SW¼ NW¼; Section 33 except E½ NE¼; SW¼ Section 34.

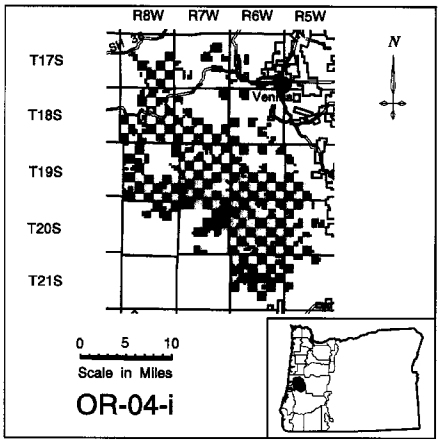
T.20S. R.08W. Willamette Meridian: Section 1; SW¼ Section 2; Section 3; N½ NE¼ Section 6; Section 9 except SW¼ SW¼; Section 11; W½ W½ Section 12; NW¼ NW¼ Section 13.

T.21S., R.05W. Willamette Meridian: Section 3 except NE¼ NE¼, SE¼ SE¼; N½ Section 5; Section 7; Section 19 except S½ SE¼.

T.21S., R.06W. Willamette Meridian: Section 1 except S½ NW¼, SW¼ NE¼, SE¼ SE¼; Section 3; Section 5; W½ SW¼ Section 6; Section 7 except NW¼ NE¼; Section 8 except SE¼; Section 9; Section 11; NE¼ Section 12; Section 13; Section 14 except NE¼; Sections 15–17; N½ NW¼, NW¼ NE¼, S½ SE¼, NE¼ SW¼, NW¼ SW¼ Section 18; Section 19; NW¼ NE¼ Section 20; Section 21; S½ NE¼, N½ SE¼ Section 22; Section 23; Section 27.

Proposed Critical Habitat includes only State lands described within the following areas:

T.17S., R.08W. Willamette Meridian: SE¼ NW¼ Section 28.



Map and description of OR–04–j taken from United States Fish and Wildlife Service 1:100,000 map; Eugene, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.13S., R.06W. Willamette Meridian: S½ Section 31.

T.14S., R.06W. Willamette Meridian: SW¼ NW¼ Section 6; Section 7; Section 31.

T.14S., R.07W. Willamette Meridian: Section 1; Section 9; NE¼ SE¼ Section 10; Section 11 except SE¼; Section 12 except E½ E½, S½ SW¼, NE¼ SW¼, SE¼ NW¼; Section 13 except N½ SW¼, SE¼ SW¼, SW¼ SE¼; SE¼ SW¼ Section 14; Section 17; Section 19 except NE¼ NE¼; SW¼ SE¼, S½ SW¼, NW¼ SW¼ Section 20; Section 21 except N½ NW¼, SW¼ NW¼; Section 23 except SW¼ SE¼; S½ SE¼, NE¼ SE¼, SE¼ NE¼ Section 24; Section 25; Section 26 except N½ N½; Section 27; S½ Section 28; Sections 29–34.

T.14S., R.08W. Willamette Meridian: Section 19 except N½ N½, SW¼ SW¼; SW¼ Section 20; S½ S½, N½ SW¼ Section 21; S½ SW¼, W½ SE¼ Section 22; S½ SW¼ Section 23; E½ E½, W½ NE¼ Section 25; NW¼ Section 26; Section 27; E½ SW¼ Section 28; Section 29 except N½ N½; Section 30 except N½ NE¼, SW¼ NE¼, W½ SE¼, E½ SW¼; Section 31 except N½ SW¼, NW¼ SE¼; Section 32; N½ S½, N½ Section 33; NW¼, N½ NE¼, NW¼ SW¼ Section 34; NW¼ NW¼ Section 35.

T.15S., R.06W. Willamette Meridian: Section 29; Section 31; Section 33 except NE¼, E½ SE¼, SW¼ NW¼; SE¼ SE¼ Section 34; SW¼ SW¼ Section 35.

T.15S., R.07W. Willamette Meridian: Section 3 except S½ SW¼; Section 4 except E½ NE¼, NW¼ SE¼, NE¼ SE¼; Sections 5–6; Section 7 except S½ S½; NW¼ NE¼ Section 8; Sections 18–21; Section 25 except SE¼ NE¼; Section 27; Section 29; SW¼ SW¼ Section 30; Section 31; Section 33 except NE¼; SE¼ NW¼, SE¼ NE¼, NE¼ SE¼ SW¼ SE¼ Section 35.

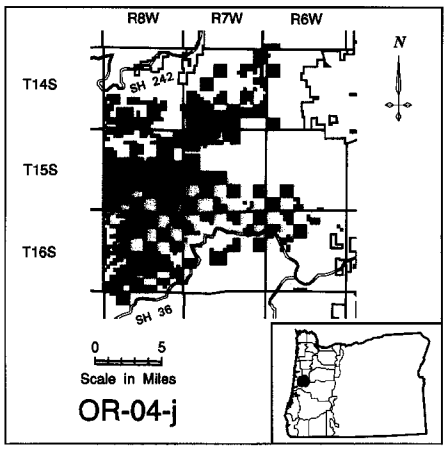
T.15S., R.08W. Willamette Meridian: Section 1; S½ Section 2; Section 3 except W½ SW¼, NE¼ SW¼, NW¼ SE¼, N½ NE¼, SW¼ NW¼; NE¼, SW¼ SW¼ Section 4; Section 5 except S½ NE¼, SE¼ NW¼, NE¼ SW¼, W½ SW¼, N½ SE¼; Section 6 except SE¼, E½ SW¼, S½ NW¼, S½ SW¼; Section 7 except N½ N½, SE¼ NE¼; Section 9 except S½ SE¼; Section 11; Sections 13–14; Section 15 except NW¼ NW¼; Sections 16–27; N½ Section 28; Sections 29–31; N½, W½ SW¼ Section 32; Section 33; S½ SW¼, SW¼ SE¼ Section 34; Section 35; W½ Section 36.

T.16S., R.06W. Willamette Meridian: SE¼, E½ SW¼, NW¼ SW¼, SW¼ NW¼ Section 3; Section 5 except S½ SW¼, NW¼ SW¼, SW¼ NW¼; Section 7 except S½ SE¼, NE¼ SE¼; SW¼ SE¼ Section 8; Section 9; SW¼ NE¼, NE¼ NW¼ Section 12; NW¼, N½ NE¼, W½ SE¼, SW¼ SW¼ Section 17; S½ S½ Section 33.

T.16S., R.07W. Willamette Meridian: Section 1; Section 3 except S½ SW¼; Section 5 except S½ SW¼, SW¼ SE¼; S½ SW¼ Section 6; Section 7 except NE¼, NW¼ NW¼; NE¼, N½ SE¼, SE¼ NW¼ Section 11; Section 13; E½, SW¼ Section 15; W½ NW¼ Section 18; S½, S½ N½ Section 19; Section 21.

T.16S., R.08W. Willamette Meridian: Section 1 except SW¼ SW¼; N½ NW¼, SE¼ SE¼ Section 2; Sections 3–4; Section 5 except W½ SW¼, NE¼ SW¼, NW¼ SE¼, NW¼ NW¼; S½ SW¼, NE¼ SW¼, W½ NW¼, SE¼ NW¼, NW¼ NE¼ Section 6; N½ NE¼, S½ SE¼, W½ SW¼, SW¼ NW¼ Section 7; Sections 8–9; W½ W½ Section 10; Section 11; SW¼ SW¼ Section 12; Section 13 except S½ SE¼, SW¼ SW¼; SW¼ SW¼ Section 14; Section 15; Section 17 except SW¼ NW¼; SW¼, W½ NW¼, E½ SE¼, NW¼ SE¼, SE¼ NE¼ Section 18; Section 19 except E½ SW¼, S½ NE¼; NW¼ SE¼; N½, N½ SW¼, E½ SE¼ Section 20; Sections 21–23; S½ SW¼, NE¼ NW¼, SW¼ SE¼ Section 24; Section 25; N½ Section 26; Section 27; Section 28 except S½ SE¼; Section 29 except NW¼ NW¼; S½ SE¼, SE¼ NE¼, NE¼ NW¼, SW¼ NW¼ Section 30; Section 31 except N½ NW¼; Section 32 except SE¼, Section 33; S½ Section 34; N½, NW¼ SE¼ Section 35; N½ NE¼ Section 36.

T.17S., R.08W. Willamette Meridian: Section 5; N½ NE¼ Section 6.



Map and description of OR–04–k taken from United States Fish and Wildlife Service 1:100,000 map; Corvallis, Eugene, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.12S., R.06W. Willamette Meridian: NW¼ NW¼ Section 31.

T.12S., R.07W. Willamette Meridian: SE¼, S½ SW¼, S½ NE¼, NE¼ SW¼ Section 10; Section 11 except N½ N½; W½ SW¼, SW¼ NW¼ Section 12; Sections 14–15; Section 16 except NW¼ NW¼; Section 19 except N½ N½; Section 20 except SW¼ SW¼; Sections 21–23; W½ Section 24; Section 25; Section 26 except SE¼ SW¼; Sections 27–30; Section 31 except W½ NW¼, NW¼ SW¼ Section 32 except NW¼, NW¼ NE¼; Sections 33–34; Sections 35 except N½ NW¼; N½ N½, W½ SW¼, SW¼ NW¼ Section 36.

T.12S., R.08W. Willamette Meridian: SW¼ SW¼ Section 2; SW¼, S½ SE¼ Section 3; NW¼ NW¼,W½ SE¼ Section 4; Section 5 except NW¼, S½ SW¼, NE¼ SE¼; NE¼, E½ NW¼ Section 7; W½ NW¼, N½ SE¼ Section 8; Section 9 except NE¼ NE¼, W½ SW¼, SE¼ SW¼, W½ SE¼; SE¼, NE¼ NE¼ Section 10; Section 11 except N½ NE¼, NE¼ NW¼, SE¼ SE¼; Section 12 except N½, NE¼ SE¼; E½, E½ SW¼ Section 13; N½ N½, S½ NE¼, SE¼ SW¼ Section 15; N½ NE¼, NW¼ NW¼ Section 16; Section 17 except NW¼, NW¼ NE¼; SW¼, W½ SE¼, SW¼ NW¼ Section 18; W½, SW¼ SE¼ Section 19; S½ NE¼ Section 20; Section 21; Section 22 except NW¼ NW¼; SE¼, S½ SW¼ Section 23; W½ W½ Section 24; Section 25; N½ Section 26; Section 27; W½ SW¼ Section 28; Section 29 except E½ NE¼, NW¼ NE¼; W½ SW¼, N½ NW¼, NW¼ NE¼, NE¼ SE¼ Section 30; Section 31; SW¼ SW¼ Section 32; Section 33 except SE¼, W½ NE¼, NW¼ NW¼; Section 35 except SW¼ NW¼, NW¼ SW¼; SE¼ SE¼ Section 36.

T.12S., R.09W. Willamette Meridian: E½ SE¼, SE¼ NE¼ Section 13; E½ E½ Section 24.

T.13S., R.07W. Willamette Meridian: NW¼ NW¼ Section 1; N½ NE¼, S½ SE¼, W½ NW¼, N½ SW¼, SW¼ SW¼, SE¼ NW¼, SW¼ NE¼ Section 2; Section 3; Section 5; W½ Section 6; Section 7; Section 9; N½ NW¼, SW¼ NW¼ Section 15; Section 17; SW¼ SW¼ Section 18; N½ SW¼, SE¼ SW¼, W½ SE¼, SE¼ SE¼, N½ Section 19; E½ NW¼, NE¼ SW¼, W½ NE¼ Section 21; S½, W½ NW¼ Section 27; Section 35 except S½, NE¼ NE¼.

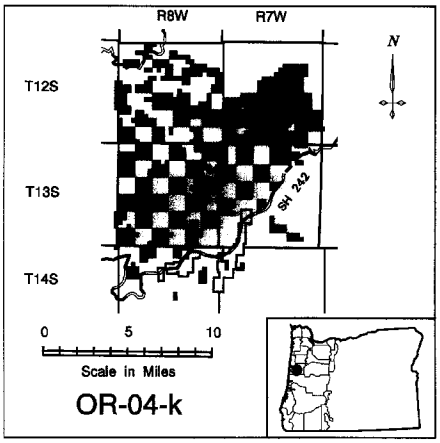
T.13S., R.08W. Willamette Meridian: Section 1; NE¼ Section 2; Section 3 except NE¼ NE¼; Section 5; S½ Section 6; Section 7; E½ SE¼ Section 8; Section 9 except NW¼ NE¼; Section 11; W½ NW¼, SE¼ NW¼, E½ SE¼, NW¼ SE¼, SE¼ NE¼, NE¼ SW¼ Section 12; Section 13; E½, NE¼ SW¼ Section 14; Section 15; Section 17; Sections 19–21; Section 23; W½ W½, SE¼ NW¼, SE¼ NE¼ Section 24; Section 25; W½ SE¼, E½ SW¼, SW¼ SW¼, NW¼ NW¼ Section 26; Section 27; Section 29; NW¼, NW¼ SW¼, SW¼ SE¼ Section 30; Section 31; SE¼ SE¼, SW¼ NW¼ Section 32; Section 33; SW¼ NW¼ Section 34; Section 35 except E½ SE¼.

T.13S., R.09W. Willamette Meridian: E½ E½ Section 25.

T.14S., R.07W. Willamette Meridian: SW¼ SW¼ Section 5; NE¼ NE¼ Section 7; NW¼ NW¼ Section 8.

T.14S., R.08W. Willamette Meridian: NW¼ NW¼ Section 2; N½ N½, N½ SW¼, S½ NW¼ Section 3; Section 5 except S½ SE¼; Section 7 except W½ SW¼, SW¼ NW¼, N½ NW¼; SE¼, S½ NE¼, NE¼ NE¼ Section 11; W½ SW¼ Section 15.

T.14S., R.09W. Willamette Meridian: NE¼ NE¼ Section 1.



Map and description of OR–05–a taken from United States Fish and Wildlife Service 1:100,000 map; Reedsport, Cottage Grove, Coos Bay and Roseburg, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.22S., R.10W. Willamette Meridian: N½, NW¼ SW¼, NW¼ SE¼ Section 35.

Proposed Critical Habitat includes only State lands described within the following areas:

T.22S., R.10W., Willamette Meridian: E½ SW¼, NW¼ SE¼, S½ SE¼, SW¼ NE¼, SE¼ NW¼, SW¼, Lots l, 2, 6–9, a portion of Lot 3 Section 07; Lot 5, Lot 7 Section 08; Lot 9, SE¼ SW¼ Section 14; Lots 9, 10, a portion of Lot 7, SE¼ SE¼ Section 15; E½ SW¼, SW¼ SE¼, Lots 5–8, Lots 10–15 Section 17; Sections 18–20; Section 21 except Lot 18; Section 22; Lots 5–11, SW¼ NE¼, E½ NW¼, NE¼ SW¼, N½ SE¼ Section 23; NE¼ NW¼ Section 24; Sections 26–34; E½ SW¼, a portion of S½ SE¼ Section 35.

T.22S., R.11W., Willamette Meridian: Lot 5, Lots 9–14 Section 01; S½ NW¼, SW¼ NE¼, N½ SE¼, NE¼ SW¼, Lots 5–9 Section 02; NW¼ NE¼, SE¼ NE¼, E½ SE¼, Lot 1, a portion of SW¼ NE¼ Section 03; Lots 1–4, N½ S½, NE¼, SE¼ NW¼ Section 09; Lots 2–3, N½ SW¼, NW¼ Section 10.

T.22S., R.11W., Willamette Meridian: Lot 1, Lots 4–7, a portion of Lot 3, NE¼ NW¼, NE¼, NE¼ SE¼, a portion of NW¼ SE¼ Section 11; Sections 12–14; S½, NW¼, a portion of S½ NE¼ Section 15; Section 16; N½ SW¼, SE¼ SW¼, E½ SE¼, SW¼ NE¼, SE¼ NW¼, Lots 5–7 Section 19; S½ NE¼, NE¼ NE¼, SE¼, Lots 1–4 Section 17; S½ NW¼, W½ E½, SW¼, NE¼ NE¼, Lots 1–4 Section 20; Sections 21–36.

T.22S., R.12W., Willamette Meridian: Lots 2–4, W½ SE¼, SW¼ NE¼, SE¼ NW¼, E½ SW¼ Section 24; Lot 4, SW¼ SE¼, S½ SW¼ Section 25; N½ SE¼, SE¼ SE¼ Section 26; NE¼ NE¼, SW¼ NE¼, a portion of E½ SE¼ Section 35; Section 36.

T.23S., R.10W., Willamette Meridian: Lots 1–13, Lots 16–21, W½ SW¼ Section 02; Section 03; Section 10.

T.23S., R.10W., Willamette Meridian: Lots 1, 4, 5, 8, 9, SE¼ NW¼, E½ SW¼, SE¼ Section 11; N½ NE¼, NW¼ Section 14; Section 15; Sections 22–23; SE¼, NW¼ Section 24; Sections 26–27.

T.23S., R.10W., Willamette Meridian: Sections 04–09; Sections 16–21; Sections 28–30; W½ NW¼, NE¼, NW¼ SE¼, NE¼ SW¼, Lots 1–5, a portion of Lot 6 Section 31; N½ NE¼, SW¼ NE¼, NW¼, NW¼ SE¼ Section 32; W½ NE¼, NW¼, NW¼ SW¼, NE¼ NE¼ Section 33.

T.23S., R.11W., Willamette Meridian: Sections 01–06; E½ W½, E½, Lots 2–4 Section 07; Sections 08–17; N½, N½ SE¼, Lot 3, a portion of NE¼ SW¼ Section 18; S½ NE¼ NW¼, NE¼, SE¼ NW¼, SE¼, E½ SW¼, Lots 2–4, a portion of Lot 1 Section 19.

T.23S., R.11W., Willamette Meridian: Sections 20–25; S½, N½ N½, SW¼ NW¼, SE¼ NE¼, portions of SE¼ NW¼ and SW¼ NE¼ Section 26; Sections 27–29; Lots 1, 3, 4, SE¼, E½ SW¼, N½ NE¼, NE¼ NW¼ Section 30; Sections 31–36.

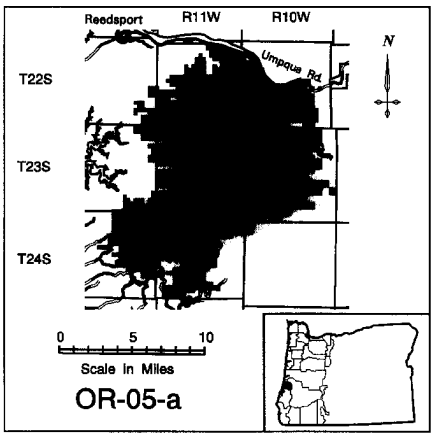
T.23S., R.12W., Willamette Meridian: NE¼ SE¼, Lots 1–4 Section 01; NE¼ Section 02; S½ NE¼, SE¼ NW¼, SE¼ Section 12; NE¼, E½ NW¼ Section 13; E½ SE¼ Section 25; SE¼ SE¼, a portion of SW¼ SE¼ Section 27; E½ NE¼, S½ S½, NE¼ SE¼ Section 34; S½, NE¼, W½ NW¼, SE¼ NW¼ Section 35; S½ SE¼, SW¼, N½ NE¼, W½ NW¼, portions of S½ NE¼ and N½ SE¼ Section 36.

T.24S., R.10W., Willamette Meridian: Lots 1–4, Lots 7–18 Section 06.

T.24S., R.11W., Willamette Meridian: Sections 01 and 02; Lots 1–4, S½ N½, SE¼, E½ SW¼, portions of W½ SW¼ Section 03; Section 04 except a portion of SE¼ SE¼; Sections 05–08; N½, SW¼, N½ SE¼, SW¼ SE¼ Section 09; Section 10; N½, N½ S½ Section 11; N½ Section 12; Sections 15–16; N½, N½ SW¼, NW¼ SE¼, Lots 1–3, a portion of SE¼ SE¼ Section 17; Section 18; a portion of N½ NE¼ Section 19; a portion of Lot 1, Lots 2–7, NE¼ SE¼, a portion of E½ NE¼ Section 20; Section 21; N½, N½ S½, Lots 1–2 Section 22; Lots 4–5, W½ SW¼, SE¼ SW¼, SW¼ SE¼ Section 27; Sections 28–29; a portion of Lot 1 Section 30; NE¼, E½ NW¼, N½ SE¼ Section 31; N½, N½ SW¼, NW¼ SE¼ Section 32.

T.24S., R.11W., Willamette Meridian: NW¼, N½ NE¼, SE¼ NE¼ Section 33; N½ N½ Section 34.

T.24S., R.12W., Willamette Meridian: Sections 01–03; NE¼ SE¼, SE¼ NE¼ Section 04; SE¼ SE¼, a portion of E½ NE¼ Section 09; Sections 10–14; E½, NE¼ NW¼, Lot 1, portions of Lot 2 and SE¼ SW¼ Section 15; S½ N½, N½ NE¼ Section 16; NE¼, SE¼ NW¼, NE¼ SW¼, N½ SE¼ Section 22; Section 23 except SE¼ NE¼; Lots 1–2, NE¼ NE¼, W½ E½, SE¼ SE¼, S½ NW¼, SW¼, a portion of SE¼ NE¼ Section 24; Lots 1–2, N½ NE¼, a portion of S½ NW¼ Section 25.

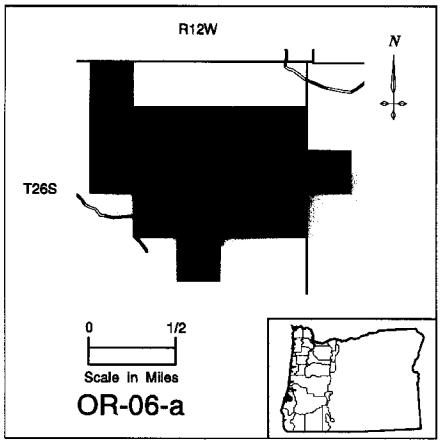


Map and description of OR–06–a taken from United States Fish and Wildlife Service 1:100,000 map; Coos Bay, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.26S., R.11W. Willamette Meridian: NW¼ SW¼ Section 6.

T.26S., R.12W. Willamette Meridian: Section 1 except N½ N½; E½ NE¼, NE¼ SE¼ Section 2; NE¼ NW¼ Section 13.



Map and description of OR–06–b taken from United States Fish and Wildlife Service 1:100,000 map; Roseburg, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.25S., R.10W. Willamette Meridian: SE¼, SE¼ NE¼ Section 29; Section 31; Section 33.

T.26S., R.09W. Willamette Meridian: SE¼, E½ SW¼ Section 9; Section 10 except NE¼; Section 17; S½ S½ Section 18; Section 19;

SW¼ Section 20; Section 21; N½ N½, S½ S½ Section 28; Section 29; Section 31 except N½ SW¼, SW¼ SW¼; SW¼, W½ SE¼, SE¼ NW¼ Section 32; Section 33.

T.26S., R.10W. Willamette Meridian: Sections 3–5; E½, SE¼ NW¼ Section 6; Section 7; SW¼, S½ NE¼ Section 8; Section 9; Section 11; Section 13; N½ Section 14; Sections 15–17; Section 19; SE¼ Section 20; NE¼, E½ NW¼, NW¼ NW¼ Section 21; W½ Section 22; Section 23; N½ N½, N½ S½ Section 24; Section 25; Section 27; NE¼ Section 28; Sections 29–31; E½ Section 32; Section 33; Section 35 except SE¼.

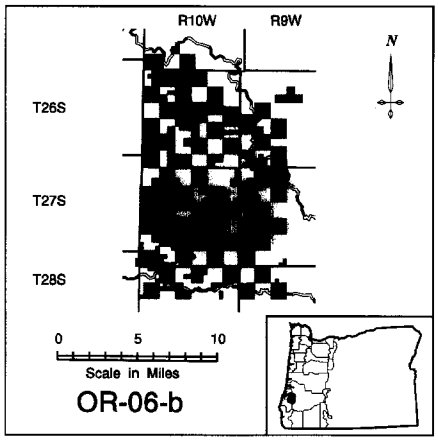
T.27S., R.09W. Willamette Meridian: Sections 4–5; SE¼, NE¼ NE¼, SE¼ SW¼ Section 6; Section 7 except NW¼ SW¼; N½ NW¼, W½ SW¼ Section 8; Section 9; Section 17; Section 18 except SW¼, SE¼ SE¼; Section 19 except NE¼ NE¼; Sections 20–21; Sections 29–31; E½ SE¼, SW¼ SE¼ Section 33.

T.27S., R.10W. Willamette Meridian: E½ E½, W½ SE¼ Section 1; Section 3; S½ SW¼ Section 4; Section 5; SE¼ Section 6; Sections 7–9; NE¼, SE¼ SE¼ Section 10; Section 11; S½ NW¼, W½ SW¼, SE¼ SE¼ Section 12; Sections 13–15; N½ Section 16; Sections 17–20; Sections 21–23; W½ NW¼ Section 24; Sections 25–28; Section 29 except S½ SW¼, SW¼ SE¼; NE¼, SE¼ SE¼, W½ SW¼ Section 30; Section 31; S½ S½, S½ NW¼, NW¼ SW¼ Section 32; Section 33 except SW¼ SW¼; SW¼ NW¼ Section 34; Section 35.

T.28S., R.09W. Willamette Meridian: SE¼ SW¼ Section 4; Section 5; Section 7 except N½ NW¼; Section 9.

T.28S., R.10W. Willamette Meridian: Section 1; Section 3 except N½ SE¼; Sections 4–5; N½ NE¼, NE¼ NW¼, SE¼ SE¼ Section 6; Section 7 except W½ NW¼, NW¼ SW¼; S½ N½, NE¼ NW¼ Section 8; Section 9 except NE¼; N½ NE¼, E½ NW¼, E½ SE¼ Section 11; NW¼ NW¼ Section 12.

T.28S., R.11W. Willamette Meridian: E½ SE¼ Section 1.



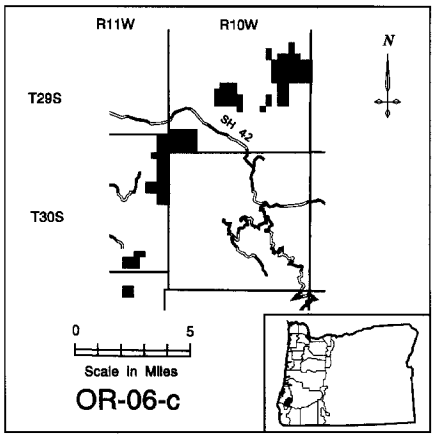
Map and description of OR–06–c taken from United States Fish and Wildlife Service 1:100,000 map; Roseburg and Canyonville, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.29S., R.10W. Willamette Meridian: SW¼ NW¼, SE¼ SW¼, W½ SW¼ Section 11; S½ SE¼, W½ SW¼ Section 12; Section 13; Section 14 except W½ W½; E½ SE¼, SE¼ NE¼ Section 20; Section 21 except E½ NE¼; E½, W½ SW¼ Section 23; NE¼ NE¼ Section 27; NE¼ NE¼ Section 28; Section 31.

T.30S., R.11W. Willamette Meridian: E½, SE¼ SW¼ Section 1 Section 12 except W½; E½, NW¼ Section 13; N½ SE¼, S½ NE¼, NE¼ SW¼, SE¼ NW¼ Section 35; NW¼ NW¼ Section 36.

T.31S., R.11W. Willamette Meridian: SW¼ Section 2.



Map and description of OR–06–d taken from United States Fish and Wildlife Service 1:100,000 map; Roseburg, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.28S., R.07W. Willamette Meridian: N½, E½ SE¼, NW¼ SW¼ Section 5; N½ NW¼, NW¼ NE¼, S½ SE¼, W½ SW¼; Section 7; SE¼ NE¼ Section 8; NW¼ NW¼ Section 9; SW¼ Section 17; NW¼ NW¼ Section 18; Section 19; NW¼ Section 20.

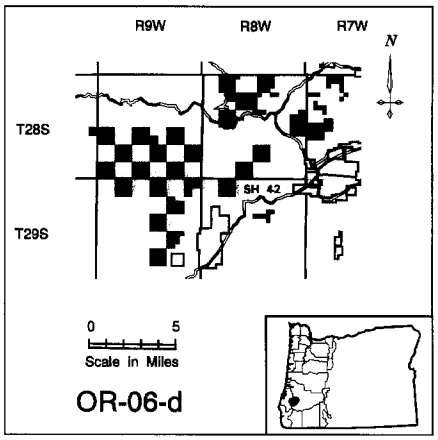
T.28S., R.08W. Willamette Meridian: Section 3 except SE¼ SE¼; NW¼ NW¼ Section 4; Section 5; NE¼ Section 8; Section 9; NE¼ NE¼, NW¼ NW¼ Section 10; NW1/W NW¼ Section 11; Section 13 except W½ W½, NE¼ NW¼; N½ NW¼, NW¼ NE¼ Section 15; Section 17; NE¼, E½ NW¼ Section 24; Section 27; Section 33.

T.28S., R.09W. Willamette Meridian: Section 19; Section 21; SW¼ Section 22; Section 23; Section 25; Section 27; Section 29; Section 31; Section 33; Section 35.

T.28S., R.10W. Willamette Meridian: NE¼ Section 24.

T.29S., R.08W. Willamette Meridian: Section 5; SE¼ SE¼ Section 10; SW¼ SW¼ Section 11; N½ N½, SE¼ NE¼ Section 15.

T.29S., R.09W. Willamette Meridian: Section 1 except SE¼, Section 3; Section 5; Section 11 except N½ NE¼; Section 15; Section 23 except S½ SE¼, NE¼ SE¼, SE¼ NE¼; Section 27.



Map and description of OR–07–a taken from United States Fish and Wildlife Service 1:100,000 map; Port Orford, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.31S., R.12W. Willamette Meridian: N½ NW¼, SW¼ NW¼ Section 5; SE¼, E½ SW¼, SW¼ SW¼, NE¼ NW¼ Section 15; Section 21; Section 22 except SE¼; Section 23 except E½ NE¼, SW¼ NE¼; W½ NW¼ Section 25; Section 27.

T.32S., R.10W. Willamette Meridian: Section 2 except E½ E½; Section 3 except E½ NE¼, SW¼ NE¼; SE¼ SE¼ Section 4; S½, W½ NW¼ Section 7; W½ SW¼, SE¼ NE¼ Section 8; Section 9 except N½ N½, E½ SE¼, SE¼ NE¼; Section 10 except NW¼ NW¼, SW¼ SW¼; Section 11 except E½ NE¼, NE¼ SE¼, SW¼ SE¼, SE¼ SW¼; NW¼ NW¼ Section 14; N½ N½, SE¼ NE¼, W½ SW¼, S½ NW¼ Section 15; Sections 16–17; E½ E½ Section 18; Section 19 except S½ NW¼, NE¼ NW¼, NW¼ NE¼; Section 20–21; W½ NW¼, SW¼ NW¼ Section 22; N½ N½ Section 28; N½ NE¼, NW¼ NE¼ Section 29; W½ W½ Section 30; W½ NW¼ Section 31.

T.32S., R.11W. Willamette Meridian: SE¼ Section 1; N½ N½, SW¼ NW¼ Section 4; Section 5; N½, NE¼ SE¼ Section 6; NE¼ SE¼ Section 7; Section 8 except SW¼ NW¼; W½ Section 9; Section 12 except SW¼ SW¼; Section 13; SE¼ Section 14; Section 16 except E½, SE¼ SW¼; Section 17; Section 18 except N½ NW¼, E½ SW¼, NW¼ SE¼; Sections 19–20; W½ W½ Section 21; SE¼ Section 22; Section 23 except SE¼ NE¼; Section 24 except S½ NW¼, N½ SW¼; Sections 25–26; NE¼ Section 27; E½, S½ SW¼ Section 28; S½ S½, W½ NW¼, NW¼ SW¼ Section 29; Sections 30–32; Section 33 except W½ NE¼, E½ NW¼; Section 34; Section 35 except NE¼ NE¼; NE¼, W½ W½, NW¼ SW¼ Section 36.

T.32S., R.12W. Willamette Meridian: E½ NE¼, N½ SE¼, SW¼ SE¼ Section 1; W½ NW¼ Section 2; Section 3; Section 10 except SE¼ SE¼; E½ SE¼ Section 13; W½, NW¼ NE¼ Section 15; E½ SE¼, SE¼ NE¼ Section 16; Sections 19–20; NW¼, N½ SW¼, W½ NE¼ Section 21; SE¼ SE¼ Section 23; E½ E½, S½ SW¼ Section 24;

Section 25; Section 26 except N½ NW¼, NW¼ NE¼, SW¼ NW¼; S½ SE¼, SE¼ SW¼ Section 27; N½ NW¼, SW¼ NW¼ Section 29; Section 30 except S½ SE¼, NE¼ SE¼; W½, W½ E½ Section 31; SE¼, S½ NE¼, NE¼ NE¼, SE¼ SW¼ Section 33; Sections 34–36.

T.32S., R.13W. Willamette Meridian: Section 4 except N½ N½, SW¼ NW¼; S½ Section 5; Section 6 except N½, N½ SW¼, NW¼ SE¼; N½, S½ S½, NE¼ SE¼ Section 7; Section 8; NE¼ NE¼ Section 17; Sections 22–23; S½ Section 24; Sections 25–27; SE¼ NE¼ Section 31; Section 32 except NW¼ NW¼; Section 33–36.

T.32S., R.14W. Willamette Meridian: SE¼ SE¼ Section 12; N½ Section 17; W½ SW¼ Section 19; Section 22 except W½ W½, SE¼ SW¼, NE¼ NE¼, SW¼ SE¼; Section 23 except S½ SE¼, NE¼ NE¼; Section 24 except N½ N½, W½ SW¼, SE¼ NW¼, SW¼ NE¼; E½ NE¼, NW¼ NE¼, NE¼ SE¼ Section 25; W½ SW¼, SE¼ SW¼, SW¼ SE¼ Section 29; SE¼, E½ SW¼, SW¼ SW¼, NW¼ NW¼ Section 30; Section 31 except W½ NW¼, NW¼ SW¼; Section 32; W½ W½, NE¼ SW¼ Section 33.

T.32S., R.15W. Willamette Meridian: E½ SE¼ Section 25.

T.33S., R.11W. Willamette Meridian: Sections 7–8; Section 9 except E½ NW¼, W½ NE¼; Sections 10–11; NW¼, W½ NE¼, W½ SW¼, NE¼ SW¼, NW¼ SE¼ Section 12; NW¼ NW¼, SE¼ NW¼ Section 13; Section 14 except SE¼, E½ SW¼, SW¼ NE¼; Sections 15–20; Section 21 except SE¼; Section 22 except SE¼ SE¼; W½ NW¼, NW¼ SW¼ Section 23; N½ NW¼, SW¼ NW¼ Section 27; S½ NE¼, NW¼ SE¼, SE¼ SW¼ Section 28; W½, N½ NE¼ Section 29; Sections 30–31; Section 32 except N½ NE¼; NW¼ NW¼ Section 33.

T.33S., R.12W. Willamette Meridian: Sections 7–8; S½, SW¼ NW¼ Section 9; Section 10 except NW¼, NW¼ NE¼; Sections 11–32; Section 33 except E½ SE¼; Section 34 except N½ SW¼; Sections 35–36.

T.33S., R.13W. Willamette Meridian: SE¼ SE¼ Section 8; Sections 9–16; Section 17 except NW¼, W½ NE¼; SE¼ SE¼ Section 18; Sections 19–20; Section 21 except SE¼; N½ N½, SE¼ NE¼ Section 22; Section 23 except S½ SW¼; Sections 24–25; NW¼ Section 28; Section 29 except S½ S½, NE¼ SE¼; Section 30 except S½ SE¼; N½ NW¼, SW¼ NW¼, NW¼ SW¼ Section 31; SE¼ Section 34; Section 35 except NW¼ NW¼; Section 36.

T.33S., R.14W. Willamette Meridian: W½ Section 5; Section 7 except N½ N½, NW¼ SW¼, SW¼ NW¼; W½ SW¼ Section 8; SW¼, S½ SE¼, S½ NW¼ Section 13; SE¼, S½ SW¼, S½ NE¼ Section 14; S½ SW¼, NW¼ SW¼ Section 15; SE¼, NW¼, NW¼ SW¼, SW¼ NE¼ Section 17; N½ SE¼, SW¼ SE¼ Section 18; E½ NW¼, NW¼ NW¼ Section 20; SE¼, S½ N½, NE¼ NE¼ Section 21; Section 22 except S½ SW¼, NE¼ NE¼; Sections 23–28; Section 29 except NW¼, NW¼ SW¼; SE¼ SE¼ Section 30; NE¼ NE¼ Section 31; Sections 32–35; Section 36 except NW¼, E½ SE¼.

T.34S., R.11W. Willamette Meridian: NW¼, NW¼ NE¼, NW¼ SW¼ Section 4; Sections 5–6; Section 7 except NE¼ SE¼; Section 8 except S½ NW¼; NE¼ NW¼, NW¼ NE¼; SW¼ NW¼ Section 9; NW¼ SW¼, SW¼ NW¼ Section 17; NE¼, NE¼ SE¼ Section 18; Section 19 except NE¼ NE¼, NE¼ SE¼; W½, N½ NE¼ Section 30; SW¼, E½ NW¼ Section 31.

T.34S., R.12W. Willamette Meridian: Sections 1–3; Section 4 except SW¼ SW¼; Section 5 except S½ S½; Section 6 except SE¼ SE¼; Section 7 except E½ E½; SE¼ SE¼ Section 8; Section 9 except W½ NW¼; Sections 10–36.

T.34S., R.13W. Willamette Meridian: Section 1; Section 2 except SW¼ SW¼; NE¼, NE¼ SE¼, E½ NW¼ Section 3; Section 11 except W½ W½; Sections 12–14; E½ SE¼ Section 15; S½ SW¼, SW¼ SE¼ Section 17; E½ E½ Section 19; Sections 20–25; Section 26 except W½ SW¼, SE¼ SW¼.

T.35S., R.11W. Willamette Meridian: S½ SW¼, NE¼ NW¼ Section 6; NW¼, W½ NE¼ Section 7; S½ SW¼, NW¼ SW¼, S½ NW¼, NE¼ NW¼, NW¼ NE¼ Section 18; N½ NW¼, NE¼ SW¼ Section 19.

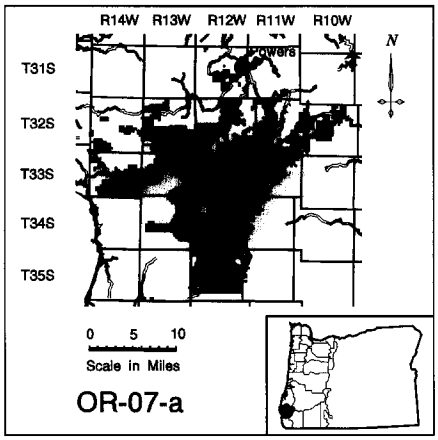
T.35S., R.12W. Willamette Meridian: Sections 1–5; Section 6 except S½ SW¼, SW¼ SE¼; SE¼, E½ NE¼ Section 7; Sections 8–11; W½ SW¼, NW¼ SW¼, SW¼ SE¼, NE¼ NE¼ Section 12; Section 13 except SE¼ NE¼, NE¼ SE¼; Sections 14–29; Sections 30 except SE¼ NE¼, SE¼ SE¼.

T.35S., R.13W. Willamette Meridian: SE¼ NE¼ Section 25.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.32S., R.13W. Willamette Meridian: Sections 18–21; Sections 28–29; N½ Section 30.



Map and description of OR–07–b taken from United States Fish and Wildlife Service 1:100,000 map; Port Orford and Gold Beach, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.35S., R.11W. Willamette Meridian: Section 31.

T.35S., R.12W. Willamette Meridian: Section 31 except E½ E½; Section 32 except S½ SW¼, SW¼ SE¼, NW¼ SW¼; Sections 33–36.

T.35S., R.13W. Willamette Meridian: Section 31 except W½ SW¼, S½ NW¼; Section 32 except E½ SE¼, Section 33 except N½ SE¼, SW¼ SW¼, NW¼ NW¼; Section 34 except NE¼ SW¼, NW¼ SE¼; Section 35; Section 36 except NE¼ SE¼.

T.36S., R.12W. Willamette Meridian: Sections 1–2; Section 3 except SW¼ NE¼; Section 4; NE¼, E½ SE¼, NE¼ NW¼ Section 5; E½ E½ Section 8; Sections 9–16; Section 17 except N½ NW¼; SE¼ SE¼ Section 18; E½ E½, NW¼ NE¼ Section 19; Sections 20–24; N½ NW¼, NW¼ NE¼ Section 25; Section 26 except N½ SE¼; Sections 27–29; Section 30 except W½, SW¼ SE¼; SE¼, E½ SW¼, E½ NE¼ Section 31; Sections 32–35; SW¼, W½ NW¼ Section 36.

T.36S., R.13W. Willamette Meridian: Sections 1–3; Section 4 except SW¼, S½ NW¼, S½ SE¼; Section 5 except S½ NE¼, NW¼ NW¼; Section 6 except N½ NE¼, SW¼ SW¼; N½, SW¼ SE¼ Section 7; Section 8 except SE¼ NE¼; Section 9 except NW¼ NE¼, NE¼ NW¼, SW¼ NW¼, NW¼ SW¼; Sections 10–11; Section 12 except E½ SE¼, SE¼ NE¼; Section 13 except SE¼, E½ NE¼, SW¼ NE¼, E½ SW¼; Section 14 except SW¼; Section 15 except W½ NW¼, NW¼ SW¼; N½ NE¼, SW¼, S½ SE¼ Section 17; E½, E½ SW¼ Section 18; Section 19 except W½ NW¼, W½ SE¼, SE¼ NW¼; NW¼, SW¼ NE¼, SW¼ SE¼ Section 20; Section 22 except NW¼, NW¼ SW¼; Section 23; Section 24 except NE¼; Sections 25–26; Section 27 except N½ NW¼; E½ SE¼ Section 28; Section 29 except E½ E½; Sections 30–32; W½ SW¼ Section 33; Section 34; N½, W½ SW¼ Section 35; N½ N½ Section 36.

T.36S., R.12 ½W. Willamette Meridian: Section 1 except E½ SE¼; Section 12 except E½ E½, SW¼ SE¼, SW¼, E½ NW¼ Section 24; W½ Section 25; NW¼ NW¼ Section 36.

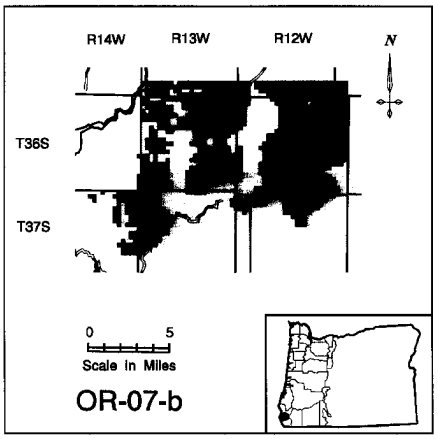
T.36S., R.14W. Willamette Meridian: SE¼ SE¼ Section 24.

T.37S., R.12W. Willamette Meridian: NW¼ NW¼ Section 1; Section 2 except SE¼, SE¼ NE¼, SE¼ SW¼; Section 3 except NW¼ SW¼; Section 4; N½ N½, SW¼ NW¼ Section 5; Section 6 except S½ S½, NW¼ NW¼; NE¼, E½ SE¼, N½ NW¼ Section 9; W½, NW¼ NE¼ Section 10; NW¼ NE¼ Section 12.

T.37S., R.13W. Willamette Meridian: SE¼ NE¼, NE¼ SE¼ Section 1; W½ Section 5; Sections 6–7; Section 8 except NE¼ NE¼; W½ SW¼ Section 9; NW¼ NW¼ Section 16; Section 17 except S½ SE¼; Section 18; Section 19 except S½ SE¼, NE¼ SE¼; N½ NW¼ Section 20; NW¼ NW¼ Section 30.

T.37S., R.14W. Willamette Meridian: Section 1 except SW¼ SW¼; E½ E½, SW¼ NE¼ Section 2; NW¼ SW¼, SW¼ NW¼, NW¼ NE¼ Section 3; SE¼ NE¼ Section 4; E½ Section 11; E½, E½ NW¼ Section 12; SE¼, N½ NE¼, NE¼ NW¼ Section 13; NE¼ NE¼ Section 14; SE¼ NE¼ Section 23; Section 24 except NW¼ NE¼, NE¼ NW¼.

T.37S., R.12 ½W. Willamette Meridian: Section 1 except N½ NE¼; NW¼ NE¼ Section 12.



Map and description of OR–07–c taken from United States Fish and Wildlife Service 1:100,000 map; Gold Beach, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.37S., R.11W. Willamette Meridian: W½ SW¼ Section 31.

T.37S., R.12W. Willamette Meridian: S½ SW¼, W½ SE¼ Section 17; SW¼ SE¼ Section 18; Section 19 except N½ NW¼, NW¼ NE¼; Section 20; W½ SW¼, SW¼ NW¼ Section 21; S½ SE¼, SW¼, W½ NW¼ Section 28; Sections 29–33; W½, S½ SE¼, NE¼ SE¼ Section 34; S½, S½ NE¼ Section 35; Section 36.

T.37S., R.13W. Willamette Meridian: SE¼, SE¼ SW¼ Section 24; Section 25; Section 26 except W½ NW¼, NE¼ NW¼, NW¼ NE¼; SE¼, S½ NE¼, NE¼ NE¼, SE¼ SW¼ Section 34; Sections 35–36.

T.37S., R.12 ½W. Willamette Meridian: Section 19 except N½ NW¼, NE¼ NE¼; Section 25; Section 36.

T.37 ½S. R.11W. Willamette Meridian: W½ SW¼ Section 31.

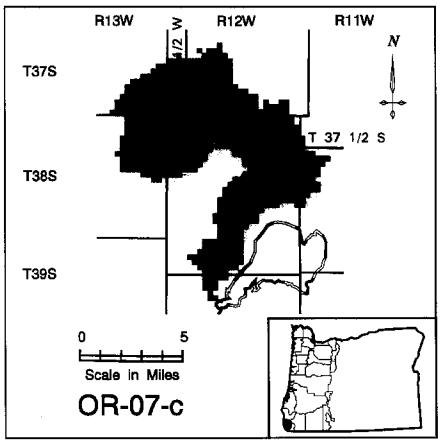
T.37 ½S. R.12.W. Willamette Meridian: Section 25 except E½ E½; Sections 26–36.

T.38S., R.11W. Willamette Meridian: Section 6 except NE¼, S½ SE¼, NE¼ NW¼; W½, W½ SE¼, NW¼ NE¼ Section 7; N½ NW¼, SW¼ NW¼, NW¼ SW¼ Section 18.

T.38S., R.12W. Willamette Meridian: Sections 1–2; Section 3 except SW¼ NW¼, S½ SW¼, NW¼ SW¼; E½ NE¼ Section 4; NW¼, N½ SW¼, NW¼ NE¼ Section 5; Section 6; N½ NW¼ Section 7; SE¼, SE¼ NE¼, SE¼ SW¼ Section 9; Section 10 except NW¼ NW¼; Sections 11–12; N½ N½, SE¼ NE¼ Section 13; N½, NW¼ SW¼ Section 14; Section 15; Section 16 except NW¼ NW¼; E½ NE¼ Section 20; Section 21; NW¼, N½ NE¼, W½ SW¼ Section 22; W½ W½ Section 27; Section 28; Section 29 except N½ N½, SW¼ NW¼, NW¼ SW¼; N½ NE¼, SE¼ NE¼ Section 31; Section 32 except SW¼ SW¼; Section 33 except S½ SE¼; W½ NW¼, SW¼ SW¼ Section 34.

T.38S., R.13W. Willamette Meridian: Sections 1–2; E½ E½, SW¼ SE¼ Section 10; Sections 11–13; Section 14 except S½ SW¼, SW¼ SE¼; E½ NE¼, SE¼ NE¼ Section 15; NW¼ NE¼, NE¼ NW¼ Section 24.

T.39S., R.12W. Willamette Meridian: N½ NW¼ Section 4; Section 5 except W½ W½, SE¼ SW¼, SE¼ SE¼; N½ NE¼ Section 6.



Map and description of OR–07–d taken from United States Fish and Wildlife Service 1:100,000 map; Gold Beach and Grants Pass, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.38S., R.11W. Willamette Meridian: S½ SE¼ Section 31.

T.39S., R.11W. Willamette Meridian: S½ SW¼, SW¼ SE¼ Section 4; SW¼, W½ SE¼, SE¼ SE¼, SW¼ NW¼ Section 5; E½, SE¼ NW¼ Section 6; NE¼, SW¼, N½ SE¼ Section 7; Section 8 except S½ SW¼, NE¼ SW¼, SW¼ SE¼; Section 9; W½ SW¼, NE¼ SW¼, SW¼ NW¼ Section 10; N½ NW¼, SW¼ SW¼ Section 15; Section 16 except W½ SW¼, SW¼ NW¼; NE¼ NE¼ Section 17; Section 18 except NE¼; Sections 19–20; Section 21 except SE¼ SE¼; W½ NW¼, SW¼ NW¼ Section 22; N½ NW¼ Section 28; N½ N½, W½ SW¼ Section 29; Sections 30–31; Section 32 except NE¼ NE¼; SW¼, SW¼ NW¼, SW¼ SE¼ Section 33.

T.39S., R.12W. Willamette Meridian: S½ SW¼, SW¼ SE¼ Section 1; S½ S½ Section 2; S½ Section 3; Section 10 except S½ S½; Section 11 except S½ SW¼; Section 12; E½, N½ NW¼ Section 13; SW¼ SW¼ Section 18; W½, W½ E½, SE¼ SE¼ Section 19; SE¼, SW¼, NE¼ Section 20; Section 21; S½ S½, NW¼ SW¼, SW¼ NW¼ Section 22; S½, S½ NE¼ Section 23; Section 24 except NW¼ NW¼; Sections 25–29; Section 30 except SE¼ NW¼, NE¼ SW¼; Sections 31–36.

T.39S., R.13W. Willamette Meridian: S½ SW¼ Section 28; E½ NE¼, E½ SW¼, SE¼ SE¼ Section 32; Section 33; W½ SW¼ Section 34.

T.40S., R.09W. Willamette Meridian: SW¼, SW¼ NW¼ Section 5; SE¼ SE¼ Section 6; Section 7 except SE¼ SE¼, NW¼ NW¼; NW¼, NW¼ SW¼ Section 8; W½ W½ Section 18; W½ W½ Section 19; W½ SW¼ Section 20; Section 27 except N½ N½; Section 28 except N½ NW¼, NW¼ NE¼, SW¼ NW¼; SE¼ SE¼, SW¼ SW¼, NW¼ NW¼ Section 29; Section 30 except NE¼ NW¼, NW¼ NE¼; S½ S½, W½ NW¼, NW¼ SW¼ Section 31; Section 32 except N½ NW¼, SW¼ NW¼; Section 33; Section 34 except E½ SE¼, SE¼ NE¼, SW¼ SE¼.

T.40S., R.10W. Willamette Meridian: E½ SE¼, SW¼ SE¼ Section 2; SE¼ SE¼ Section 4; SE¼ Section 8; Section 9 except N½ NW¼, NW¼ NE¼; Section 10 except NE¼ NE¼; Section 11; S½, W½ NW¼, SE¼ NE¼ Section 12; Sections 13–16; Section 17 except NW¼, NW¼ NE¼, NW¼ SW¼; Section 19 except NW¼, W½ SW¼, NW¼ NE¼; Sections 20–36.

T.40S., R.11W. Willamette Meridian: N½ NW¼, SW¼ NW¼, NW¼ SW¼, NW¼ NE¼ Section 4; Sections 5–8; W½ SW¼ Section 9; Section 16 except E½ E½; Sections 16–21; E½ SE¼, SW¼ SE¼ Section 25; Section 27 except E½, NE¼ NW¼; Sections 28–33; W½ Section 34; Section 36 except NW¼ NW¼.

T.40S., R.12W. Willamette Meridian: Sections 1–17; Section 18 except W½ W½; Sections 19–30; E½, N½ NW¼, NE¼ SE¼, SE¼ NW¼ Section 31; Sections 32–36.

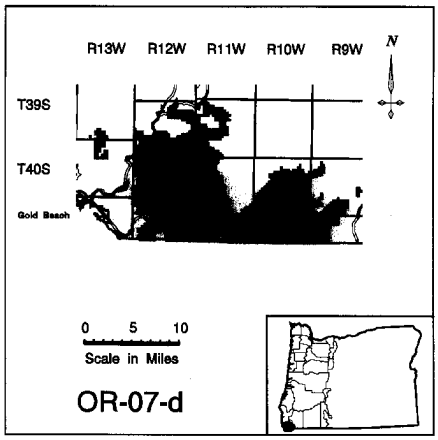
T.40S., R.13W. Willamette Meridian: Section 4 except S½ SE¼; E½ E½ Section 5; W½, NW¼ NE¼, S½ SE¼, NE¼ SW¼ Section 9; W½ Section 10; SE¼ SW¼ Section 12; N½ NW¼ Section 13.

T.41S., R.09W. Willamette Meridian: Sections 4–8; Sections 17–18.

T.41S., R.10W. Willamette Meridian: Sections 1–18.

T.41S., R.11W. Willamette Meridian: Section 1; Section 2 except N½ NE¼, SW¼ NE¼; Sections 3–15; Sections 17–18.

T.41S., R.12W. Willamette Meridian: Sections 1–4; Section 5 except W½, SW¼ SE¼; Section 7 except NW¼, W½ SW¼, NW¼ NE¼; W½, S½ SE¼ Section 8; Section 9 except S½ S½, NW¼ SW¼; Section 10; Section 11 except SE¼ SW¼; Sections 12–13; SW¼, S½ SE¼, NE¼ SE¼, NE¼ NE¼, NW¼ NW¼ Section 14; Section 15; Section 17; Section 18 except W½ W½.



Map and description of OR–07–e taken from United States Fish and Wildlife Service 1:100,000 map; Grants Pass, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.36S., R.08W. Willamette Meridian: W½ SW¼, SW¼ NW¼ Section 18; W½ W½, SE¼ SW¼, SW¼ SE¼ Section 19; Section 30 except SE¼, SE¼ NE¼; W½ Section 31.

T.36S., R.09W. Willamette Meridian: S½, SE¼ NE¼ Section 13; E½ SE¼ Section 14; SE¼, SE¼ SW¼ Section 20; S½, S½ NE¼ Section 21; S½, S½ NW¼ Section 22; Section 23 except N½ NW¼; Sections 24–28; Section 29 except NW¼ NW¼; Section 30 except N½ N½, NW¼ SW¼; Section 31 except NW¼ NW¼; Sections 32–36.

T.36S., R.10W. Willamette Meridian: E½ SE¼ Section 36.

T.37S., R.08W. Willamette Meridian: S½ SW¼, NW¼ SW¼ Section 6; Section 7 except SE¼ SE¼; N½ NW¼, SW¼ NW¼ Section 18; NW¼ Section 19.

T.37S., R.09W. Willamette Meridian: Sections 1–6; Section 7 except NE¼ NE¼; Section 8 except NE¼ SE¼, NW¼ NE¼, SE¼ NW¼; Sections 9–23; Section 24 except SE¼ SE¼; Section 25 except E½, SE¼ SW¼; Sections 26–32; Section 33 except NE¼ SW¼; Sections 34–35; W½ NW¼ Section 36.

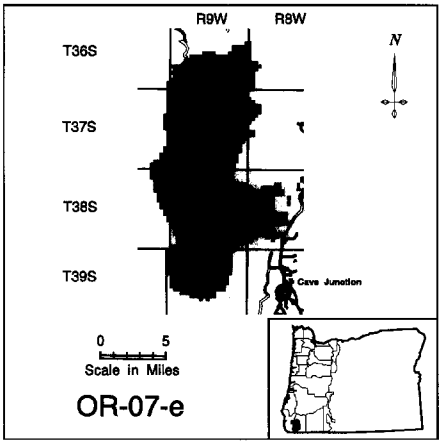
T.37S., R.10W. Willamette Meridian: E½ E½ Section 1; E½ E½, SW¼ SE¼ Section 12; E½ Section 13; E½ E½ Section 24; SE¼, S½ NE¼, NE¼ NE¼, SE¼ SW¼ Section 25; SE¼, SE¼ NE¼ Section 35; Section 36 except NW¼ NW¼.

T.38S., R.08W. Willamette Meridian: S½, SW¼ NW¼ Section 7; Section 8 except N½ N½; W½, W½ SE¼ Section 9; W½ NW¼, NW¼ SW¼ Section 15; Sections 17–18; Section 19 except SE¼ SE¼, NE¼ SE¼; Sections 20–21; SW¼ SW¼ Section 28; Section 29 except NE¼ SE¼, SW¼ NE¼, SW¼ SW¼; Section 30 except S½ SE¼; NW¼ NW¼ Section 31; Section 32.

T.38S., R.09W. Willamette Meridian: Section 2 except E½ NE¼, NE¼ SE¼; Section 3 except NE¼ NE¼; Sections 4–11; Section 12 except NE¼ NE¼; Sections 13–23; Section 24 except NE¼ NW¼; Sections 25–29; Section 30 except W½ SW¼; E½, S½ SW¼ Section 31; Sections 32–35; Section 36 except S½ SE¼, NE¼ SE¼, SE¼ SW¼.

T.38S., R.10W. Willamette Meridian: Section 1; Section 2 except W½, SW¼ SE¼; E½ NE¼, NE¼ SE¼ Section 11; Section 12; Section 13 except W½ SW¼; NE¼, E½ SE¼ Section 24.

T.39S., R.09W. Willamette Meridian: Section 2 except E½ SE¼, SE¼ NE¼; Sections 3–10; Section 11 except E½ E½, SW¼ SE¼; NW¼, W½ SW¼ Section 14; Sections 15–17; Section 18 except W½ W½, SE¼ SW¼; N½ N½, SE¼ NE¼ Section 20; N½, NW¼ SE¼ Section 21; NW¼, W½ NE¼, NW¼ SW¼ Section 22.



Map and description of OR–07–f taken from United States Fish and Wildlife Service 1:100,000 map; Port Orford, Canyonville, Gold Beach and Grants Pass, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.32S., R.09W. Willamette Meridian: Section 34 except NW¼ NW¼; W½ SW¼, SW¼ SW¼ Section 35.

T.32S., R.10W. Willamette Meridian: Section 25; E½ Section 26; Section 35 except N½ NW¼, SW¼ NW¼, SW¼ SW¼ Section 35; Section 36.

T.33S., R.09W. Willamette Meridian: W½ SW¼, SW¼ NW¼ Section 1; Section 2 except N½ NE¼; Sections 3–11; W½ NW¼ Section 12; Sections 14–23; Sections 26–35.

T.33S., R.10W. Willamette Meridian: Section 1; Section 2 except NW¼ NW¼; SE¼ Section 3; S½ S½ Section 5; E½ E½, N½ SW¼, NW¼ SE¼, SW¼ NE¼ Section 9; Sections 10–14; Section 15 except SW¼ SW¼; NE¼ NE¼ Section 16; S½ SE¼ Section 21; Section 22 except W½ NW¼; Sections 23–27; Section 28 except NW¼, NE¼ SW¼; E½ E½ Section 31; Section 32 except NW¼ NE¼, NE¼ NW¼; Sections 33–36.

T.34S., R.09W. Willamette Meridian: Sections 2–11; Sections 14–23; Sections 26–35.

T.34S., R.10W. Willamette Meridian: Sections 1–5; Section 6 except NW¼, NW¼ NE¼; Sections 7–11; Sections 12–30; N½, NE¼ SE¼ Section 31; Sections 32–36.

T.34S., R.10 ½W. Willamette Meridian: S½ Section 7; Section 18–19; Section 30–31.

T.34S., R.11W. Willamette Meridian: E½ SE¼, SE¼ NE¼ Section 11; Section 12 except E½, E½ SW¼, NW¼ NW¼; Section 13 except NE¼, NE¼ NW¼; E½ E½, SW¼ SW¼ Section 14; SE¼ SE¼ Section 15; E½ SW¼ Section 21; SE¼, E½ NE¼, S½ SW¼, NW¼ SW¼ Section 22; Section 23 except NE¼ NW¼, NW¼ NE¼; Sections 24–28; SE¼ NE¼, NE¼ SE¼ Section 31; Section 32 except NW¼ NW¼; Sections 33–36.

T.35S., R.09W. Willamette Meridian: Sections 2–11; Sections 14–20; Section 21 except S½ SE¼, NE¼ SE¼, NE¼ NE¼; SW¼ SW¼ Section 27; W½ W½, S½ SE¼, SE¼ SW¼ Section 28; Sections 29–31; Section 32 except SE¼ SW¼, SW¼ SE¼; Section 33; Section 34 except E½, NE¼ NW¼.

T.35S., R.10W. Willamette Meridian: Sections 1–5; E½ SE¼ Section 6; NE¼ NE¼ Section 7; N½ NW¼, SE¼ SE¼ Section 8; Section 9 except W½ NW¼, NW¼ SW¼; Sections 10–16; Section 17 except N½ NW¼, SW¼ NW¼; S½ SE¼, NE¼ SE¼, SE¼ SW¼ Section 18; Sections 19–36.

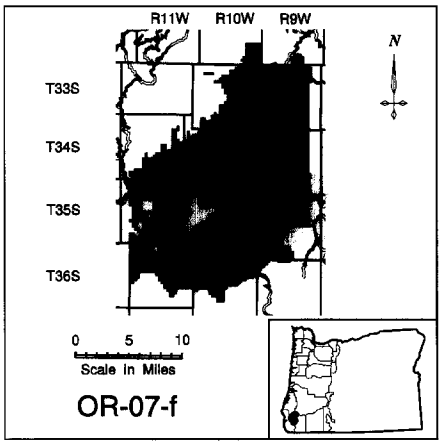
T.35S., R.10 ½W. Willamette Meridian: Section 6; Section 7 except E½ E½; Section 18 except S½ NE¼, NE¼ NE¼, SE¼; NW¼, W½ SW¼, NW¼ NE¼ Section 19; W½ W½ Section 30; Section 31 except N½ NE¼, NE¼ NW¼.

T.35S., R.11W. Willamette Meridian: Sections 1–5; E½ E½ Section 6; E½ E½ Section 7; Sections 8–15; Section 17; E½ NE¼ Section 18; SE¼ SE¼ Section 19; Section 20; Section 21 except SW¼ NE¼, NW¼ SE¼, SE¼ NW¼, SE¼ SW¼; Sections 22–28; NW¼, S½ SE¼, NW¼ SE¼, NE¼ SW¼ Section 29; E½ E½ Section 31; Section 32 except NW¼ NE¼, NE¼ NW¼; Sections 33–36.

T.36S., R.09W. Willamette Meridian: NW¼ NW¼ Section 3; N½ N½ Section 4; NW¼ NW¼ Section 5; Section 6 except S½ SE¼, NE¼ SE¼; NW¼ NW¼ Section 7.

T.36S., R.10W. Willamette Meridian: Sections 1–11; Section 12 except S½ S½, NE¼ SE¼; N½ NW¼, SW¼ NW¼ Section 14; N½, NW¼ SW¼ Section 15; Section 16; Section 17 except S½ SW¼; Section 18 except S½ SE¼, SW¼ SW¼; N½ NE¼, SE¼ NE¼ Section 20; Section 21 except W½ SW¼.

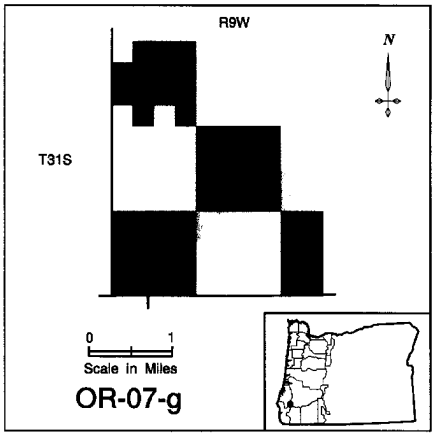
T.36S., R.11W. Willamette Meridian: Sections 1–3; Section 4 except NE¼ SW¼, SW¼ NE¼, SE¼ NW¼, NW¼ SE¼; Sections 5–15; Sections 16 except S½ SW¼; S½ S½ Section 17; Section 18; Section 19 except SE¼, S½ SW¼, SE¼ NE¼; E½ NE¼ Section 21; Section 22 except SW¼ SW¼; Sections 23–24; N½ N½ Section 25; Section 26 except SE¼, S½ NE¼, SE¼ SW¼; NE¼, E½ SE¼, NE¼ NW¼.



Map and description of OR–07–g taken from United States Fish and Wildlife Service 1:100,000 map; Canyonville, Oregon; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.31S., R.09W. Willamette Meridian: Section 19 except NW¼ NW¼; SW¼ SW¼, SW¼ SE¼, Section 29; Section 31; W½ Section 33.

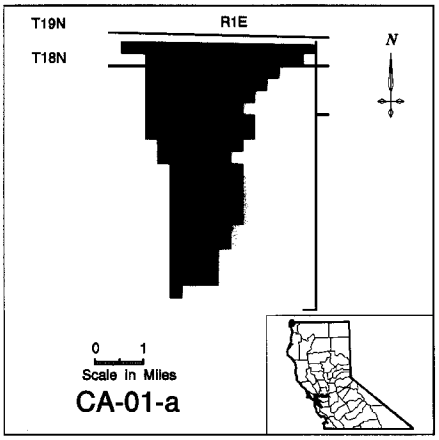


Map and description of CA–01–a taken from United States Fish and Wildlife Service 1:100;000 map; Grants Pass, Oregon; Crescent City and Happy Camp, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.18N., R.01E. Humboldt Meridian: NW¼ NW¼ Section 1; W½, NE¼, NW¼ SE¼ Section 2; Section 3; E½ Section 4; NE¼, E½ SE¼ Section 9; Section 10; W½ NE¼, NW¼, W½ SW¼, NE¼ SW¼ Section 11; W½ Section 14; Section 15; Section 22; W½ NW¼, NE¼ NW¼, NW¼ SW¼ Section 23; N½, NW¼ SW¼ Section 27.

T.19N., R.01E. Humboldt Meridian: Section 33 except S½ SW¼; Section 34; Section 35; Section 36 except SE¼ SE¼.



Map and description of CA–01-b taken from United States Fish and Wildlife Service 1:100;000 map; Crescent City and Happy Camp, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.17N., R.02E. Humboldt Meridian: S½ SE¼ Section 29; Section 31 except NW¼; SW¼, W½ NW¼, SE¼ NW¼, SW¼ NE¼ Section 32.

T.17N., R.01E. Humboldt Meridian: S½ SW¼, W½ SE¼ Section 35; SW¼ SW¼ Section 36.

T.16N., R.03E. Humboldt Meridian: S½ S½, SW¼ NW¼ Section 17; SE¼, E½ SW¼, S½ NE¼ Section 18; Section 19 except NW¼ NW¼, NW¼ SW¼; Section 20; SW¼, W½ NW¼, SW¼ SE¼ Section 21; W½ SW¼, NE¼ SW¼, SW¼ NW¼ Section 27; Sections 28–33; S½, S½ NW¼, SW¼ NE¼ Section 34.

T.16N., R.02E. Humboldt Meridian: W½ Section 5; Section 6 except SW¼ SW¼; Section 7; Section 8 except NE¼ NE¼; W½ SW¼, SE¼ NW¼ Section 9; W½ NW¼, SW¼ SW¼, SW¼ SE¼ Section 16; Section 17–21; Section 22 except N½ NE¼, SE¼ NE¼, SE¼ NE¼, N½ SE¼, NE¼ NW¼; S½, SW¼ NE¼ Section 25; Section 26 except NE¼ NE¼; Sections 27–29; E½ NE¼, NW¼ NE¼ Section 30; Section 32 except W½ SW¼; Sections 33–36.

T.16N., R.01E. Humboldt Meridian: Sections 1–2; SE¼, SE¼ NE¼ Section 3; NE¼, NE¼ NW¼ Section 10; N½, E½ SE¼ Section 11; Section 12; N½ NE¼, NE¼ NW¼ Section 13; NE¼ Section 24.

T.15N., R.03E. Humboldt Meridian: Section 2 except N½ NE¼, NE¼ NW¼; Sections 3–6; N½ Section 7; S½ SE¼, SE¼ SW¼ Section 8; Sections 9–10; W½, W½ NE¼ Section 11; SW¼ SW¼ Section 13; Section 14 except NE¼, NE¼ SE¼; Sections 15–17; Section 18 except NW¼, SW¼ NE¼, NW¼ SW¼; NE¼, NE¼ NW¼ Section 19; Section 20 except SW¼; Sections 21–23; W½ NW¼, NW¼ SW¼ Section 24; Section 27 except E½ E½, SW¼ NE¼, NW¼ SE¼, SW¼ SW¼; NW¼, E½ NE¼, NW¼ NE¼ Section 28; NE¼, N½ SE¼, NE¼ SW¼ Section 29.

T.15N., R.02E. Humboldt Meridian: Sections 1–3; N½ N½, SE¼ NE¼ Section 4; NE¼ NE¼ Section 5; Section 10 except SW¼, W½ NW¼; Section 11; Section 12 except SE¼ SE¼; Section 13 except E½ E½, SW¼ SE¼; Section 14; E½ NE¼, NE¼ SE¼ Section 15; Section 23 except SE¼, S½ NE¼, NW¼ NW¼; S½ SW¼, NE¼ NE¼ Section 24; Section 25 except S½ SE¼, S½ NE¼, NE¼ NE¼, NW¼ NW¼; Section 26 except NE¼ NE¼; S½, SE¼ NE¼ Section 27; E½ SE¼, SW¼ SE¼, SW¼ NE¼ Section 28; Section 33–34; Section 35 except NE¼, E½ SE¼.

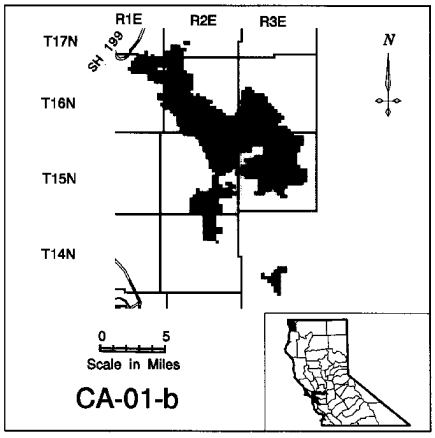
T.14N., R.02E. Humboldt Meridian: Section 3; Section 10; NW¼ Section 11; NW¼ NW¼ Section 14.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.14N., R.03E. Humboldt Meridian: NW¼ Section 27; SE¼, S½ SW¼, NE¼ SW¼, S½ NE¼, NE¼ NE¼ Section 28; E½ SE¼, SE¼ SE¼ Section 29; E½, N½ NW¼, SE¼ NW¼ Section 33.

T.13N., R.03E. Humboldt Meridian: NW¼ NW¼ Section 3.



Map and description of CA–01–c taken from United States Fish and Wildlife Service 1:100;000 map; Happy Camp and Hoopa, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T. 11N., R.06E. Humboldt Meridian: N½ NW¼, SW¼ NW¼, NW¼ NE¼ Section 30.

T. 11N., R.05E. Humboldt Meridian: N½ NW¼, SE¼ NW¼, NE¼ SW¼ Section 36.

T. 10N., R.04E. Humboldt Meridian: NE¼ NE¼ Section 6.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T. 14N., R.05E. Humboldt Meridian: S½ SW¼, NW¼ SW¼, SW¼ SE¼ Section 7; Section 18 except E½ E½, SW¼ NE¼, Section 31 except NE¼, E½ NW¼, NE¼ SE¼.

T. 14N., R.04E. Humboldt Meridian: SE¼, SE¼ SW¼ Section 12; Section 13 except W½ NW¼, Section 24; Section 25 except SE¼ NE¼; NE¼, E½ SE¼ Section 26; SE¼, E½ NE¼ Section 35; Section 36.

T. 13N., R.05E. Humboldt Meridian: S½ SW¼, NW¼ SW¼ Section 5; Sections 6–7; Section 8 except NE¼, W½ NW¼, NW¼ SE¼; SW¼ Section 10; W½, SW¼ SE¼ Section 15; Sections 16–21; W½, W½ NE¼ Section 22; N½ N½ Section 28; Section 29 except SE¼; Sections 30–31, Section 32 except NE¼, E½ SE¼; SE¼, SE¼ NE¼, SE¼ SW¼ Section 35; Section 36 except N½, NE¼ SE¼.

T. 13N., R.04E. Humboldt Meridian: Section 1; Section 2 except W½ NW¼, NW¼ SW¼; S½ SE¼ Section 3; SE¼ SE¼ Section 9; Sections 10–15; E½ E½ Section 16; SE¼, S½ NE¼, NE¼ NE¼, SE¼ SW¼ Section 21; Sections 22–28; Section 29 except N½ N½; Section 30 except N½ N½, SW¼ NW¼; Sections 31–36.

T. 13N., R.03E. Humboldt Meridian: SE¼ SE¼, SW¼ SW¼ Section 25; Section 35 except N½ NW¼, SW¼ NW¼, NW¼ SW¼; Section 36.

T. 12N., R.06E. Humboldt Meridian: W½ W½ Section 6; Section 7 except E½ E½,

NW¼ NE¼, NE¼ NW¼; NW¼, W½ NE¼ Section 18.

T. 12N., R.05E. Humboldt Meridian: Section 1 except SE¼ SW¼; Section 2; S½, SE¼ NE¼ Section 3; Section 4 except N½ NE¼; Sections 5–23; Section 24 except E½ E½; Sections 25–36.

T. 12N., R.04E. Humboldt Meridian: Sections 1–36.

T. 12N., R.03E. Humboldt Meridian: Sections 1–2; S½, E½ NE¼ Section 3; Section 10 except W½ W½, NE¼ NW¼; Sections 11–14, Section 15 except W½ W½; E½ NE¼, N½ SE¼ Section 22; Section 23; Section 24; Section 25 except N½ SE¼, SW¼ SE¼, SW¼ NE¼; N½ NE¼, SE¼ NE¼ Section 26.

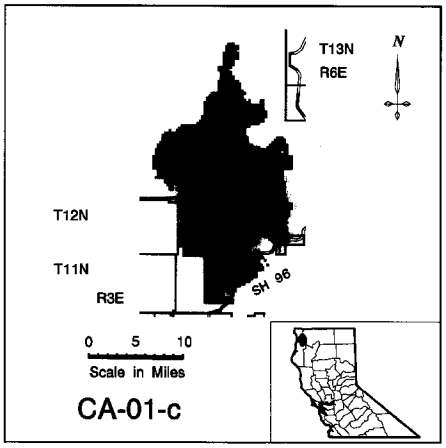
T. 11N., R.06E. Humboldt Meridian: SW¼, W½ NW¼, W½ SE¼ Section 6; W½, NW¼ NE¼ Section 7; NW¼ NW¼, NW¼ SW¼ Section 18; W½ W½, SE¼ SW¼ Section 19; N½ NW¼, SW¼ NW¼, NW¼ NE¼ Section 30.

T. 11N., R.05E. Humboldt Meridian: Sections 1–20; Section 21 except NW¼ SW¼, SE¼ SW¼; Sections 22–24; Section 25 except SE¼, SE¼ NE¼; Section 26 except SW¼, SW¼ SE¼, SW¼ NW¼; NE¼ NE¼, NW¼ NW¼ Section 27; Sections 28–32; W½ W½, E½ SE¼, SW¼ SE¼, SE¼ SW¼ Section 33, W½ SW¼ Section 34.

T. 11N., R.04E. Humboldt Meridian: Sections 1–17, Section 18 except SW¼ NW¼, NW¼ SW¼; Section 19 except SW¼ NW¼; Sections 20–30; N½ N½, E½ SE¼, SE¼ NE¼ Section 31; Sections 32–36.

T. 10N., R.05E. Humboldt Meridian: NW¼, W½ SW¼, SW¼ NE¼, NE¼ SE¼ Section 3, Sections 4–9, Section 10 except S½, E½ NE¼, NW¼ NE¼; NW¼ NW¼ Section 11; NW¼, N½ NE¼, NW¼ SW¼ Section 16; Section 17 except NW¼ NW¼, SE¼ SE¼; Section 18 except E½ NE¼, NE¼ SE¼; Section 19 except S½ SE¼, NE¼ SE¼, SE¼ NE¼; NW¼ NW¼, W½ SW¼ Section 30.

T. 10N., R.04E. Humboldt Meridian: Sections 1–3; N½ N½ Section 4; N½ N½ Section 5; Sections 10–15; Sections 22–23; Section 24 except SE¼ SW¼; Section 25 except N½ NE¼, NE¼ NW¼; Sections 26–27.



Map and description of CA–01–d taken from United States Fish and Wildlife Service 1:100;000 map; Happy Camp California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.17N., R.03E. Humboldt Meridian: E½ E½, NW¼ NE¼ Section 24; E½ E½, W½ SE¼, SE¼ SW¼ Section 25; N½ N½ Section 36.

T.16N., R.03E. Humboldt Meridian: S½ SW¼, SE¼, NE¼ SW¼ Section 1; NE¼ SE¼, SE¼ NE¼ Section 11; Section 12; Section 13 except W½ SW¼, SW¼ NW¼; E½ NE¼, NE¼ NW¼, SE¼ NE¼, NE¼ SE¼ Section 24; E½ SE¼, SW¼ SE¼ Section 25; Section 36 except W½ W½, E½ SW¼, W½ SE¼.

T.15N., R.07E. Humboldt Meridian: SW¼ NW¼, NW¼ SW¼ Section 7.

T.15N., R.06E. Humboldt Meridian: NW¼ Section 13.

T.15N., R.03E. Humboldt Meridian: E½ E½ Section 1; E½ E½, SW¼ SE¼ Section 12.

T.14N., R.06E. Humboldt Meridian: Section 4 except E½ E½, SW¼ SE¼, SE¼ SW¼; E½ Section 5; E½ Section 8; Section 9 except E½ NE¼, NE¼ SE¼; Section 16 except NE¼ SE¼; E½ Section 17; NE¼ Section 20; Section 21 except SW¼ SW¼; SW¼, S½ NW¼ Section 22; NE¼ NW¼ Section 28.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.18N., R.04E. Humboldt Meridian: SW¼ SE¼ Section 33; E½ SE¼ Section 35; S½ SW¼, NW¼ SW¼ Section 36.

T.17N., R.06E. Humboldt Meridian: S½ SW¼, NW¼ SW¼, SW¼ SE¼ Section 14; S½ SW¼, NE¼ SE¼ Section 15; S½ SE¼, NW¼ SE¼ Section 16; E½ Section 21; Section 22; Section 23 except NE¼ NE¼; W½ SW¼ Section 24; Section 26 except E½ SE¼; Section 27 except SW¼, W½ SE¼, SE¼ NW¼; NE¼ NE¼ Section 28.

T.17N., R.05E. Humboldt Meridian: SW¼, SW¼ NW¼ Section 4; Section 5 except N½ N½, SW¼ NW¼; Section 6 except NE¼, E½ NW¼; Section 7–8; W½ NW¼ Section 9.

T.17N., R.04E. Humboldt Meridian: S½, S½ NW¼, NE¼ NW¼ Section 1; Section 2 except NE¼ NE¼, SW¼ SW¼; Section 3 except E½ SE¼, W½ NW¼, NE¼ NW¼, NW¼ NE¼; S½, S½ NW¼; NW¼ NW¼ Section 5; E½ SE¼ Section 6; Section 7 except NW¼; Sections 8–9; Section 10 except S½ S½, NE¼ SE¼, NE¼ NE¼; NE¼ NE¼ Section 11; Section 12 except S½ SW¼, SW¼ SE¼; Section 16 except E½ NE¼, NE¼ SE¼; Sections 17–18; Section 19 except E½ E½; SE¼, NE¼ SW¼ Section 20; S½ Section 21; SW¼, S½ SE¼ Section 22; Section 27 except SE¼ SE¼; Section 28 except SW¼ SW¼; E½ NE¼, NW¼ NE¼, S½ SW¼, NW¼ SW¼ Section 29; Section 30; Section 31 except W½ SW¼; Section 32 except NE¼ NE¼; E½ NE¼, NW¼ NE¼; S½ SW¼, NW¼ SW¼, SW¼ SE¼ Section 33; NW¼, W½ NE¼, NE¼ SW¼, NW¼ SE¼ Section 34.

T.16N., R.04E. Humboldt Meridian: Section 2 except N½, E½ SE¼, W½ SW¼; Section 3 except NE¼, E½ SE¼, NE¼ NW¼; Sections 4–7; NW¼, W½ SW¼, E½ NE¼, NW¼ NE¼ Section 8; SW¼ SW¼ Section 9; Section 10 except S½ SE¼, Section 11 except S½ S½; NW¼ NW¼ Section 15; N½ NE¼, NE¼ NW¼ Section 16; NW¼ NW¼ Section 17; Sections 18–19; Section 30 except SE¼ SE¼; W½, W½ NE¼ Section 31.

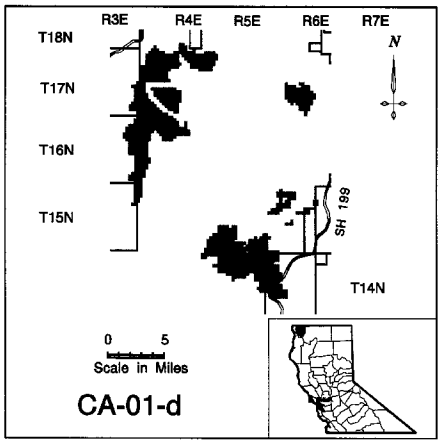
T.15N., R.06E. Humboldt Meridian: W½ SW¼ Section 2; S½ Section 3; SE¼ NE¼, SE¼ Section 4; E½ SE¼ Section 9; Section 10 except E½ NW¼, NW¼ NE¼; N½ NW¼ Section 11; NE¼ SE¼, SE¼ NE¼ Section 12; S½ NE¼ Section 14; NW¼ NW¼ Section 15; Section 16 except S½, NW¼ NW¼; S½ NE¼ Section 22; W½ NW¼ Section 23; NW¼ SW¼ Section 28; Section 29 except NW¼, N½ NE¼, NW¼ SW¼; E½ SE¼, SW¼ SE¼, SE¼ SW¼ Section 30; Section 31 except NW¼ NW¼, SW¼ SW¼; Section 32; S½ S½ Section 33.

T.15N., R.05E. Humboldt Meridian: SE¼ Section 22; Section 23 except N½, NW¼ SE¼; W½ SW¼ Section 24; W½ NW¼, NW¼ SW¼ Section 25; Section 26; Section 27 except N½ NW¼; S½ SE¼, NE¼ SE¼ Section 28; E½, E½ SW¼ Section 33; Sections 34–35; Section 36 except SE¼ NE¼.

T.15N., R.04E. Humboldt Meridian: W½ Section 6; N½ NW¼, SW¼ NW¼, NW¼ SW¼ Section 7.

T.14N., R.06E. Humboldt Meridian: W½ Section 5; Section 6; Section 7; W½ Section 8; Section 17 except W½ SW¼; E½ NE¼ Section 18; N½ NW¼, SE¼ NW¼ Section 20.

T.14N., R.05E. Humboldt Meridian: Sections 1–2; Section 3 except SE¼, S½ NW¼; NW¼, N½ NE¼ Section 4; NE¼, N½ SE¼, N½ NW¼ Section 10; Section 11 except SW¼ SW¼; Section 12; N½ N½ Section 13; E½ NE¼ Section 14.



Map and description of CA–01–e taken from United States Fish and Wildlife Service 1:100;000 map; Grants Pass, Oregon; Happy Camp, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.41S., R.07W. Willamette Meridian: S½ SW¼, NW¼ SW¼ Section 6; N½ NW¼, SW¼ NW¼ Section 7; SE¼, SE¼ NE¼ Section 8; S½ SE¼, SW¼, S½ NW¼ Section 9; NW¼ NE¼, E½ E½ Section 17.

T.41S., R.08W. Willamette Meridian: Section 1 except N½ N½, S½ SW¼, NE¼ SW¼; Section 2 except N½ N½; W½ SW¼, SW¼ NW¼ Section 3; Section 4 except N½ N½, W½ SW¼, SW¼ NW¼; Section 7 except N½ NE¼, NE¼ NW¼; W½ SW¼, SW¼ NW¼ Section 8; Section 9 except W½ W½; W½ NW¼, E½ SE¼ Section 10; Section 11 except SE¼ NE¼; Section 12–14; Section 15 except N½ NW¼, NW¼ NE¼; Section 16 except NW¼ NW¼; Section 17 except N½ NE¼; Section 18.

T.41S., R.09W. Willamette Meridian: SE¼ NE¼ Section 12; NE¼ NE¼ Section 13.

T.19N., R.06E. Humboldt Meridian: SE¼ SE¼ Section 31; Section 32 except NW¼ NW¼; W½ Section 33.

T.19N., R.05E. Humboldt Meridian: Section 32 except W½ W½, S½ SW¼; Sections 33–34; Section 35 except S½ SW¼, SW¼ SE¼; NW¼ NW¼ Section 36.

T.19N., R.04E. Humboldt Meridian: Section 32; W½ Section 33.

T.18N., R.05E. Humboldt Meridian: Section 5 except NW¼; SE¼ Section 6; Section 7 except S½ S½, NW¼ SW¼; Section 16–17; SE¼, E½ SW¼, S½ NW¼, NW¼ NW¼, S½ NE¼ Section 18; N½ Section 19.

T.18N., R.04E. Humboldt Meridian: W½ SW¼ Section 2; Section 3 except E½ NE¼, NW¼ NW¼, W½ SE¼, SE¼ SW¼; W½, NW¼ SE¼, SW¼ NE¼ Section 4; NE¼ NW¼ Section 9.

T.18N., R.03E. Humboldt Meridian: Section 1 except SW¼ SW¼; E½ SE¼, SW¼ SE¼, SE¼ NE¼, SW¼ Section 2; Section 11 except SE¼ SE¼; NW¼ NE¼ Section 12; W½ NW¼ Section 14; Section 15 except W½, NW¼ NE¼; E½ NW¼, W½ NE¼, E½ SW¼, SW¼ SW¼, NE¼ NE¼, NW¼ SE¼ Section 22; W½ Section 27; SE¼, SE¼ NE¼, SE¼ SW¼ Section 28; E½ SE¼, SE¼ NE¼ Section 32; Section 33 except NW¼ NW¼; W½ Section 34.

T.17N., R.03E. Humboldt Meridian: N½ NW¼, SW¼ NW¼, NW¼ SW¼ Section 3; Section 4 except S½ S½.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

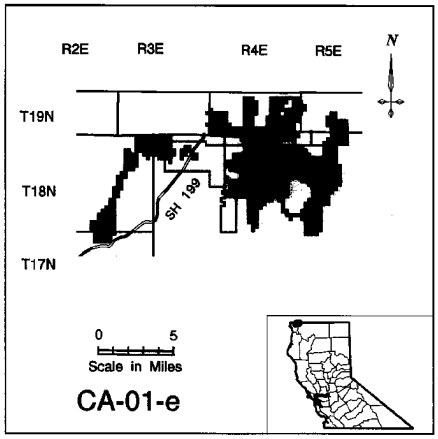
T.18N., R.06E. Humboldt Meridian: Section 5 except E½ E½; E½ E½, S½ SW¼, SW¼ SE¼ Section 6; Section 7; Section 8 except NE¼ NE¼; Sections 17–19; NW¼, W½ SW¼, NW¼ NE¼ Section 20; NW¼ NW¼ Section 29; Section 30 except E½ SE¼, SE¼ NE¼; Section 31 except E½ E½, SW¼ SE¼.

T.18N., R.05E. Humboldt Meridian: Section 1 except N½ NE¼, SE¼ NE¼; Sections 2–4; Sections 8–12; Section 13 except W½ SW¼; SE¼ SW¼, SW¼ SE¼; Section 14 except SE¼; Section 15; Section 20 except S½ SW¼, SW¼ SE¼; Section 21; Section 22 except SW¼ SE¼; NW¼, N½ SW¼, SW¼ SW¼ Section 23; SE¼ SE¼ Section 24; Section 25 except NW¼, NW¼ SW¼; W½ NW¼, N½ SW¼, SE¼ SW¼, S½ SE¼ Section 26; Section 28 except SE¼, SE¼ NE¼; E½ E½ Section 29; E½ NE¼ Section 32; Section 33 except E½, SE¼ SW¼; NW¼ NE¼ Section 35; E½, NE¼ NW¼ Section 36.

T.18N., R.04E. Humboldt Meridian: Section 5; N½ NE¼, NE¼ NW¼ Section 8.

T.17N., R.06E. Humboldt Meridian: N½ NW¼ Section 6.

T.17N., R.05E. Humboldt Meridian: N½ NE¼ Section 1.



Map and description of CA–02–a taken from United States Fish and Wildlife Service 1:100;000 map; Crescent City, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.14N., R.01E. Humboldt Meridian: SE¼, S½ NE¼, E½ SW¼ Section 21; S½ SW¼, NW¼ SW¼ Section 22; N½ NW¼, SW¼ NW¼ Section 27; Section 28 except SW¼, NW¼ NW¼, S½ SE¼.

T.17N., R.01E. Humboldt Meridian: SW¼ SW¼ Section 21; W½ NW¼, NW¼ SW¼ Section 28; E½ NE¼, NE¼ SE¼ Section 29.

Proposed Critical Habitat includes only State lands described within the following areas:

T.14N., R.01E. Humboldt Meridian: Section 6 except NE¼, E½ SE¼, SW¼ SW¼; E½ W½, NW¼ NE¼, SW¼ SE¼ Section 7; NE¼ SE¼, NW¼ NE¼ Section 18.

T.15N., R.01E. Humboldt Meridian: W½ SW¼ Section 6; S½ Section 7; Section 8 except E½ E½, W½ NW¼; N½, W½ SW¼ Section 17; Sections 18–19; W½ NW¼ Section 20; W½, N½ NE¼ Section 30; W½ Section 31.

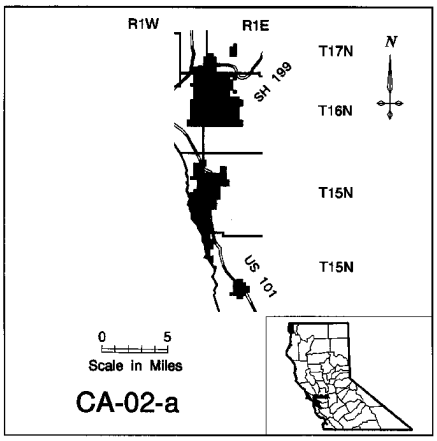
T.15N., R.01W. Humboldt Meridian: E½ SE¼, SW¼ SE¼, SE¼ SW¼ Section 1; Section 12 except W½ NW¼, NW¼ SW¼; E½, SE¼ SW¼ Section 13; Sections 24–25; E½, N½ NW¼ Section 36.

T.16N., R.01E. Humboldt Meridian: W½ NW¼ Section 4; Section 5 except SE¼ SE¼; Sections 6–7; Section 8 except SE¼ NE¼, NE¼ SE¼; SW¼ NW¼, S½ SW¼ Section 9; W½, E½ NE¼ Section 16; Sections 17–20; W½, W½ SE¼ Section 21.

T.16N., R.01W. Humboldt Meridian: Section 1; SE¼ SE¼ Section 2; Sections 12–13; E½ E½ Section 14; SE¼, E½ NE¼ Section 23; Section 24.

T.17N., R.01E. Humboldt Meridian: SW¼, SW¼ SE¼ Section 30, Section 31 except E½ SE¼, NE¼ NE¼.

T.17N., R.01W. Humboldt Meridian: SE¼ SE¼ Section 25; S½, E½ NE¼ Section 36.



Map and description of CA–02–b taken from United States Fish and Wildlife Service 1:100;000 map; Orick and Hoopa, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

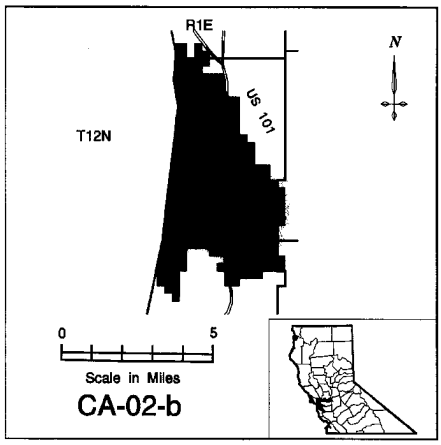
T.11N., R.01E. Humboldt Meridian: Section 1; Section 2; N½ N½ Section 3; Section 4 except E½ SE¼, SE¼ NE¼; W½ E½, NW¼, NE¼ SW¼ Section 9; N½ NE¼, SW¼ NE¼, E½ NW¼ Section 11; N½ NW¼ Section 12.

T.11N., R.02E. Humboldt Meridian: W½ SW¼ Section 6.

T.12N., R.01E. Humboldt Meridian: N½ NW¼, SW¼ NW¼, S½ Section 3; E½ W½, E½ Section 4; Section 9; Section 10; S½ NW¼, SW¼ Section 11; W½, NW¼ SE¼, S½ SE¼ Section 14; Section 15; Section 16; Section 21; Section 22; Section 23; SW¼ Section 24; Section 25; Section 26; Section 27; Section 28; Section 33; Section 34; Section 35; Section 36.

T.12N., R.02E. Humboldt Meridian: SW¼ NW¼, W½ SW¼ Section 30; W½ NW¼ Section 31.

T.13N., R.01E. Humboldt Meridian: SW¼,W½ SE¼ Section 33; SW¼ SW¼ Section 34.



Map and description of CA–02–c taken from United States Fish and Wildlife Service 1:100;000 map; Orick, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

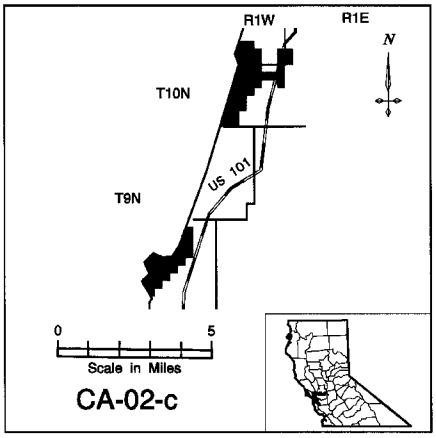
T.09N., R.01W. Humboldt Meridian: W½ SW¼, SW¼ NW¼ Section 24 above Mean High Water (MHW); NW¼ NW¼ Section 25; Section 26 except S½ SE¼, NE¼ SE¼; Section 27 to MHW; NE¼ Section 34; NW¼ NW¼ Section 35.

T.10N., R.01E. Humboldt Meridian: Section 29 except S½ S½, NW¼ SE¼, NE¼ SW¼, NW¼ NE¼, NE¼ NW¼; Section 30 above MHW; W½, W½ NE¼ Section 31.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only State lands described within the following areas:

T.10N., R.01E. Humboldt Meridian: E½ SE¼, W½ SW¼ Section 20; Section 19 above MHW.



Map and description of CA–03–a taken from United States Fish and Wildlife Service 1:100;000 map; Eureka and Hayfork, California; 1995.

Proposed Critical Habitat includes only Private lands described within the following areas:

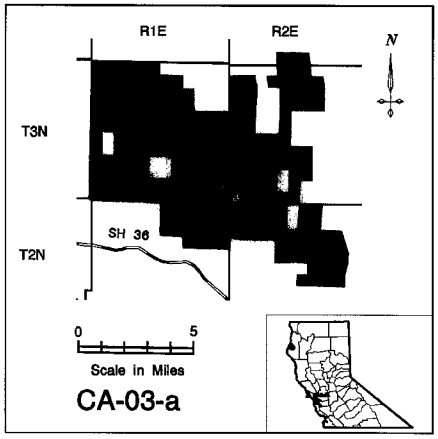
T.02N., R.01E. Humboldt Meridian: Section 1–3; N½ Section 10; Section 11–12.

T.02N., R.02E. Humboldt Meridian: Section 3; W½ Section 4; Section 5–6; N½ Section 7; N½ Section 8; Section 9–14; Section 15 except SW¼; N½ Section 16; N½ Section 22; N½ Section 23.

T.03N., R.01E. Humboldt Meridian: S½ Section 3; Section 4–10; W½ Section 11; Section 13–18; W½ Section 19; Section 20–26; E½ Section 27; W½ Section 28; Section 29–35; Section 36 except NE¼.

T.03N., R.02E. Humboldt Meridian: Section 3 except NE¼; Section 4; SE¼ Section 5; S½ Section 6; Section 7; Section 9; Section 10; W½ Section 16; Section 18–20; Section 21 except NE¼; SW ¼ Section 22; W½ Section 27; Section 28 except SW¼; Section 29–30; Section 31 except SW¼; Section 32; Section 33 except NW¼.

T.04N., R.02E. Humboldt Meridian: S½ Section 33; SW¼ Section 34.



Map and description of CA–04–a taken from United States Fish and Wildlife Service 1:100;000 map; Cape Mendocino and Garberville, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.01N., R.01E. Humboldt Meridian: SE¼ SW¼, SE¼ Section 24; SW¼ NW¼, N½ N½ Section 25; S½ NE¼, NE¼ NE¼, SE¼ NW¼ Section 26.

T.01N., R.02E. Humboldt Meridian: E½ NE¼ Section 11; NW¼ Section 12; S½, S½ SW¼, SE¼ NE¼ Section 19; W½ W½ Section 29; N½ NW¼, E½ SE¼, SE¼ NW¼, NE¼ Section 30; NW¼ NW¼, SE¼, E½ SW¼ Section 32.

T.01S., R.01E. Humboldt Meridian: SE¼ NE¼, E½ SE¼ Section 15; SW¼ NW¼, SW¼, W½ SE¼, SE¼ SE¼ Section 14; S½ S½ Section 13; E½ E½, SW¼ SE¼, SE¼ SW¼ Section 22; Sections 23–27; Section 28 except N½, NW¼, NW¼ SW¼, SW¼ NW¼; Section 33 except SW¼ NW¼, SW¼, SW¼ SE¼; Sections 34–36.

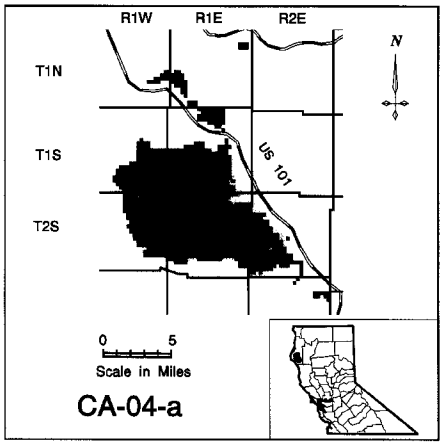
T.01S., R.02E. Humboldt Meridian: Section 3; Section 4 except SW¼ NW¼; NE¼ NE¼ Section 9; N½ NW¼, SE¼ NW¼, N½ NE¼, SW¼ NE¼, NE¼ SE¼ Section 10; W½ NW¼, SW¼, E½ NW¼ Section 14; SE¼ Section 15; S½ NW¼, SW¼, S½ SE¼ Section 16; S½, SE¼ NE¼ Section 17; S½ S½ Section 18; Sections 19–22; W½ Section 23; W½ Section 26; Sections 27–34; W½ NW¼, N½ SW¼, SW¼ SW¼, SW¼ SE¼, S½ SE¼ NW¼ SE¼ Section 35.

T.02S., R.01E. Humboldt Meridian: Sections 1–2; Section 3 except SE¼ SE¼; E½ E½ Section 4; E½ E½ Section 9; Section 10–14; Section 15 except W½, SW¼; E½, E½ NW¼, NW¼ NW¼ Section 22; Sections 23–25; Section 26 except SW¼ NE¼, SW¼, S½ NW¼.

T.02S., R.02E. Humboldt Meridian: S½ Section 1; Section 2 except NE¼, NE¼; Sections 3–24; Section 25 except SW¼ SW¼; N½ Section 26; Section 27 except S½ S½; Section 28 except S½, NW¼ SW¼; Section 29 except SE¼; Section 30 except E½, SE¼ SW¼, SW¼ SE¼; NE¼ NW¼, N½ NE¼ Section 36.

T.02S., R.03E. Humboldt Meridian: Section 7 except N½; NW¼ SW¼ Section 8; Section 17 except NE¼, E½ SE¼; Sections 18–20; Section 21 except E½ NW¼, W½ NE¼, NE¼ NE¼, SE¼; S½ S½, NW¼ SW¼, SW¼ NW¼ Section 27; Section 28 except NE¼ NE¼; Section 29; Section 30; Section 31 except S½ S½, NW¼ SE¼; N½ Section 32 except SE¼ NE¼; N½ NE¼, NE¼ NW¼ Section 33; E½ E½ SE¼ Section 34.

T.03S, R.03E. Humboldt Meridian: SE¼ NW¼, NW¼ NE¼ Section 3; E½ NE¼ Section 11; NE¼, NE¼ SE¼, N½ NW¼, SW¼ NW¼ Section 12.



Map and description of CA–04–b taken from United States Fish and Wildlife Service 1:100;000 map; Garberville, California; 1995.

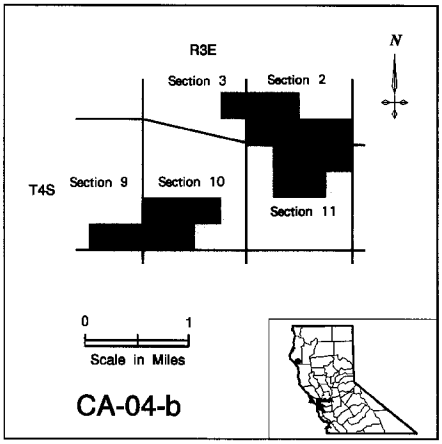
Proposed Critical Habitat includes only State lands described within the following areas:

T.04S., R.03E. Humboldt Meridian: SW¼, S½ SE¼ Section 2; S½ SE¼ Section 9; SW¼, NW¼ SE¼ Section 10; E½ NW¼, W½ NE¼, NE¼ NE¼ Section 11.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only State lands described within the following areas:

T.04S., R.03E. Humboldt Meridian: NE¼ SE¼ Section 3.



Map and description of CA–05-a taken from United States Fish and Wildlife Service 1:100;000 map; Cape Mendocino, Garberville and Covelo, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.02S., R.02E. Humboldt Meridian: SE¼ SE¼ Section 31; SW¼ SE¼ Section 32.

T.03S., R.02W. Humboldt Meridian: SE¼ SE¼ Section 12; Sections 13–14; Section 15 East of Mean High Water (MHW); Section 16 East of MHW except N½ N½; Section 22 East of MHW; Section 23 East of MHW; Section 24 except S½ SE¼, NE¼ SE¼; NW¼ NW¼ Section 25; N½ NE¼ Section 26 East of MHW.

T.03S., R.01W. Humboldt Meridian: SW¼ SW¼ Section 9; NE¼ SE¼ Section 10; S½, SE¼ NE¼ Section 11; SW¼ NW¼, W½ SW¼, SE¼ SW¼, S½ SE¼ Section 12; Sections 13–16; Section 17 except NW¼ NE¼; Section 18; N½ NW¼, NE¼ NE¼, SW¼ SW¼, NE¼ SW¼ Section 19; N½, N½ SE¼, SE¼ SE¼ Section 20; Sections 21–27; NE¼ NW¼, NE¼, NE¼ SE¼ Section 28; SE¼ NE¼ Section 30, SE¼ NE¼ Section 32; N½ NW¼, SE¼ SW¼, SE¼ Section 33; Section 34 except SE¼ SE¼; N½ N½, SW¼ NW¼ Section 35; Section 36 except SW¼ SW¼, S½ SE¼.

T.03S., R.01E. Humboldt Meridian: SE¼ SW¼ Section 6; S½ NW¼, NE¼ NW¼ Section 7; N½ S½, SE¼ Section 12; E½ SE¼, NW¼ SE¼, SE¼ NE¼ Section 13; SW¼ SW¼ Section 18; W½ SW¼, NW¼ NW¼ Section 19; SE¼ NE¼, NE¼ SE¼ Section 24; W½ SW¼ Section 29; Section 30 except NE¼ NE¼; Section 31; W½ W½, NE¼ NW¼, NE¼ SW¼ Section 32.

T.03S., R.02E. Humboldt Meridian: W½ W½, NE¼ NW¼, SE¼ NE¼, SW¼ SE¼ Section 5; E½ SE¼, SW¼ SE¼ Section 6; Section 7 except SW¼ NW¼, SE¼ SE¼; W½ W½, SE¼ NW¼, E½ SW¼, W½ NE¼, W½ SE¼, SE¼ SE¼ Section 8; S½ SW¼ Section 9; E½ SW¼ Section 18; NE¼ NW¼, SE¼ SW¼, SW¼ SE¼ Section 19; SE¼ NE¼ Section 20; NW¼ NW¼ Section 28; NW¼ NE¼ Section 30.

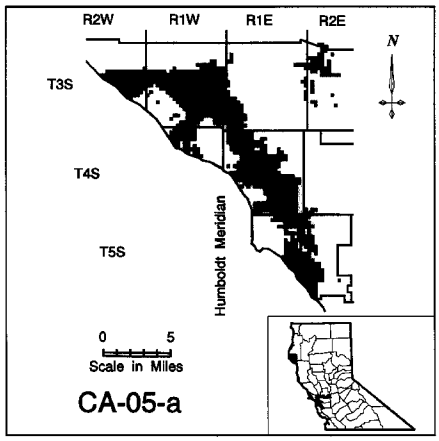
T.04S., R.01W. Humboldt Meridian: Section 3; Section 4 except NW¼ NW¼; Section 9 to MHW except for E½ E½; Section 10 to MHW except N½ NE¼, SW¼ NE¼, SW¼ SE¼; W½ SW¼ Section 11; N½ NW¼ Section 14.

T.04S., R.01E. Humboldt Meridian: SW¼, W½ SE¼, SE¼ SE¼, S½ NE¼ Section 4; Section 5; Section 6 except W½ W½; NE¼, E½ NW¼, N½ SE¼ Section 7; Section 8; Section 9 except N½ NW¼; S½, E½ NE¼ Section 10; SW¼, SW¼ NW¼ Section 11; Section 15; Sections 16–17; E½ E½, SW¼ NW¼, SW¼ NE¼ Section 18; E½ E½, NW¼ NE¼ Section 19; Section 20 except S½ SW¼; Sections 21–23; S½ NW¼, NW¼ NW¼, SW¼, SW¼ NE¼, NW¼ SE¼ Section 24; W½ Section 25; Section 26; Section 27 except SW¼ SW¼; N½ NE¼, NE¼ NW¼ Section 28; NE¼ NW¼, NE¼ NE¼ Section 29; NE¼, E½ NW¼, E½ SW¼, N½ SE¼, SW¼ SE¼ Section 33; Section 34 except S½ SW¼; Section 35; W½ Section 36.

T.04S., R.02E. Humboldt Meridian: S½ SW¼, NE¼ SW¼, NW¼ SE¼ Section 31.

T.05S., R.01E. Humboldt Meridian: Section 1; Section 2 except N½ SW¼; E½ NE¼, SW¼ NE¼ Section 3; W½ NE¼, SE¼ NE¼, SW¼ SE¼ Section 11; Section 12 except N½ NW¼, NE¼ SW¼; Section 13 except W½ NE¼, SE¼ NE¼, NE¼ SE¼; E½ Section 14; Section 23 East of MHW; Section 24; Section 25 East of MHW.

T.05S., R.02E. Humboldt Meridian: W½ NW¼, NW¼ SW¼, E½ SW¼, NW¼ SE¼ Section 6; SW¼, E½ NW¼, SW¼ NW¼ Section 7; Section 18 except SW¼ NW¼, E½ E½, SW¼ SE¼ Section 19 except N½ NE¼, SE¼ NE¼; SW¼ NW¼ Section 28; Section 30 except SE¼ SE¼; W½ Section 31.



Map and description of CA–05–b taken from United States Fish and Wildlife Service 1:100;000 map; Covelo, California; 1995.

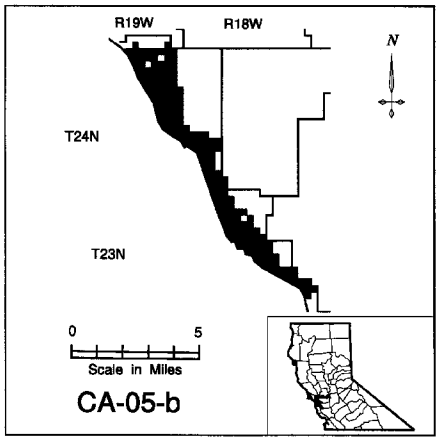
Proposed Critical Habitat includes only State lands described within the following areas:

T.24N., R.19W. Mt. Diablo Meridian: W½ SW¼ Section 2; Section 3 except NW¼, W½ NE¼, NE¼ NE¼ SW¼ SE¼; NE¼ SW¼, SW¼ NE¼, SE¼ Section 4; NE¼ SE¼, SE¼ NE¼, N½ NE¼ Section 9; Section 10 except NW¼ NW¼; W½ W½ Section 11; W½ Section 14; Section 15 except W½ SW¼; NE¼, N½ SE¼ Section 22; Section 23 except NE¼, NE¼ SE¼; S½ SW¼ Section 24; Section 25 except E½ SE¼; NW¼, NE¼ NW¼ Section 26; Section 36 except NE¼ NE¼, W½ SW¼.

T.24N., R.18W. Mt. Diablo Meridian: W½ SW¼ Section 31.

T.23N., R.19W. Mt. Diablo Meridian: E½ E½ Section 1.

T.23N., R.18W. Mt. Diablo Meridian: SW¼ SW¼ Section 5; Section 6 except NE¼ NW¼, NE¼, NE¼ SE¼; Section 7; Section 8 except NW¼ NW¼, NE¼, NE¼ SE¼; W½ SW¼ Section 15; Section 16 except E½ NW¼, NE¼, NW¼, N½ SE¼; NE¼ Section 21; N½ NW¼, SE¼ NW¼, W½ NE¼, SE¼ NE¼, NW¼ SE¼ Section 22.



Map and description of CA–06–a taken from United States Fish and Wildlife Service 1:100;000 map; Garberville and Covelo, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.05S., R.03E. Humboldt Meridian: Section 13 except NE¼; Section 14 except N½ NE¼; SE¼ NE¼, E½ SE¼ Section 15; NW¼ NE¼ Section 24.

T.05S., R.04E. Humboldt Meridian: W½ SW¼ Section 18.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.24N., R.15W. Mt. Diablo Meridian: SW¼ Section 4; Section 5 except W½ SW¼, SE¼ SW¼, NW¼ NW¼; S½ NE¼ Section 6.

T.24N., R.16W. Mt. Diablo Meridian: N½ NE¼, NE¼ NW¼ Section 3; NE¼ NW¼, SW¼ NW¼, S½ SE¼, Section 5; W½ NW¼ Section 6; SE¼ SW¼, W½ SE¼, SE¼ SE¼ Section 9; S½ SW¼ Section 10.

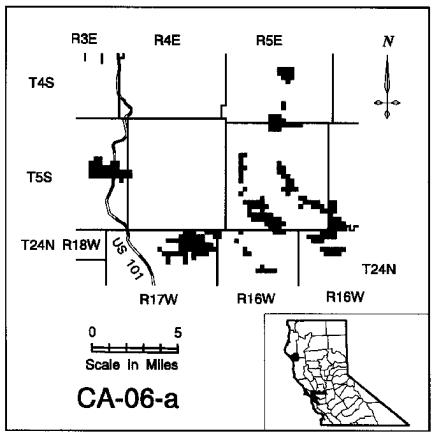
T.24N., R.17W. Mt. Diablo Meridian: Section 1 except NW¼ NW¼, SE¼ SE¼; Section 2 except SE¼ SW¼; S½ S½, NE¼ SE¼, S½ N½, NE¼ NE¼ Section 3; SE¼ SE¼, NW¼ SE¼ Section 4; W½ NW¼ Section 10; NW¼ NE¼, W½ NW¼ Section 11.

T.05S., R.05E. Humboldt Meridian: N½ NW¼ Section 2; N½ N½, SW¼ NW¼ Section 3; NE¼ Section 4; SE¼ SE¼ Section 7; SW¼ SW¼ Section 8; SW¼ NW¼, SW¼, SW¼ SE¼ Section 15; NW¼ SW¼ Section 17; E½ E½ Section 18; NE¼ NE¼, SE¼

SE¼ Section 19; SW¼ SW¼, NW¼ SW¼ Section 20; NE¼, NE¼ SW¼, N½ SE¼, SW¼ SE¼ Section 22; NW¼ SW¼ Section 23, S½ NW¼, N½ SW¼, S½ SE¼, NW¼ SE¼ Section 25; NE¼ NW¼, NE¼ SW¼, W½ NE¼, SE¼ NE¼ Section 26; W½ W½, NE¼ SW¼ Section 28; S½ N½, E½ SW¼, N½ SE¼ Section 29; NE¼, NE¼ NW¼ Section 32; NW¼ NE¼, S½ NE¼, NW¼, NE¼ SW¼, SE¼ Section 33; SW¼ NW¼, N½ SW¼, SW¼ SW¼ Section 34.

T.05S., R.06E. Humboldt Meridian: S½ NW¼, SW¼ Section 30; Section 31 except NE¼ NW¼, N½ NE¼, SE¼ NE¼.

T.04S., R.05E. Humboldt Meridian: S½ SW¼, SW¼ SE¼ Section 15; SE¼ SE¼ Section 16; NW¼, W½ NE¼, NE¼ SW¼ Section 22; SW¼ SW¼ Section 27; SE¼ Section 33; E½ NW¼, NW¼ NW¼, W½ SW¼, SE¼ SW¼ Section 34.



Map and description of CA–06–b taken from United States Fish and Wildlife Service 1:100;000 map; Covelo, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.21N., R.15W. Mt. Diablo Meridian: W½ NW¼ Section 5; Sections 6–7; NW¼ NE¼, N½ NW¼, SW¼ NW¼, N½ S½, SW¼ SW¼ Section 8; W½ W½, SE¼ SW¼, S½ SE¼ Section 17; Section 18.

T.21N., R.16W. Mt. Diablo Meridian: Section 1; N½ NE¼, NE¼ NW¼, SE¼ SE¼ Section 2; E½ NE¼ Section 11; Section 12 except NW¼ SW¼ and S½ SW¼; NE¼, NE¼ SE¼ Section 13.

T.22N., R.14W. Mt. Diablo Meridian: NW¼ SW¼, S½ SW¼ Section 6; Section 7; Section 18 except E½ SE¼; N½ SE¼, SE¼ SE¼ Section 19; N½ SW¼, NW¼ SE¼, S½ SE¼ Section 20; SW¼ SW¼, NE¼ SE¼ Section 21; NW¼ NW¼, S½ NW¼ Section 22; E½ NE¼, W½ NW¼, NE¼ SE¼ Section 28; NE¼, NE¼ NW¼, S½ NW¼, SW¼, NW¼ SE¼ Section 29; S½ NE¼, N½ NW¼, SE¼ Section 32.

T.22N., R.15W. Mt. Diablo Meridian: SW¼ NE¼, S½ Section 1; N½, Section 12; E½ Section 13; NE¼ SW¼, S½ SW¼, W½ SE¼ Section 19; SW¼ NE¼ Section 24; SW¼ NE¼, W½ NW¼, SW¼, W½ SE¼ Section 30; SW¼ NE¼, NW¼ NW¼, S½ NW¼, S½ Section 31.

T.22N., R.16W. Mt. Diablo Meridian: Section 3 except N½ NW¼ and SE¼ NW¼; Section 4; Section 5 except S½ SE¼, NE¼ SE¼, SE¼ NE¼; E½, E½ W½, S½ SW¼, SE¼ NW¼ Section 6; NE¼ NE¼, N½ NW¼, SE¼ SW¼, SE¼ Section 7; N½ NE¼, E½ W½, S½ SE¼, SW¼ SW¼ Section 8; Section 9 except NW¼; SW¼ NE¼, W½, NW¼ SE¼, S½ SE¼ Section 10; NW¼ NW¼ Section 16; N½ NE¼, W½ Section 17; Section 18 except NW¼ NW¼, SE¼ SW¼; S½ NE¼, NE¼ NE¼ Section 19; NW¼ SW¼ Section 20; N½ NE¼, SE¼ SE¼ Section 21; N½ NW¼, S½ SW¼, SW¼ SE¼ Section 22; SE¼ SE¼ Section 23; Section 26; Section 27 except NE¼ NE¼, W½ SW¼, S½ SE¼, SE¼ SW¼; SE¼ Section 34; Section 35.

T.22N., R.17W. Mt. Diablo Meridian: NE¼ NE¼, SW¼ NE¼, SE¼ NW¼, NE¼ SW¼, W½ SE¼ Section 12; S½ SE¼ Section 13; NE¼ Section 24.

T.23N., R.16W. Mt. Diablo Meridian: E½ NE¼, NE¼ SE¼ Section 5; W½ W½ Section 6; E½ W½, E½, W½ SW¼ Section 7; SW¼ NW¼, SW¼ SW¼ Section 8; W½ Section 17; Section 18 except NE¼ NE¼, W½ SW¼, SE¼ SW¼; S½ SE¼, SE¼ SW¼ Section 19; S½ Section 20; NW¼ NW¼, S½ NW¼, SW¼, SW¼ SE¼ Section 28; Section 29 except NE¼ NW¼; Section 30 except NE¼ NE¼; Section 31 except SW¼ SW¼; Section 32 except SE¼ NE¼, SW¼ SE¼, E½ SE¼; S½ NE¼, NW¼ NE¼, N½ NW¼, S½ Section 33; S½ NW¼, N½ SW¼ Section 34.

T.23N., R.17W. Mt. Diablo Meridian: Section 1 except S½ SW¼; NE¼ SE¼ Section 2.

T.24N., R.16W. Mt. Diablo Meridian: SE¼ NE¼, SE¼ NW¼, NW¼ SW¼, SE¼ SW¼, NE¼ SE¼ Section 17; W½ SE¼, SW¼ Section 18; Section 19 except SW¼ SE¼; W½ NE¼, E½ NW¼ Section 20; S½ NW¼, SW¼ Section 27; Section 28 except N½ N½ and SE¼ SW¼; Section 29 except N½ NE¼, NW¼ NW¼; Section 30 except N½ NE¼; Section 31; Section 32 except SE¼ NE¼ and E½ SE¼; N½ NE¼, NW¼ NW¼ Section 33; NW¼ Section 34.

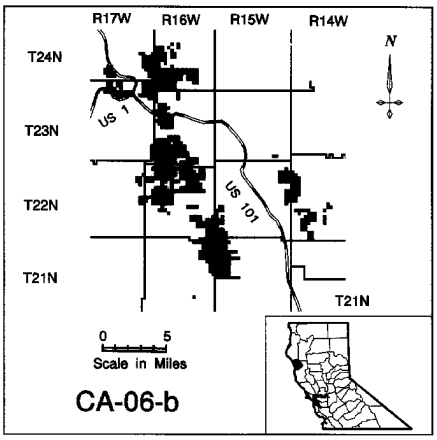
T.24N., R.17W. Mt. Diablo Meridian: NE¼ NE¼ Section 23; Section 24 except NE¼ NW¼, NW¼ NE¼; E½, E½ NW¼, NW¼ NW¼ Section 25.

Proposed Critical Habitat includes only State lands described within the following areas:

T.21N., R.16W. Mt. Diablo Meridian: NE¼ SW¼ SE¼ NW¼ Section 26.

T.23N., R.17W. Mt. Diablo Meridian: N½ SW¼ Section 2; Section 3 except NE¼, SW¼ NW¼, S½ SE¼, SE¼ SW¼; E½ NW¼, W½ NE¼, SE¼ NE¼, N½ SW¼, N½ SE¼ Section 4.

T.24N., R.17W. Mt. Diablo Meridian: Section 28 except E½ NE¼, NE¼ NE¼, SW¼ SW¼.



Map and description of CA–07–a taken from United States Fish and Wildlife Service 1:100;000 map; Ukiah, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.17N., R.14W. Mt. Diablo Meridian: W½ SW¼, NE¼ SW¼ Section 6; W½ NW¼, NW¼ SW¼ Section 7.

T.17N., R.15W. Mt. Diablo Meridian: W½, W½ SE¼ Section 2; Section 3–8; Section 9 except S½ SE¼; Section 10 except S½ S½; Section 11; Section 12 except NE¼ NE¼, S½ SE¼, NE¼ SE¼; NE¼ NE¼ Section 14; W½ NW¼, NE¼, NW¼ Section 16; Section 17; Section 18 except SW¼, SW¼ NW¼; NE¼ NW¼ Section 20.

T.17N., R.16W. Mt. Diablo Meridian: N½ N½, SE¼ NE¼, NE¼ SE¼ Section 1; Section 3 except W½ W½; Section 4–6; NE¼ Section 7; N½, N½ SW¼ Section 8; N½, N½ SE¼, SE¼ SE¼ Section 9; Section 10 except E½ NE¼, NE¼ SE¼; NE¼ NE¼ Section 15; Section 18 except SE¼ SE¼; W½ NE¼, W½ Section 19; W½ NW¼ Section 30.

T.17N., R.17W. Mt. Diablo Meridian: Section 1–3; N½ NE¼, SE¼ NE¼, SW¼ NW¼, S½ Section 4; NE¼, N½ NW¼, SE¼ NW¼, NE¼ SE¼, S½ S½ Section 5; N½ NE¼ Section 6; Section 8 except W½ SW¼, SE¼ SW¼, and SW¼ SE¼; Section 9–15; SE¼ NE¼, N½ NE¼, NE¼ NW¼, S½ Section 16; S½ Section 17; SW¼ SW¼, E½ SW¼, SE¼ Section 18; SW¼ NW¼ Section 19; N½ NE¼ Section 20; Section 21 except SE¼ SW¼; Section 22 except E½ SW¼ and SW¼ SE¼; Section 23 except NW¼ SW¼; Section 24; NE¼ NW¼, NW¼ SW¼ Section 26; Section 27 except SW¼ NW¼, SE¼ SE¼, N½ NE¼; NW¼ NE¼, S½ NE¼, NE¼ NW¼, NE¼ SE¼ Section 28.

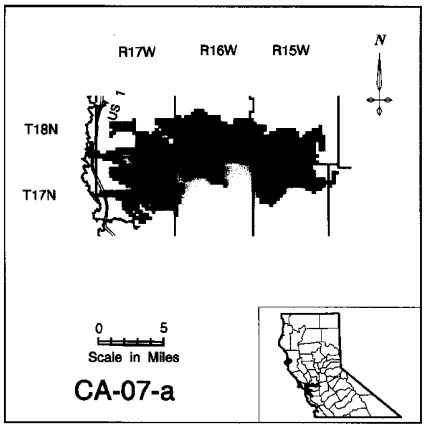
T.17N., R.18W. Mt. Diablo Meridian: SE¼ SE¼ Section 13.

T.18N., R.15W. Mt. Diablo Meridian: SW¼ SW¼ Section 18; Section 19 except NE¼ SE¼; SE¼ NE¼, NE¼ SW¼, S½ SW¼, SE¼ Section 20; Section 21 except N½ N½; SW¼ NW¼, SW¼, SE¼ SE¼ Section 22; S½ NE¼, S½ Section 23; W½ W½, SE¼ SW¼ Section 24; W½ Section 25; Section 26 except SE¼ NE¼ and E½ SE¼; Section 27; Section 28; Section 29; Section 30; Section 31; Section 32; Section 33; Section 34; Section 35 except NE¼ NE¼ and NE¼ SE¼.

T.18N., R.16W. Mt. Diablo Meridian: S½ S½ Section 13; SE¼ Section 14; SW¼ Section 15; NW¼ NW¼, S½ NW¼, S½ Section 16; NE¼, SE¼ NW¼, S½ Section 17; SE¼ SE¼, S½ SW¼ Section 18; Section 19–22; Section 23 except N½ NW¼; Section 24–33; Section 34 except E½ SE¼; Section 35 except SW¼ SW¼; Section 36.

T.18N., R.17W. Mt. Diablo Meridian: Section 20 except N½ N½ and SW¼ SW¼; Section 21 except NW¼ NE¼ and N½ NW¼; NE¼, NE¼ SE¼, SW¼ SE¼ Section 23; Section 24; Section 25 except S½ NW¼, SE¼; Section 26 except NW¼ NW¼; Section 27; NE¼ NE¼ Section 28; N½ NW¼, SW¼ NW¼ Section 29; NW¼ SW¼, NE¼ SE¼, S½ S½ Section 31; S½ NE¼, S½ Section 32; S½ N½, N½ S½, SE¼ SE¼ Section 33; Section 34; Section 35; Section 36.

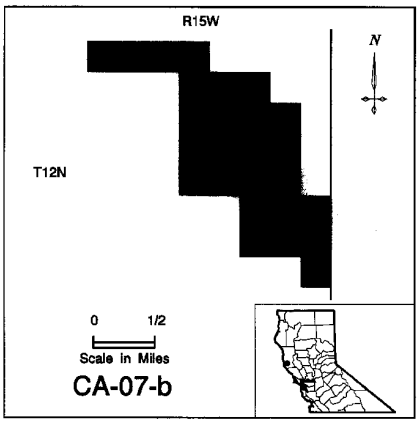
T.18N., R.18W. Mt. Diablo Meridian: SW¼ SE¼ Section 25; SE¼, SE¼ NW¼, W½ NE¼ Section 36.



Map and description of CA–07–b taken from United States Fish and Wildlife Service 1:100;000 map; Ukiah, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

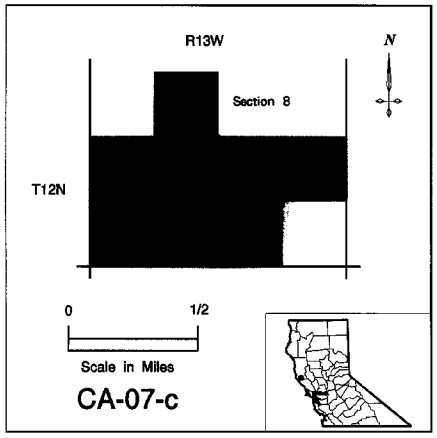
T.14N., R.15W. Mt. Diablo Meridian: S½ S½ Section 11; Section 13 except E½ E½, NW¼ NE¼; E½ E½ Section 14; NE¼, E½ NW¼, NE¼ SE¼ Section 24.



Map and description of CA–07–c taken from United States Fish and Wildlife Service 1:100;000 map; Point Arena, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

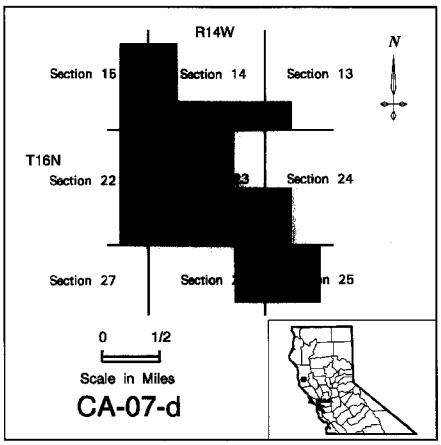
T.12N., R.13W. Mt. Diablo Meridian: SE¼ NW¼, SW¼, N½ SE¼, SW¼ SE¼ Section 8.



Map and description of CA–07–d taken from United States Fish and Wildlife Service 1:100;000 map; Ukiah, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.16N., R.14W. Mt. Diablo Meridian: S½ S½ Section 14; SE¼, S½ NE¼ Section 15; E½ Section 22; Section 23 except NE¼; W½ NW¼ Section 25; NE¼ Section 26.



Map and description of CA–08–a taken from United States Fish and Wildlife Service 1:100;000 map; Point Arena, California; 1995.

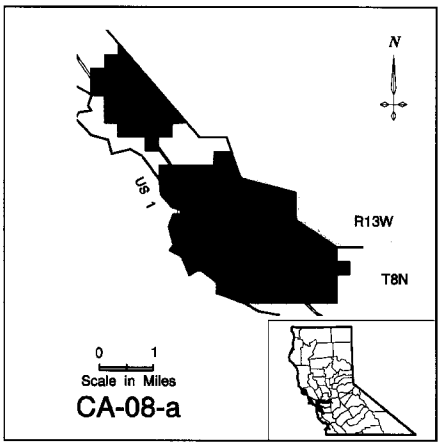
Description of lands using protracted Public Land Survey Lines

Proposed Critical Habitat includes only State lands described within the following areas:

T.08N., R.13W. Mt. Diablo Meridian: SW¼ NW¼ Section 2; Section 3; Section 4 east of Mean High Water (MHW); Section 5 east of MHW.

T.09N., R.13W. Mt. Diablo Meridian: S½ NW¼, SW¼, S½ SE¼, NW¼ SE¼ Section 18; Section 19; SW¼, SW¼ NW¼ Section 20; SW¼, S½ SE¼ Section 28; SE¼ NE¼, S½ Section 29; E½ Section 30 east of MHW; Section 32 east of MHW; Section 33; Section 34 except NE¼, NE¼ SE¼.

T.09N., R.14W. Mt. Diablo Meridian: SE¼ Section 13; E½ Section 24 east of MHW.



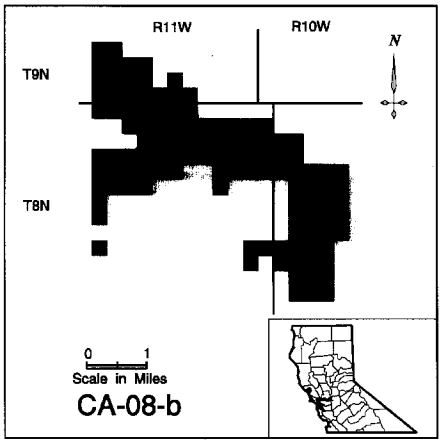
Map and description of CA–08–b taken from United States Fish and Wildlife Service 1:100;000 map; Point Arena and Healdsburg, California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.08N., R.10W. Mt. Diablo Meridian: S½ SW¼ Section 5; Section 6 except E½ NE¼, NW¼ NE¼, NE¼ NW¼, NE¼ SE¼; Section 7 except W½ W½; W½ Section 8; Section 18 except W½ SW¼.

T.08N., R.11W. Mt. Diablo Meridian: Sections 1–2; Section 3 except S½ NW¼, SW¼ NE¼; N½ NE¼, E½ NW¼, NE¼ SW¼ Section 10; N½ NE¼, SW¼ NE¼ Section 13; NW¼ NW¼ Section 15.

T.09N., R.11W. Mt. Diablo Meridian: SW¼ SW¼ Section 27; SE¼ SE¼ Section 28; E½ E½ Section 33; Section 34; SW¼, W½ SE¼, SW¼ NE¼, SE¼ NW¼ Section 35.



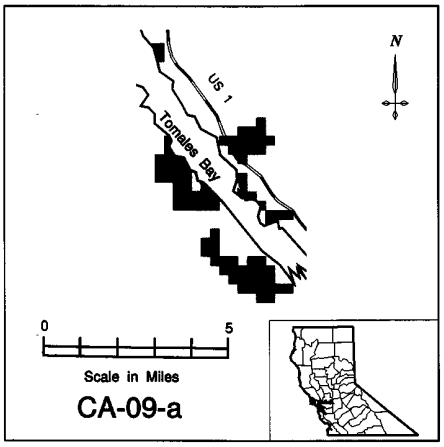
Map and description of CA–09–a taken from United States Fish and Wildlife Service 1:100;000 map; Napa, California; 1995.

Description of lands using protracted Public Land Survey Lines

Proposed Critical Habitat includes only State lands described within the following areas:

T.03N., R.09W. Mt. Diablo Meridian: NW¼ NW¼, W½ SW¼ Section 4; SW¼ SW¼ Section 5; Section 6 except NE¼ NE¼ and S½ SW¼; NE¼ Section 7; SW¼ NE¼, NW¼ Section 8; SW¼ NE¼, N½ NW¼, E½ SE¼ Section 9; N½ SW¼ Section 10; SE¼ SW¼, SW¼ SE¼ Section 16; Section 17 except E½ NE¼; NE¼ Section 20; Section 21 except SW¼ SW¼; S½ NW¼, N½ SW¼ Section 22.

T.04N., R.09W. Mt. Diablo Meridian: W½ SW¼ Section 19; S½ NE¼ SW¼, SE¼ SW¼ Section 31; SE¼ Section 32; SW¼ NE¼, SW¼, SE¼ Section 33.



Map and description of CA–09–b taken from United Statesish and Wildlife Service 1:100;000 map; Napa and San Francisco, California; 1995.

Description of lands using protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal Lands within the Golden Gate National Recreation Area described within the following areas:

T.01S., R.06W., Mt. Diablo Meridian: Sections 2–11; Sections 12–13 above Mean High Water (MHW); Sections 14–15; Sections 16–17 above MHW; Sections 21–24 above MHW.

T.01S., R.07W., Mt. Diablo Meridian: Sections 1–2 above MHW.

T.01N., R.06W., Mt. Diablo Meridian: Section 19; Sections 30–34.

T.01N., R.07W., Mt. Diablo Meridian: Sections 4–9; Section 11; Sections 16–17; Section 21 above MHW; Section 22; Section 35 above MHW; Section 36.

T.01N., R.08W., Mt. Diablo Meridian: Sections 1–2; Section 12 above MHW.

T.02N., R.07W., Mt. Diablo Meridian: Section 31.

T.02N., R.08W., Mt. Diablo Meridian: Sections 1–9; Sections 15–17; Sections 20–23; Sections 25–27; Sections 34–36.

T.02N., R.09W., Mt. Diablo Meridian: Section 1.

T.03N., R.08W., Mt. Diablo Meridian: Sections 28–35.

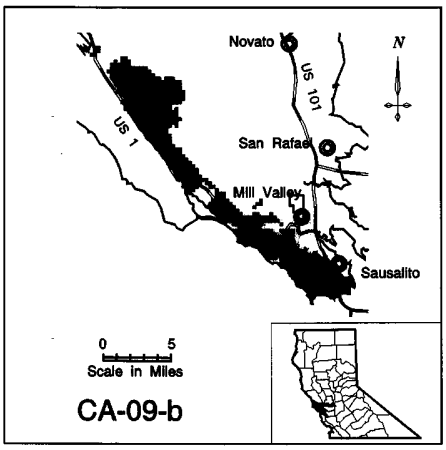
T.03N., R.09W., Mt. Diablo Meridian: Sections 23–25; Section 36.

Proposed Critical Habitat includes only State lands described within the following areas:

T.01N., R.06W. Mt. Diablo Meridian: Section 19; Sections 30–31.

T.01N., R.07W. Mt. Diablo Meridian: Sections 8–9; Sections 13–17; Sections 21–26; Section 27 above MHW; Section 36.

T.02N., R.08W. Mt. Diablo Meridian: Sections 2–4; Sections 9–11; Sections 14–15.



Map and description of CA–10–a taken from United States Fish and Wildlife Service 1:100;000 map; Grants Pass, Oregon; Happy Camp, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.16N., R.08E. Humboldt Meridian: SE¼ NE¼, SE¼ Section 16.

T.17N., R.07E. Humboldt Meridian: Section 1; Section 2 except NW¼ SW¼, S½ SW¼; NE¼, N½ NW¼, SE¼ NW¼ Section 3; NE¼ NE¼ Section 4; NE¼ SW¼, E½ Section 11; N½ N½, SW¼ NW¼, W½ SW¼ Section 12; NW¼ NW¼, S½ NW¼, W½ SW¼ Section 13; NE¼, NE¼ SE¼ Section 14.

T.17N., R.08E. Humboldt Meridian: N½ NE¼ Section 4; Section 6 except E½ E½.

T.18N., R.07E. Humboldt Meridian: S½ NE¼, NE¼ NE¼, S½ SW¼, NE¼ SW¼, SE¼ Section 30; NE¼, N½ NW¼, SE¼ NW¼ Section 31; SE¼ NE¼, N½ NE¼, NW¼ Section 32; Section 36 except NE¼ NW¼, S½ NW¼.

T.18N., R.08E. Humboldt Meridian: N½, S½ SW¼, NE¼ SE¼ Section 31.

T.41S., R.06W. Willamette Meridian: SW¼ SW¼ Section 3; Section 4 except NE¼, N½ NW¼; S½, SE¼ NE¼ Section 5; S½ SE¼, SE¼ SW¼ Section 6; Sections 7–9; NW¼ SW¼, SW¼ NW¼ Section 10; SW¼ SW¼ Section 15; S½ S½, NW¼ SE¼, W½ NW¼ Section 16; Section 17–18.

T.41S., R.07W. Willamette Meridian: Section 10 except W½ NW¼, NW¼ SW¼, N½ NE¼, SE¼ NE¼; Section 11 except NW¼, NW¼ NE¼; Section 12 except N½ NW¼, NW¼ NE¼; Sections 13–15.

T.46N., R.12W. Mt. Diablo Meridian: NW¼ NW¼ Section 2; Section 3 except S½ SE¼; Sections 4–5; SE¼ SE¼ Section 6; N½ NE¼, SE¼ NE¼, E½ SE¼ Sections 7–9; Section 10 except NE¼, NE¼ NW¼, NE¼ SE¼; SW¼ NW¼, W½ SW¼ Section 14; Section 15–16; Section 17 except SW¼, SW¼ SE¼, E½ NE¼ Section 18; NE¼ NE¼ Section 20; Sections 21–22; W½ W½, SE¼ SW¼, SW¼ SE¼ Section 23; Section 25 except N½ NW¼; Sections 26–27; E½ E½ Section 28; SE¼ SE¼ Section 29; E½ Section 31; Section 32 except NE¼ NE¼; Section 33 except NW¼ NE¼; Section 34–36.

T.46N., R.11W. Mt. Diablo Meridian: W½ W½ Section 30; W½ NW¼, NW¼ SW¼ Section 31.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.15N., R.08E. Humboldt Meridian: Section 4 except SW¼ NW¼, NW¼ SW¼, and S½ SW¼; N½ NE¼, SE¼ NE¼ Section 9.

T.16N., R.08E. Humboldt Meridian: NE¼, N½ SE¼, SE¼ SE¼ Section 21; E½ NE¼, SE¼ SW¼, SE¼ Section 28; Section 33 except NW¼ NW¼.

T.18N., R.07E. Humboldt Meridian: Section 1–4; E½ NE¼, SE¼ Section 5; E½ NE¼ Section 8; Section 9–14; Section 15 except W½ SW¼; Section 16; SE¼ NE¼, E½ SE¼ Section 17; E½ E½, SE¼ SW¼, SW¼ SE¼ Section 20; Sections 21–29; N½, SE¼ Section 33; Section 34–35.

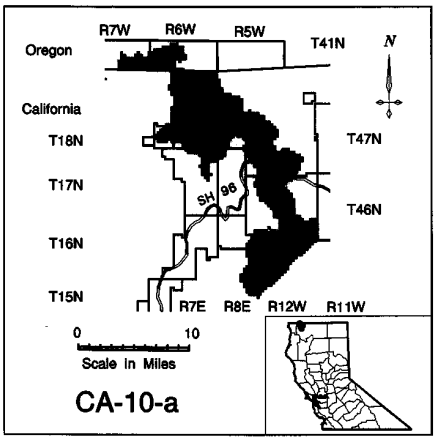
T.18N., R.08E. Humboldt Meridian: W½ W½, SE¼ SW¼ Section 6; Section 7 except N½ NE¼; Section 8 except N½ N½, SE¼ NW¼, S½ NE¼; SW¼ SW¼ Section 9; W½, S½ SE¼ Section 16; Section 17–21; Section 28; Section 29 except SW¼ SE¼; Section 30; NW¼ NW¼ Section 32; N½ NE¼, S½ SE¼ Section 33.

T.19N., R.07E. Humboldt Meridian: N½ N½ Section 31; SE¼ NE¼, E½ SE¼ Section 32; Section 33–36.

T.45N., R.12W. Mt. Diablo Meridian: N½ NW¼, SW¼ NW¼ Section 1; Section 2–5; Section 6 except NW¼ NW¼; Section 7–10; NW¼ NE¼, W½ SW¼ NE¼, NW¼, N½ SW¼ Section 11; NW¼ NE¼, NW¼, W½ SW¼ Section 15–20; N½ NE¼, SW¼ NE¼, W½ Section 21; NW¼ NW¼ Section 28; N½, N½ SW¼, SW¼ SW¼, NW¼ SE¼ Section 29; Section 30; N½ NE¼, SW¼ NE¼, NW¼, NW¼ SE¼ Section 31.

T.46N., R.12W. Mt. Diablo Meridian: Section 4–5;

T.47N., R.12W. Mt. Diablo Meridian: SW¼ SW¼ Section 5; NE¼ SW¼, S½ S½ Section 6; Section 7; Section 8 except NE¼; SW¼ SW¼ Section 9; Section 16 except NW¼ NE¼ and E½ E½; Section 17–20; N½ NW¼, SW¼ NW¼, NW¼ SW¼, S½ SW¼ Section 21; NW¼ SW¼, S½ SW¼, SW¼ SE¼ Section 26; Section 27 except NE¼ NE¼; Section 28 except N½ NE¼; Section 29–30; N½ NE¼, SE¼ NE¼ Section 31; Section 32 except SE¼ SW¼, SE¼ SE¼; Section 33–34; Section 35 except SE¼ NE¼, E½ SE¼, SW¼ SE¼, S½ SE¼ SW¼.



Map and description of CA–10–b taken from United States Fish and Wildlife Service 1:100;000 map; Happy Camp and Hoopa, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.11N., R.07E. Humboldt Meridian: Section 4 except NE¼ NE¼, N½ SE¼, SE¼ NE¼; Section 5 except NE¼ NE¼; E½ SE¼, SE¼ NE¼ Section 6; Section 8 except S½ S½, NW¼ SW¼, SW¼ NW¼; Section 9 except S½ S½; NW¼ NW¼, S½ NW¼, NW¼ SW¼ Section 10.

T.12N., R.06E. Humboldt Meridian: NE¼, N½ SE¼, SE¼ SE¼ Section 2; NE¼ NE¼ Section 11; N½ Section 12; SE¼, S½ NE¼ Section 13; Section 23 except N½ N½, S½ NW¼, NW¼ SW¼; Section 24 except N½ NW¼; N½ N½ Section 25; E½ NW¼, N½ NE¼, SW¼ NE¼, NW¼ SE¼ Section 26.

T.12N., R.07E. Humboldt Meridian: Section 3 except S½ SE¼; Section 4–6; Section 7 except S½ S½; Section 8 except S½ SE¼, NE¼ SE¼, SE¼ NE¼; NW¼ Section 17; Section 18 except SE¼ SE¼; N½ NW¼, NW¼ NE¼; NW¼, NW¼ NE¼ Section 19; S½ SE¼ Section 33.

T.13N., R.06E. Humboldt Meridian: Section 1; Section 2; Section 3 except W½ SW¼; Section 10 except W½ NW¼, SW¼; Section 11; Section 12; Section 13; Section 14; Section 15; Section 16 except NW¼ NW¼, NW¼ SW¼, S½ SW¼; SE¼ NE¼ Section 17; Section 21 except W½ W½, SE¼ SW¼, SW¼ SE¼; Section 22 except SW¼ SW¼; Section 23; Section 24; Section 25; Section 26; NE¼ SE¼ Section 34; N½, SE¼, N½ SW¼ Section 35; Section 36.

T.13N., R.07E. Humboldt Meridian: W½ NW¼, NW¼ SW¼ Section 3; Section 4 except SE¼ SE¼; Section 5; Section 6; Section 7; Section 8; Section 9 except SE¼ SW¼, NE¼ NE¼, S½ SE¼; N½ NW¼ Section 16; N½ N½ Section 17; N½ N½ Section 18; Section 31 except N½; Section 32 except N½; SW¼, W½ SE¼ Section 33; SW¼ SE¼, Section 34.

T.14N., R.06E. Humboldt Meridian: SE¼ SW¼, S½ SE¼ Section 12; Section 13; E½ E½ Section 14; NE¼ NE¼ Section 23; Section 24 except W½ SW¼; E½, E½ SW¼ Section 25; SE¼ NE¼, NE¼ SE¼, S½ SE¼ Section 35; Section 36 except N½ NW¼.

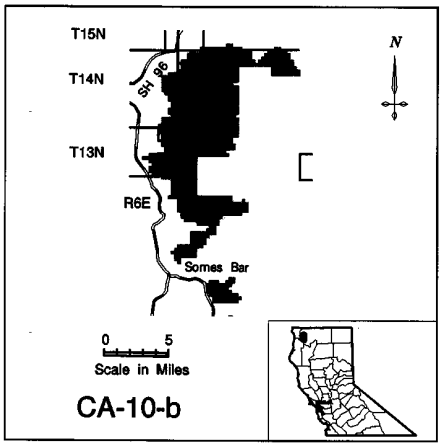
T.14N., R.07E. Humboldt Meridian: Section 1 except NE¼, N½ SE¼, SE¼ SE¼; Section 2–4; Section 5 except N½ NW¼, NW¼ NE¼; SE¼ NE¼, SE¼ SW¼, NE¼ SE¼, S½ SE¼ Section 6; Section 7 except W½ NW¼; Section 8; Section 9; Section 10; N½ NE¼, W½ Section 11; N½ N½ Section 12; NW¼, S½ SW¼ Section 14; Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; W½ Section 23; W½ Section 26; Section 27; Section 28; Section 29; Section 30; Section 31; Section 32; Section 33; Section 34; NW¼ NW¼, S½ NW¼, SW¼ Section 35.

T.14N., R.08E. Humboldt Meridian: SW¼, SW¼ SE¼, W½ NW¼, SE¼ NW¼ Section 4; Section 5; Section 6 except NW¼, NW¼ NE¼, NW¼ SW¼; N½ N½ Section 7; Section 8; Section 9 except NE¼ NE¼; W½ SW¼ Section 10.

T.15N., R.07E. Humboldt Meridian: SE¼ SE¼ Section 32; S½ S½ Section 33; SE¼, S½ SW¼ Section 34; S½ SW¼, SW¼ SE¼ Section 35.

T.15N., R.08E. Humboldt Meridian: SE¼ SE¼ Section 31; SE¼ SW¼, SW¼ SE¼, Section 32.

T.44N., R.12W. Mt. Diablo Meridian: W½ SW¼ Section 31.



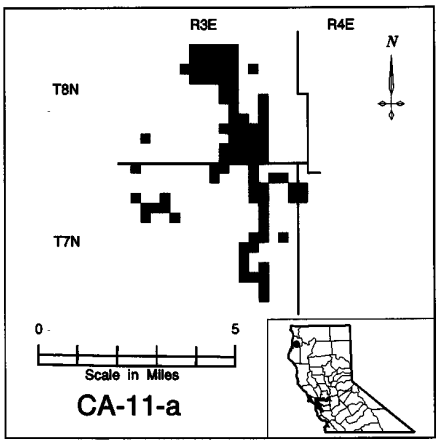
Map and description of CA–11–a taken from United States Fish and Wildlife Service 1:100;000 map; Hoopa and Hayfork, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.07N. R.03E., Humboldt Meridian: E½ SE¼, W½ SW¼, SE¼ NW¼, SW¼ NE¼ Section 1; E½ E½, NW¼ NW¼, Section 2; E½ NE¼ Section 3; SW¼ SE¼ Section 4; SE¼ SE¼, SE¼ NE¼ Section 5; W½ NW¼, NE¼ NW¼, NW¼ NE¼, SE¼ NE¼ Section 9; SE¼ SE¼ Section 11; W½ W½ , SW¼ SE¼ Section 12; W½ SW¼ Section 13; N½ NE¼, SW¼ NE¼, NW¼ SE¼, S½ SE¼ Section 14; W½ NW¼ Section 24.

T.07N. R.04E., Humboldt Meridian: W½ SW¼ Section 6.

T.08N. R.03E., Humboldt Meridian: SE¼, S½ NE¼, SE¼ NW¼, S½ SW¼, NE¼ SW¼ Section 22; W½ SW¼, SW¼ NW¼, SW¼ SE¼, S½ NW¼ Section 23; W½ W½, SE¼ SW¼, E½ SE¼ Section 26; NE¼, N½ NW¼ Section 27; NW¼ SW¼ Section 33; NE¼ NE¼, E½ SE¼ Section 34; Section 35; W½ SW¼ Section 36.



Map and description of CA–11–b taken from United States Fish and Wildlife Service 1:100;000 map; Hayfork, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.03N., R.02E. Humboldt Meridian: SE¼ NE¼, S½ NW¼, N½ N½ Section 1; NE¼, N½ NW¼, SE¼ NW¼, N½ SE¼ Section 2.

T.03N., R.03E. Humboldt Meridian: NW¼ NW¼ Section 5; N½ NE¼, SE¼ NW¼, NE¼ SW¼, NW¼ SE¼, SW¼ SE¼ Section 6; SE¼ Section 10; NE¼ Section 15.

T.03N., R.04E. Humboldt Meridian: SW¼ NE¼, SW¼ NW¼, N½ N½ Section 1; Section 2 except SE¼ SE¼; E½ NE¼, SE¼ SW¼, SE¼ Section 3; W½ NE¼, NW¼ Section 5; E½ NE¼ Section 6.

T.03N., R.05E. Humboldt Meridian: NE¼, N½ SE¼ Section 6; SW¼ NW¼, N½ SW¼, SW¼ SW¼ Section 7; NW¼ NW¼ Section 18.

T.04N., R.02E. Humboldt Meridian: S½ SE¼ Section 25.

T.04N., R.03E. Humboldt Meridian: S½ NW¼, NW¼ SE¼, SE¼ SE¼ Section 31.

T.04N., R.04E. Humboldt Meridian: E½ NE¼ Section 1; E½ E½ Section 12; S½ SE¼ Section 21; S½ SW¼ Section 22; N½ S½, SE¼ SE¼ Section 25; SE¼ NW¼, NE¼ SW¼, N½ SE¼, SE¼ SE¼ Section 26; S½ NE¼, NW¼, N½ SE¼ Section 27; N½, S½ S½, NE¼ SW¼ Section 28; SW¼ NW¼ Section 29; S½ NE¼, SW¼, W½ SE¼ Section 30; NE¼, N½ NW¼, SE¼ NW¼, N½ SE¼, NW¼ SW¼ Section 31; SW¼ NE¼, W½ SE¼, S½ SW¼, NW¼ SW¼ Section 32; N½ N½, SE¼ NE¼, SE¼ NW¼, NE¼ SE¼ Section 33; Section 34 except N½ NE¼, S½ SW¼; Section 35 except N½ N½, S½.

T.04N., R.05E. Humboldt Meridian: Sections 1–12; Section 13 except S½ NE¼, NE¼ SE¼; Section 14; Section 15 except W½ NW¼ and SW¼; W½ NW¼, NW¼ SW¼ Section 17; N½, NE¼ SE¼ Section 18; Section 19 except W½ W½; Section 20; NW¼ NE¼, SW¼ Section 21; N½ NE¼, SE¼ NE¼ Section 22; Section 23; Section 24 except SE¼ SE¼; N½ NW¼ Section 25; NW¼ NE¼, NW¼ Section 26; NW¼ NW¼ Section 28; Section 29 except S½ NE¼, N½ SE¼; Section 30; Section 31 except SW¼ SW¼; NW¼, W½ SW¼ Section 32.

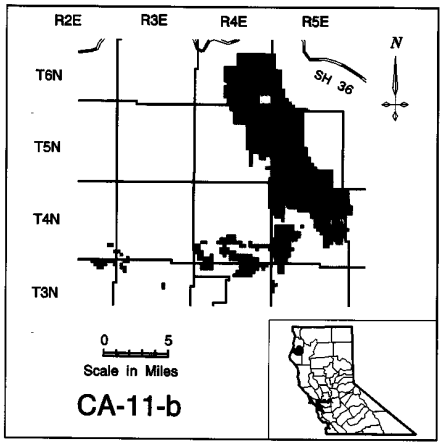
T.04N., R.06E. Humboldt Meridian: N½ Section 6; W½, W½ E½ Section 7; NW¼ NW¼ Section 19.

T.05N., R.04E. Humboldt Meridian: Section 1 except NE¼ NE¼; Section 2; Section 3; E½ NE¼ Section 4; N½ Section 10; Sections 11–14; Section 23 except W½ SW¼ and S½ SE¼; Section 24; N½ NW¼, S½ SE¼ Section 25; E½ NW¼, NE¼ SW¼ Section 26.

T.05N., R.05E. Humboldt Meridian: Section 4 except E½ E½; Sections 5–8; Section 9 except SW¼ NE¼ and E½ E½; Section 16 except E½ E½; Sections 17–21; W½ SW¼ Section 22; W½ SW¼ Section 25; S½ Section 26; Section 27 except E½ NE¼; Sections 28–35; W½ W½ Section 36.

T.06N., R.04E. Humboldt Meridian: Sections 13–15; Sections 21–27; Section 28 except SW¼ NW¼; Section 33 except W½ SW¼; Sections 34–35.

T.06N., R.05E. Humboldt Meridian: W½, W½ SE¼ Section 18; Section 19; SW¼ NW¼, W½ SW¼ Section 29; Sections 30–31; Section 32 except N½ NE¼, SE¼ NE¼; S½ S½ Section 33.



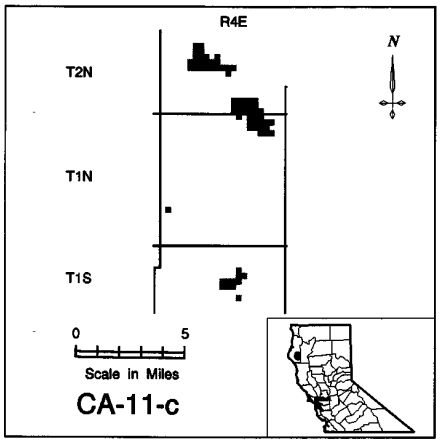
Map and description of CA–11–c taken from United States Fish and Wildlife Service 1:100;000 map; Garberville, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.02S., R.04E. Humboldt Meridian: E½ NE¼, SW¼, N½ SE¼, SW¼ SE¼ Section 10; SW¼ NW¼ Section 11; SE¼ NE¼ Section 15.

T.01S., R.04E. Humboldt Meridian: SW¼ NW¼, SW¼ SW¼ Section 1; Section 2 except NE¼ NE¼ and S½ SW¼; NW¼ NE¼ Section 3; SE¼ NW¼ Section 30.

T.01N., R.04E. Humboldt Meridian: S½ SE¼ Section 17; E½, E½ SW¼ Section 20; SW¼ NE¼, SW¼ NW¼, SW¼, NW¼ SE¼, S½ SE¼ Section 21; S½ SW¼ Section 22; NW¼ NW¼ Section 27; S½ NE¼, SE¼ NW¼, E½ SW¼, SE¼ Section 34; S½ NW¼, SW¼, SW¼ SE¼ Section 35.



Map and description of CA–11–d taken from United States Fish and Wildlife Service 1:100;000 map; Hoopa and Hayfork, California; 1995.

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.07N., R.05E. Humboldt Meridian: NE¼ NE¼ Section 8; NE¼, E½ SE¼ Section 9; Section 24 except W½ W½; Section 25 except W½; SW¼ NW¼, W½ SW¼ Section 34.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only Federal lands designated as Late Successional Reserves described within the following areas:

T.06N., R.06E. Humboldt Meridian: N½ NE¼, W½ Section 1; Section 2; Section 3; NE¼, NE¼ NW¼ Section 4; Section 11 except W½ NW¼; W½ NW¼ Section 12; N½ NE¼, SW¼ NE¼, E½ NW¼, E½ SW¼, NW¼ SE¼ Section 14.

T.07N., R.05E. Humboldt Meridian: Section 1; Section 2; Section 3; NE¼, S½ NW¼, S½ NE¼ NW¼, NW¼ SW¼, SE¼ SE¼ Section 4; E½, S½ NE¼ SW¼ Section 5; Section 10; Section 11; Section 12; Section 13 except W½ SW¼; N½ N½ Section 14.

T.07N., R.06E. Humboldt Meridian: W½ NW¼, NW¼ SW¼ Section 2; Section 3 except S½ S½; Section 4 except S½ SE¼; Sections 5–8; NW¼ NW¼, S½ Section 9; S½ SW¼ Section 10; E½ NE¼, SW¼ NE¼, SE¼ SW¼, SE¼ Section 12; Section 13 except E½ SE¼; Section 14 except NW¼ NE¼ and N½ NW¼; Section 15 except NE¼ NE¼; Sections 16–23; NW¼ NE¼, W½ Section 24; N½ NW¼, SW¼ NW¼; W½ SE¼ NW¼, W½ SW¼, W½ NE¼ SW¼ Section 25; Sections 26–30; Section 31 except SW¼ SE¼; Sections 32–35; NW¼ NW¼ Section 36.

T.07N., R.07E. Humboldt Meridian: SW¼ Section 6; NW¼ NW¼ Section 7.

T.08N., R.05E. Humboldt Meridian: E½ Section 1; E½ E½ Section 12; SE¼ SE¼ Section 33; SE¼ NE¼, S½ SW¼, SE¼ Section 34; S½ Section 35; Section 36 except N½ NW¼, NW¼ NE¼.

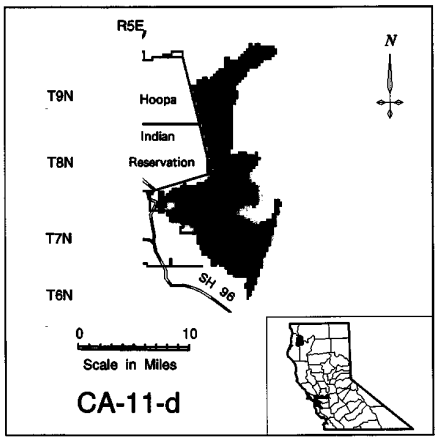
T.08N., R.06E. Humboldt Meridian: W½ W½ Section 4; Sections 5–8; W½ W½ Section 9; S½ SW¼, NE¼ SW¼ Section 14; SW¼, S½ SE¼ Section 15; NW¼ NW¼, S½ S½, NE¼ SE¼ Section 16; Sections 17–18; Section 19 except W½ W½; Sections 20–22; N½ NW¼, SW¼ NW¼, NW¼ NE¼, N½ SW¼, SW¼ SW¼ Section 23; NE¼ NE¼, W½, W½ E½ Section 27; Sections 28–29; Section 30 except NW¼, NW¼ SW¼; Sections 31–33; Section 34 except E½ NE¼; SW¼, SW¼ NW¼ Section 35.

T.09N., R.05E. Humboldt Meridian: S½ SE¼ Section 12; Section 13; SE¼ Section 14; E½ E½ Section 23; Section 24; Section 25; Section 36 except W½ W½.

T.09N., R.06E. Humboldt Meridian: NW¼ NE¼, N½ NW¼ Section 1; N½, SW¼, NW¼ SE¼ Section 2; Section 3; Section 4 except N½ NW¼, NW¼ NE¼; Section 5 except W½; SE¼, SE¼ NE¼, SE¼ SW¼, SE¼ Section 7; Sections 8–9; NW¼, SW¼ SW¼, NW¼ NE¼, N½ SW¼ Section 10; Section 16 except SE¼, SE¼ NE¼; Sections 17–20; NW¼ SE¼, W½ NE¼, W½ Section 21; NE¼ NW¼, W½ W½ Section 28; Sections 29–32; W½ W½ Section 33.

T.10N., R.06E. Humboldt Meridian: SE¼ SW¼, SW¼ SE¼ Section 26; SE¼ SE¼ Section 27; E½ NE¼, SW¼ NE¼, SE¼, E½ SW¼, SW¼ SW¼ Section 34; Sections 35–36.

T.10N., R.07E. Humboldt Meridian: SW¼ NW¼, NW¼ SW¼ Section 31.

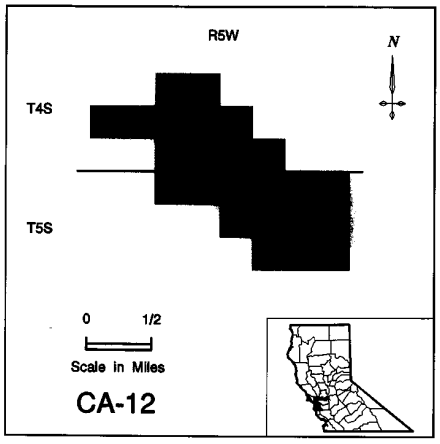


Map and description of CA–12 taken from United States Fish and Wildlife Service 1:100;000 map; California; 1995.

Proposed Critical Habitat includes only City lands described within the following areas:

T.04S., R.05W. Mount Diablo Meridian: N½ SE¼ Section 32; SW¼, S½ NW¼, S½ SE¼, NW¼ SE¼ Section 33.

T.05S., R.05W. Mount Diablo Meridian: NW¼, N½ SW¼ Section 3; NE¼, N½ NW¼, NE¼ SE¼ Section 4.



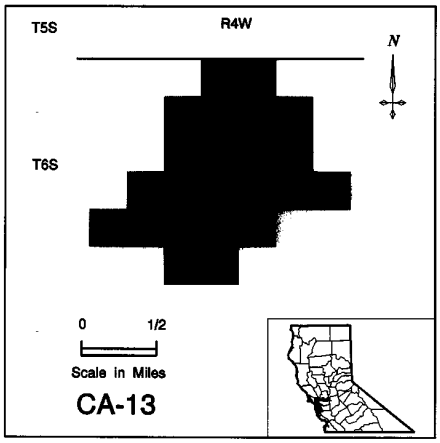
Map and description of CA–13 taken from United States Fish and Wildlife Service 1:100;000 map; California; 1995.

Description of lands using protracted Public Land Survey Lines

Proposed Critical Habitat includes only County lands described within the following areas:

Lands within Spanish Land Grant: Grant Number 168–Canada de Raymundo.

T.06S., R.04W. Mount Diablo Meridian: SW¼, S½ NW¼, NW¼ NW¼, SW¼ SE¼ Section 3; SE¼, S½ NE¼, NE¼ NE¼, SE¼ SW¼ Section 4; NE¼, N½ NW¼ Section 9; NW¼ NW¼ Section 10.



Map and description of CA–14–a taken from United States Fish and Wildlife Service 1:100;000 map; California; 1995.

Proposed Critical Habitat includes only City lands described within the following areas:

T.07S., R.04W. Mount Diablo Meridian: N½ NE¼ Section 35.

Proposed Critical Habitat includes only County lands described within the following areas:

T.07S., R.03W. Mount Diablo Meridian: S½, S½ NE¼ Section 31.

T.07S., R.04W. Mount Diablo Meridian: N½ SE¼, S½ NE¼, SE¼, NW¼ Section 22; S½ SW¼, NW¼ SW¼ Section 23; SW¼ Section 25; Section 26 except SW¼, E½ NE¼, NE¼ SE¼, SW¼ NW¼; SE¼, NE¼ SW¼ Section 33; W½ SW¼ Section 34; Section 35 except N½ NE¼, NW¼ NW¼; Section 36 except E½ NE¼, NW¼ NE¼.

T.08S., R.03W. Mount Diablo Meridian: Sections 6 except E½ E½; Section 7 except E½ NE¼; S½ S½ Section 8; SW¼ SW¼ Section 9; NW¼, NW¼ Section 16; N½ N½ Section 17; N½, NW¼ SE¼ Section 18.

T.08S., R.04W. Mount Diablo Meridian: Sections 1–2; SE¼, E½ NE¼, E½ SW¼ Section 3; NW¼ NW¼, NE¼ NE¼ Section 10; NE¼, N½ NW¼ Section 11; Section 12 except SW¼ SW¼.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.08S., R.04W. Mount Diablo Meridian: S½ Section 4; SE¼ Section 5; Sections 7–8; N½ Section 9; Section 16–18; Section 20 except NW¼, SE¼ SE¼; NW¼ Section 21.

Proposed Critical Habitat includes only State lands described within the following areas:

T.07S., R.03W. Mount Diablo Meridian: S½ NW¼, N½ SW¼, SE¼ SW¼ Section 33.

T.08S., R.03W. Mount Diablo Meridian: E½ SW¼ Section 3; S½ S½, E½ NW¼, NE¼ SW¼ Section 4; SW¼, S½ NW¼, S½ SE¼ Section 5; E½ SE¼, SE¼ NE¼ Section 6; E½ NE¼ Section 7; Section 8 except S½ S½; NW¼, N½ NE¼, NW¼ SW¼ Section 9; W½, NW¼ Section 10.

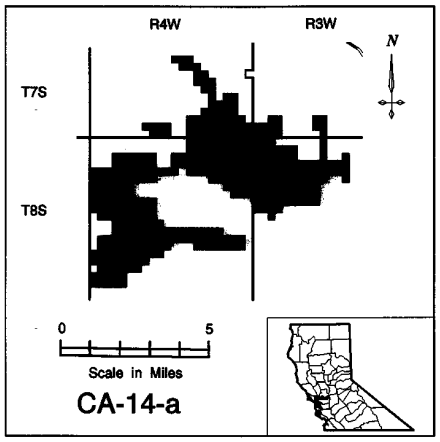
T.08S., R.04W. Mount Diablo Meridian: SE¼, S½ SW¼ Section 19; SE¼ SE¼ Section 20; Section 21 except NW¼; N½, NW¼ SW¼ Section 22; Section 23 except S½ S½; S½ NW¼, N½ SW¼, NW¼ SE¼, SW¼ NE¼ Section 24; N½ NW¼, SW¼ NW¼ Section 28; Sections 29 except E½ SE¼; NE¼, N½ NW¼ Section 30.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only State lands described within the following areas:

Lands within Spanish Land Grant: Grant Number 205–Punta de Ano Nuevo.

T.08S., R.04W. Mount Diablo Meridian: SW¼ SW¼ Section 29; S½ Section 30.



Map and description of CA–14–b taken from United States Fish and Wildlife Service 1:100;000 map; California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.08S., R.03W. Mount Diablo Meridian: S½ SE¼ Section 19; S½ SW¼ Section 20; Section 29 except E½ NE¼; Section 30 except NW¼ NW¼; Sections 31–32; Section 33 except E½ E½.

T.08S., R.04W. Mount Diablo Meridian: SE¼, E½ SW¼, SW¼ SW¼, SE¼ NE¼ Section 25; SE¼ SE¼ Section 34; SE¼, S½ SW¼, NE¼ SW¼, NE¼ NE¼ Section 35; Section 36.

T.09S., R.03W. Mount Diablo Meridian: W½ NW¼ Section 3; Section 4 except E½ SE¼; Sections 5–7; Section 8 except S½ SE¼, SE¼ SW¼; N½ NW¼, SW¼ NW¼ Section 9; SW¼ NW¼ Section 15; NE¼, N½ SE¼ Section 16; Section 18 except E½ SE¼; W½ NW¼ Section 19; S½ NE¼, NW¼ NE¼, NW¼ SE¼, SE¼ SE¼ Section 30; N½ NE¼, S½ NW¼, SW¼ NE¼ Section 31.

T.09S., R.04W. Mount Diablo Meridian: Sections 1–2; Section 3 except NW¼ NW¼, SW¼ SW¼; E½ SE¼ SE¼ NE¼ Section 4; SE¼, S½ SW¼, NE¼ SW¼, SW¼ NE¼ Section 9; S½, N½ NE¼, NE¼ NW¼ Section 10; Sections 11–12; Section 13 except SE¼ SW¼; Sections 14–16; E½ E½, SE¼ SW¼ Section 22; Section 23; Section 24 except E½ E½, NE¼ NW¼, NW¼ NE¼; N½ NW¼, SE¼ SE¼, SE¼ SW¼ Section 25; E½ W½, NW¼ NW¼, NE¼ NE¼ Section 26; Section 27 except E½ NE¼, NE¼ SE¼; SE¼, E½ NE¼, NW¼ NE¼, NE¼ NW¼, S½ NW¼ Section 34; N½ NW¼, SE¼ SW¼ Section 35.

T.10S., R.04W. Mount Diablo Meridian: NE¼ NE¼ Section 3.

Proposed Critical Habitat includes only Private lands described within the following areas:

T.09S., R.04W. Mount Diablo Meridian: Section 16; Section 21 except S½, E½ NE¼.

Description of Lands Using Protracted Public Land Survey Lines

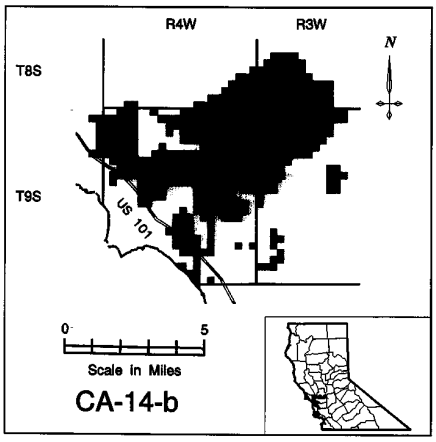
Proposed Critical Habitat includes only State lands described within the following areas:

T.09S., R.04W. Mount Diablo Meridian: NE¼ SE¼ Section 28.

Lands within Spanish Land Grant: Grant Number 205-Punta de Ano Nuevo.

T.08S., R.04W. Mount Diablo Meridian: SE¼ SW¼, SW¼ SE¼ Section 4.

T.09S., R.04W. Mount Diablo Meridian: Section 5 except E½ E½; Section 6 except N½ N½, W½ SW¼; Section 7 except W½ NW¼, S½ SE¼, SW¼ SE¼; Section 8 except E½ NE¼, NE¼ SE¼; Section 17 except S½ SW¼, SW¼ SE¼; E½ SE¼ Section 18; W½ NE¼, NE¼ SE¼ Section 20; W½ NW¼, NW¼ SW¼ Section 21.

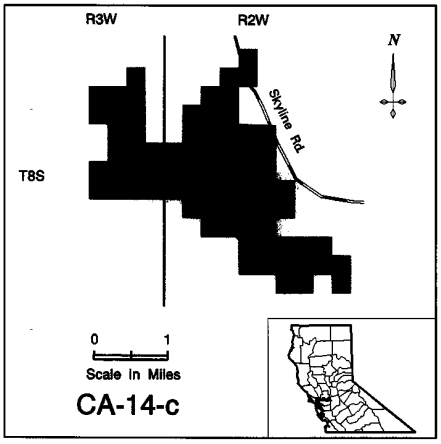


Map and description of CA–14–c taken from United States Fish and Wildlife Service 1:100;000 map; California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.08S., R.02W. Mount Diablo Meridian: NW¼ SW¼, SW¼ NW¼ Section 5; S½ SE¼, NE¼ SE¼ Section 6; Section 7 except W½ NW¼, NW¼ SW¼; SW¼ Section 8; W½, SW¼ NE¼, NW¼ SE¼ Section 17; Section 18 except S½ SW¼, NW¼ SW¼; N½, N½ SE¼ Section 20; W½ NW¼, SE¼ NW¼, NE¼ SW¼ Section 21.

T.08S., R.03W. Mount Diablo Meridian: S½ SW¼, W½ SE¼ Section 1; Section 12 except W½ NE¼, W½ SW¼; N½ Section 13.



Map and description of CA–15 taken from United States Fish and Wildlife Service 1:100;000 map; California; 1995.

Proposed Critical Habitat includes only State lands described within the following areas:

T.10S., R.02W. Mount Diablo Meridian: S½ S½, NW¼ SW¼ Section 6; Section 7 except S½ SW¼, NW¼ SW¼; SW¼, S½ NW¼, SW¼ SE¼ Section 8; SW¼, SW¼ NW¼ Section 16; Section 17 except SW¼ SW¼; SE¼ NE¼, NE¼ SE¼ Section 18; N½ NW¼ Section 20; N½ N½ Section 21.

Description of Lands Using Protracted Public Land Survey Lines

Proposed Critical Habitat includes only State lands described within the following areas:

Lands within Spanish Land Grant: Grant Number 208–Canada del Rincon en el Rio de San Lorenzo de Santa Cruz.

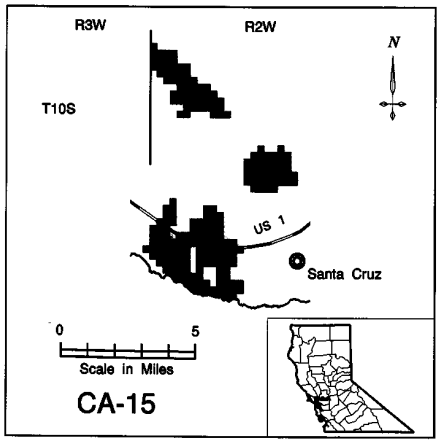
T.10S., R.02W. Mount Diablo Meridian: SE¼, SE¼ NE¼, SE¼ SW¼ Section 34; S½, SW¼ NE¼ Section 35.

T.11S., R.01W. Mount Diablo Meridian: NW¼ SW¼, SW¼ NW¼ Section 1; Section 2 except S½ SE¼; Section 3 except W½ W½, SE¼ SW¼.

Grant Number 207-Refugio

T.11S., R.01W. Mount Diablo Meridian: SE¼, SE¼ NE¼ Section 7; E½ SE¼ Section 8; S½ SW¼, NW¼ SW¼ Section 9; W½, S½ SE¼ Section 16; Section 17 except NW¼; Section 18 except NW¼ NW¼, SE¼ NE¼, NE¼ SE¼; Section 19 except S½ SW¼, NW¼ SW¼; Section 20 except W½ E½, S½ SE¼; Section 21 except SE¼ SE¼, SW¼ SW¼; NW¼ NW¼ Section 22; SW¼ NW¼, NW¼ SW¼ Section 27; Section 28 except W½ NW¼, NE¼ NE¼; SW¼ SW¼; Section 29 except SW¼, S½ SE¼, N½ NE¼, SW¼ NW¼; NE¼ NE¼ Section 30.

T.11S., R.03W. Mount Diablo Meridian: NE¼ NE¼ Section 24.



Dated: July 31, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–19355 Filed 8–9–95; 8:45 am]

BILLING CODE 4310–55–P

federal register

Thursday
August 10, 1995

Part III

Department of Education

Direct Grant and Fellowship Programs; Notice

DEPARTMENT OF EDUCATION

Direct Grant Programs and Fellowship Programs

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year 1996.

SUMMARY: The Secretary invites applications for new awards for fiscal year (FY) 1996 under many of the Department's direct grant and fellowship programs and announces deadline dates for the transmittal of applications under these programs. This combined application notice contains fiscal and programmatic information for potential applicants under the Department's programs announced in this issue of the **Federal Register**. This notice also lists any FY 1996 programs previously announced in the **Federal Register**, as well as FY 1996 programs to be announced at a later date.

DATES: *Dates of Application Notices:* The actual or estimated date for publication of the application notice for a given program is listed in column three of Chart 1. For any previously announced program, column three of Chart 1 also includes the **Federal Register** volume and page reference to that notice. If a program has yet to publish an application notice, an estimated date (est.) or TBA (to be announced) is listed in column three of Chart 1.

Deadline Dates for Transmitting Applications: The actual or estimated deadline date for transmitting applications under a program is listed in column four of Chart 1.

Other Dates for Programs Announced in This Notice: For programs and competitions announced in this notice, the chart for each principal office (Charts 2 through 7) includes the following dates for each program or competition: the date on which applications will be available, the deadline for submission of applications, and—for programs subject to Executive Order (EO) 12372 (Intergovernmental Review of Federal Programs)—the deadline date for transmittal of State Process Recommendations by State Single Points of Contact (SPOCs) and comments by other interested parties.

Other Dates for Programs Not Announced in This Notice: For programs and competitions not announced in this notice—that is, those published elsewhere in this edition of the **Federal Register**, those previously published, and those to be announced later—the application notice for each program or competition, as published (or to be published) in the **Federal Register**, includes the following dates: the date of availability of applications, the deadline for submission of applications, and—for programs subject to EO 12372—the deadline date for transmittal of State Process Recommendations by SPOCs and comments by other interested parties.

ADDRESSES: *For Applications or Further Information:* The address and telephone number for obtaining applications for, or further information about, an individual program are in the application notice for that program.

For Programs under the Office of Educational Research and Improvement: As explained in the **SUPPLEMENTARY INFORMATION** section of this preamble, application notices for new awards under programs and competitions of the Office of Educational Research and Improvement (OERI) are to be published later. In the meantime, as an aid to customers, each principal component of OERI is providing an address and facsimile (FAX) machine number that interested parties may use to be put on a mailing list to receive information—such as an application package—when that information becomes available. For these addresses and FAX numbers see lists of OERI programs and competitions in Chart 1.

For Users of TDD or FIRS: Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number, if any, listed in the individual application notices. If a TDD number is not listed for a given program, individuals who use a TDD may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

For Intergovernmental Review: The address for transmitting recommendations and comments under Executive Order 12372 is in the appendix to this notice. The appendix also contains the addresses of individual SPOCs.

For Electronic Access to Information: Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases) or World Wide Web site (at http://www.ed.gov/). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The Department's first combined application notice was published in September 1989. It was based on the idea—subsequently affirmed by numerous parties in the educational community—that placing as many application notices as possible in a single notice would assist potential applicants in planning projects and activities. In the intervening years, other issues affecting the application and grant award processes were identified, including the view of a number of potential applicants that the Department's schedule for grant awards did not allow grantees sufficient time to implement departmentally assisted projects before the start of the academic year.

As part of the Administration's goal to ''reinvent'' the Federal Government and the Department's determination to improve the timeliness of grant awards, the Secretary last year adopted a number of changes in the way grant competitions are announced and grants awarded under the Department's programs.

In order to announce and award grants to accommodate the academic year, the Secretary determined that grants should be awarded by June 1 preceding the academic year, to the maximum extent possible. To allow applicants more time to prepare applications and the Department the necessary time to process those applications, the Secretary further determined that application announcements should be published earlier.

Consistent with this policy, this section of the combined application notice contains those application announcements that the Department is able to publish at this time, and references any application notices for FY 1996 that were published before this combined notice.

Among the programs and competitions omitted from this notice are those governed by statutes that are undergoing congressional reauthorization. These include programs administered by the Office of Vocational and Adult Education.

This notice also does not include programs of the Office of Educational Research and Improvement (OERI). Under the statute reauthorizing OERI—the Educational Research, Development, Dissemination, and Improvement Act of 1994—the Assistant Secretary for Educational Research and Improvement must develop standards for these programs in consultation with the National Educational Research Policy and Priorities Board. On June 7, 1995 the Assistant Secretary published in the

Federal Register (60 FR 30160) for public comment proposed Standards for the Evaluation of Applications for Grants and Cooperative Agreements and Proposals for Contracts.

Also omitted from this notice are programs and competitions to be governed by new regulations or funding priorities that have not yet been issued in final form. These include a number of programs and competitions of the Office of Special Education Programs. In addition, this notice does not contain programs and competitions that will use application forms not yet approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

The Secretary will publish a second section of the combined notice in the fall of 1995 or when there is enough new information concerning these programs and competitions to warrant publication. This second section of the combined notice will reference all programs and competitions announced in this notice, as well as any for which application notices will have been published in the interim. The Secretary anticipates that most of the Department's remaining application notices for new awards for FY 1996 will be included in the second section or published as separate application notices before publication of that section.

Available Funds

The Congress has not yet enacted a fiscal year 1996 appropriation for the Department of Education. The Department is publishing this notice in order to give potential applicants adequate time to prepare applications. The estimates of the amounts of funds that will be available for these programs are based in part on the President's 1996 budget request and in part on the level of funding available for fiscal year 1995.

Potential applicants should note, however, that the Congress is considering proposals to eliminate or reduce funding in 1996 for many of the discretionary grant programs administered by the Department. Final action on the 1996 appropriation may require the Department to cancel some of the competitions announced in this notice, as well as some of those the notice indicates will be announced at a later date. Only the House of Representatives has passed an appropriations bill for 1996, with Senate action not scheduled to occur until September. A footnote [1] preceding a CFDA No. in column one of Chart 1 (e.g. [1]84.000A) indicates a competition that would be canceled were the House bill to be enacted into law without change.

A footnote [2] following the name of a program in column two of Chart 1 indicates a program or competition for which the Administration also has proposed the termination of funding because similar activities can be supported under other programs.

THE DEPARTMENT OF EDUCATION IS NOT BOUND BY ANY OF THE ESTIMATES IN THIS NOTICE.

Organization of Notice

This notice is organized in two parts.

Part I lists in Chart 1 all direct grant programs and certain fellowship programs under which the Secretary is making, or plans to make, new awards in FY 1996. The listings are organized under the principal program offices of the Department. For each principal office the listing includes three categories of application notices: those already published, those published in this issue of the **Federal Register**, and those to be published at a later date. The programs are listed in order of their Catalog of Federal Domestic Assistance (CFDA) numbers irrespective of category.

Part II contains fiscal and programmatic information for all programs announced in this notice.

Each principal program office is assigned a separate chart as follows:

Chart 2—Office of Bilingual Education and Minority Languages Affairs.

Chart 3—Office of Educational Research and Improvement.

Chart 4—Office of Elementary and Secondary Education.

Chart 5—Office of Postsecondary Education.

Chart 6—Office of Special Education and Rehabilitative Services.

Chart 7—Office of Vocational and Adult Education.

Programs To Be Announced at a Future Date

For FY 1996 a number of programs will be governed by new regulations or funding priorities. Application notices for these programs will be published when final regulations or priorities are completed. This notice references these types of programs with footnote [3] following the respective estimated date (est.) [3] in column three of Chart 1. For further information regarding many of these programs, readers are referred to the following notices of proposed rulemaking and notices of proposed funding priorities that have been published in the **Federal Register**:

Bilingual Education: Comprehensive School Grants—Notice of Proposed Priority, 60 FR 11866 (3/2/95)

Office of Educational Research and Improvement (OERI); Educational Research and Development Centers Program—Notice of Proposed Priorities, 60 FR 18340 (4/10/95)

Standards for the Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Evaluation of Applications for Grants and Cooperative Agreements and Proposals for Contracts—Notice of Proposed Rulemaking, 60 FR 30160 (6/7/95)

National Institute on Disability and Rehabilitation Research—Notice of Proposed Funding Priority for Fiscal Years 1996–1997 for the Knowledge Dissemination and Utilization Program, 60 FR 37926 (7/24/95)

National Education Goals

In developing this combined application notice the Department has sought to ensure that programs awarding grants during FY 1996 will further achievement of the National Education Goals, as found in Pub. L. 103–227 (the Goals 2000: Educate America Act, enacted March 31, 1994). The Secretary encourages applicants under these programs to consider the National Education Goals in developing their applications.

The National Education Goals for the year 2000 are as follows:

- All children in America will start school ready to learn.
- The high school graduation rate will increase to at least 90 percent.
- All students will leave grades 4, 8, and 12 having demonstrated competency in challenging subject matter, including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.
- United States students will be first in the world in mathematics and science achievement.
- Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
- Every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning.
- The Nation's teaching force will have access to programs for the continued improvement of their

professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

• Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

Applicability of Section 5301 of the Anti-Drug Abuse Act of 1988

A number of programs listed in the chart provide that a grant, fellowship, traineeship, or other monetary benefit may be awarded to an individual. This award may be made to the individual either directly by the Department or by a grantee that receives Federal funds for the purpose of providing, for example, fellowships, traineeships, or other awards to individuals.

Section 5301 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690; 21 U.S.C. 862) provides that a sentencing court may deny eligibility for certain Federal benefits to an individual convicted of drug trafficking or possession. Thus, an individual who applies for a grant, fellowship, or other monetary benefit under a program covered by this notice should understand that, if convicted of drug trafficking or possession, he or she is subject to denial of eligibility for that benefit if the sentencing court imposes such a sanction. This denial applies whether the Federal benefit is provided to the individual directly by the Department or is provided through a grant, fellowship, traineeship, or other award made available with Federal funds by a grantee.

Any persons determined to be ineligible for Federal benefits under the provisions of section 5301 are listed in the General Services Administration's ''Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs.''

Applicability of the Federal Debt Collection Procedures Act of 1990

The programs listed in the chart make discretionary awards subject to the eligibility requirements of the Federal Debt Collection Procedures Act of 1990 (Pub. L. 101–647; 28 U.S.C. 3201). The Act provides that if there is a judgment lien against a debtor's property for a debt to the United States, the debtor is not eligible to receive a Federal grant or loan, except direct payments to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

Intergovernmental Review of Federal Programs

Certain programs in this notice are subject to the requirements of EO 12372 and the regulations in 34 CFR part 79. These programs are identified in Charts 1 through 6 with a date in the column headed ''Deadline for intergovernmental review.'' For further information, an applicant under a program subject to the Executive order—and other parties interested in that program—are directed to the appendix to this notice.

PART I.—CHART 1.—LIST OF APPLICATION NOTICES

CFDA No.	Name of program	Application notice	Application deadline date
	Office of Bilingual Education and Minority Languages Affairs		
84.003G [1]	Bilingual Education—Academic Excellence Awards	12/11/95 (est.) [3]	1/29/96 (est.).
84.194Q [1]	Bilingual Education—State Grant Program	In this issue	1/26/96.
84.195C [1]	Bilingual Education—Graduate Fellowship Program	TBA [3]	TBA.
84.195E [1]	Bilingual Educational Career Ladder Program	In this issue	1/5/96.
84.288S [1]	Bilingual Education—Program Development and Implementation Grants	In this issue	1/26/96.
84.290U [1]	Bilingual Education—Comprehensive School Grants	10/6/95 (est.) [3]	12/8/95 (est.).
	Office of Educational Research and Improvement		
	National Institute on Student Achievement, Curriculum, and Assessment		
84.279A [1]	Assessment Development, and Evaluation Grants Program	11/17/95 (est.)	3/4/95 (est.).
84.305A	Center for Improving Student Learning and Achievement	8/31/95 (est.) [3]	12/12/95 (est.).
84.305B	Center for Improving Student Assessment and Educational Accountability	8/31/95 (est.) [3]	12/12/95 (est.).
84.305F	Field-Initiated Studies	10/2/95 (est.)	1/5/96 (est.).
	National Institute on the Education of At-Risk Students		
84.306A	Center for Meeting the Educational Needs of a Diverse Student Population	8/31/95 (est.) [3]	12/12/95 (est.).
84.306F	Field-Initiated Studies	10/2/95 (est.)	1/5/96 (est.).
	National Institute on Early Childhood Development and Education		
84.307A	Center for Enhancing Young Children's Development and Learning	8/31/95 (est.) [3]	12/12/95 (est.).
84.307F	Field-Initiated Studies	10/2/95 (est.)	1/5/96 (est.).
	National Institute on Educational Governance, Finance, Policymaking, and Management		
84.308A	Center on Increasing the Effectiveness of State and Local Education Reform Efforts.	8/31/95 (est.) [3]	12/12/95 (est.).
84.308F	Field-Initiated Studies	10/2/95 (est.)	1/5/96 (est.).
	National Institute on Postsecondary Education, Libraries, and Lifelong Learning		
84.309A	Center for Improving Postsecondary Education	8/31/95 (est.) [3]	12/12/95 (est.).
84.309B	Center for Improving Adult Learning and Literacy	8/31/95 (est.) [3]	12/12/95 (est.).
84.309F	Field-Initiated Studies	10/2/95 (est.)	1/5/96 (est.).

PART I.—CHART 1.—LIST OF APPLICATION NOTICES—Continued

CFDA No.	Name of program	Application notice	Application deadline date
	Office of Reform Assistance and Dissemination (ORAD)		
84.073A [1]	National Diffusion Network (NDN)—Exemplary Projects	1/12/96 (est.)	3/11/96 (est.).
84.073F [1]	National Diffusion Network (NDN)—Private School Facilitator Project	12/8/95 (est.)	1/29/96 (est.).
84.073C [1]	National Diffusion Network (NDN)—State Facilitator Projects	12/8/95 (est.)	1/29/96 (est.).
84.168A [1]	Dwight D. Eisenhower Professional Development Program Federal Activities: Christa McAuliffe Fellowship Program.	10/20/95 (est.)	12/15/95 (est.).
84.168B [1]	Dwight D. Eisenhower Professional Development Program Federal Activities: Development of Teacher Networks.	12/1/95 (est.)	2/9/96 (est.).
84.168C [1]	Dwight D. Eisenhower Professional Development Program: Professional Development Demonstration Project.	2/1/96 (est.)	5/1/96 (est.).
84.203A [1]	Star Schools Program—Distance Education Projects	2/7/96 (est.)	4/18/96 (est.).
84.203B [1]	Star Schools Program—Statewide Telecommunications Network	2/7/96 (est.)	4/18/96 (est.).
84.203C [1]	Star Schools Program—Dissemination of Information on Distance Learning	2/7/96 (est.)	4/18/96 (est.).
84.203D [1]	Star Schools Program—Special Local Project	2/7/96 (est.)	4/18/96 (est.).
84.206A	Jacob K. Javits Gifted and Talented Students Education Program	3/1/96 (est.)	6/19/96 (est.).
84.303A	Technology for Education: K–12 Technology Learning Challenge Grants	11/20/95 (est.)	2/29/95 (est.).
84.303B [1]	Technology for Education: Adult Technology Learning Challenge Grants	11/20/95 (est.)	2/29/95 (est.).
	National Center for Education Statistics		
84.999B	National Assessment of Educational Progress (NAEP)—Data Reporting Program.	9/6/95 (est.)	11/3/95 (est.).
	Library Programs		
84.036A [1]	Library Education and Human Resource Development Program—Institutes [2]	9/29/95 (est.)	12/1/95 (est.).
84.036B [1]	Library Education and Human Resource Development Program—Fellowships [2]	9/29/95 (est.)	12/8/95 (est.).
84.039D [1]	Library Research and Demonstration Program [2]	9/29/95 (est.)	3/1/96 (est.).
84.163A	Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants	9/29/95 (est.)	12/1/95 (est.).
84.163B	Library Services to Indian Tribes and Hawaiian Natives Program—Special Projects.	9/29/95 (est.)	5/6/96 (est.).
84.167A [1]	Library Literacy Program	9/29/95 (est.)	12/8/95 (est.).
	Office of Elementary and Secondary Education		
84.062A [1]	Educational Services for Indian Adults	11/3/95 (est.)	1/29/96 (est.).
84.083A [1]	Women's Educational Equity Act Program—Implementation Grants	10/20/95 (est.)	1/5/96 (est.).
84.083B [1]	Women's Educational Equity Act Program—Research Development Grants	10/20/95 (est.)	1/5/96 (est.).
84.087A [1]	Indian Fellowship	10/13/95 (est.)	1/12/96 (est.).
84.144A	Migrant Education Program—National Coordination Activities	11/3/95 (est.)	2/2/96 (est.).
84.184C [1]	Safe and Drug Free Schools and Communities Program—Federal Activities: Alternatives to Expulsion Projects.	9/15/95 (est.)	12/20/95 (est.).
84.184D [1]	Safe and Drug Free Schools and Communities Program—Federal Activities: School Truancy Prevention.	9/15/95 (est.)	2/2/96 (est.).
84.184E [1]	Safe and Drug Free Schools and Communities Program—Federal Activities: Removing Weapons from Schools.	9/15/95 (est.)	2/2/96 (est.).
84.214A	Migrant Education Even Start	11/9/95 (est.)	3/1/96 (est.)
84.258A	Even Start Family Literacy for Indian Tribes and Tribal Organizations	1/29/96 (est.)	3/25/96 (est.)
84.313A	Even Start Special Grants for Women's Prisons	12/11/95 (est.)	3/18/96 (est.)
84.314A	Even Start Statewide Family Literacy Initiative Grants	7/28/95 (est.)	10/20/95 (est.).
84.282A [1]	Public Charter Schools	10/13/95 (est.)	12/19/95.
84.299A [1]	Office of Indian Education—Special Projects: Demonstration Grants	11/3/95 (est.)	1/29/96 (est.).
84.299B [1]	Office of Indian Education—Special Projects: Professional Development Grants	11/3/95 (est.) [3]	1/29/96 (est.).
84.312A [1]	GOALS 2000 Urban/Rural Local Reform Initiative	12/15/95 (est.)	2/23/96 (est.).
	Office of Postsecondary Education		
84.016A	Undergraduate International Studies and Foreign Language Program	In this issue	11/3/95.
84.017A	International Research and Studies Program	In this issue	10/27/95.
84.019A	Fulbright-Hays Faculty Research Abroad Program	In this issue	10/30/95.
84.021A	Fulbright-Hays Group Projects Abroad Program	In this issue	10/20/95.
84.022A	Fulbright-Hays Doctoral Dissertation Research Abroad Program	In this issue	10/30/95.
84.031G [1]	Endowment Challenge Grant Program	In this issue	6/17/96.
84.031H	Designation as an Eligible Institution for the Strengthening Institutions and Endowment Challenge Grant Programs.	9/5/95 (est.)	11/3/95 (est.).
84.103	Training Program for Federal TRIO Programs	In this issue	11/27/95.
84.120A	Minority Science Improvement Program—Institutional, Design, Special, and Cooperative Projects.	In this issue	12/8/95.
84.153A	Business and International Education Program	In this issue	11/6/95.
84.204A [1]	School, College, and University Partnerships Program	In this issue	1/19/96.

PART I.—CHART 1.—LIST OF APPLICATION NOTICES—Continued

CFDA No.	Name of program	Application notice	Application deadline date
84.220A	Centers for International Business Education Program	In this issue	11/10/95.
84.229A	Language Resource Centers Program	In this issue	10/27/95.
84.262A	Programs to Encourage Minority Students to Become Teachers	In this issue	11/17/95.
	Fund for the Improvement of Postsecondary Education (FIPSE)		
84.116A	Comprehensive Program (Preapplications)	8/15/95 (est.)	10/18/95 (est.).
84.116B	Comprehensive Program (Applications) [4]	8/15/95 (est.)	3/18/96 (est.).
	Office of Special Education and Rehabilitative Services *Office of Special Education Programs*		
84.023B [1]	Student-Initiated Research Projects	In this issue	2/22/96.
84.023C [1]	Field-Initiated Research Projects	In this issue	11/17/95.
84.023F [1]	Examining Alternatives for Results Assessment for Children with Disabilities	In this issue	1/5/95.
84.023J [1]	Research Institute for Children with Disabilities with Curriculum and Instructional Interventions.	TBA [3]	TBA.
84.023N [1]	Initial Career Awards	TBA [3]	TBA.
84.023S [1]	Study of Children with Disabilities from Diverse Socio-Economic Households Served under the Individuals with Disabilities Education Act.	TBA [3]	TBA.
84.024A [1]	National Early Childhood Technical Assistance Center	TBA [3]	TBA.
84.024B [1]	Model Demonstration Projects for Young Children with Disabilities	TBA [3]	TBA.
84.024D [1]	Outreach Projects for Young Children with Disabilities	TBA [3]	TBA.
84.024S [1]	Early Childhood Research Institutes	TBA [3]	TBA.
84.025C	Technical Assistance for Children, Adolescents, and Young Adults Who Are Deaf-Blind.	In this issue	10/25/95.
84.025D	Demonstration Projects for Children with Deaf-Blindness	In this issue	10/25/95.
84.025U	National Clearinghouse for Children Who Are Deaf-Blind	In this issue	11/1/95.
84.026J	Closed-Captioned Television Programming	TBA [3]	TBA.
84.029A [1]	Preparation of Personnel to Serve Children and Youth with Low-Incidence Disabilities.	TBA [3]	TBA.
84.029D [1]	Preparation of Leadership Personnel	In this issue	11/20/95.
84.029E [1]	Minority Institutions Personnel	In this issue	12/1/95.
84.029G [1]	Preparation of Personnel to Serve Children and Youth with High-Incidence Disabilities.	TBA [3]	TBA.
84.029K [1]	Special Projects	In this issue	12/8/95.
84.029M	Parent Training and Information Centers	In this issue	11/13/95.
84.078C	Model Demonstration Projects to Improve the Delivery and Outcomes of Postsecondary Education for Individuals with Disabilities.	TBA [3]	TBA.
84.086U	Outreach Projects: Serving Children with Severe Disabilities in General Education and Community Settings.	TBA [3]	TBA.
84.158A	State Systems for Transition for Youth with Disabilities	In this issue	12/22/95.
84.158Q	Outreach Projects for Services for Youth with Disabilities	TBA [3]	TBA.
84.158V	Model Demonstration Projects to Improve the Delivery and Outcomes of Secondary Education for Students with Disabilities.	TBA [3]	TBA.
84.159B [1]	Testing the Use of an Instrument to Measure Student Progress	TBA [3]	TBA.
84.159K [1]	State-Federal Administrative Information Exchange	TBA [3]	TBA.
84.180G [1]	Technology, Educational Media, and Materials Research Projects that Promote Literacy.	In this issue	11/13/95.
84.180U [1]	Collaborative Research on Technology, Media, and Materials for Children and Youth with Disabilities.	In this issue	1/12/96.
84.237G	Non-Discriminatory, Culturally Competent, Collaborative Demonstration Models to Improve Services for Students with Serious Emotional Disturbance and Prevention Services for Students with Emotional and Behavioral Problems.	In this issue	1/12/96.
84.237H	Developing Effective Secondary School-Based Practices for Youth with Serious Emotional Disturbance.	TBA [3]	TBA.
84.237T	Developing Strategies for Effective Collaboration among Educators and Agencies Serving Children and Youth with, or at Risk of Developing, Serious Emotional Disturbance.	TBA [3]	TBA.
	National Institute on Disability and Rehabilitation Research		
84.133B	Rehabilitation Research and Training Centers	10/20/95 (est.)	2/9/96 (est.).
84.133D	Knowledge Dissemination and Utilization Program	9/29/95 (est.) [3]	1/26/96 (est.).
84.133E	Rehabilitation Engineering Research Centers	10/10/95 (est.)	1/12/96 (est.).
84.133F	Research Fellowships	5/30/95 (60 FR 28284)	10/20/95.
84.133G	Field-Initiated Projects	5/30/95 (60 FR 28284)	9/29/95.

PART I.—CHART 1.—LIST OF APPLICATION NOTICES—Continued

CFDA No.	Name of program	Application notice	Application deadline date
	Rehabilitation Services Administration		
84.128G	Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers with Disabilities.	In this issue	1/29/96.
84.128J	Projects for Initiating Recreation Programs for Individuals with Disabilities	In this issue	1/29/96.
84.129T	Distance Learning through Telecommunications	In this issue	10/2/95.
84.129U–1	Parent Information and Training Programs	In this issue	10/2/95.
84.129U–3	Parent Information and Training Programs—Technical Assistance	In this issue	10/2/95.
84.234M	Projects with Industry	In this issue	1/2/96.
84.235U	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities.	In this issue	12/5/95.
84.235V	Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth with Disabilities.	In this issue	12/5/95.
84.250F	Vocational Rehabilitation Service Projects for American Indians with Disabilities	In this issue	6/14/96.
84.264B	Rehabilitation Continuing Education Programs	In this issue	10/2/95.
84.315	Capacity Building for Traditionally Underserved Populations	In this issue	2/16/96.
	Office of Vocational and Adult Education		
Application notices for new discretionary grant awards, if any, will be published at a future date.			

[1] This competition would be cancelled if the appropriations bill for 1996 passed by the House of Representatives were to be enacted into law without change.
[2] The Administration also has proposed the termination of funding for this program or competition because similar activities can be supported under another program.
[3] This program will be governed by new regulations or funding priorities.
[4] Applicants for 84.116B must submit preapplications under 84.116A by 10/18/95.

Part II

The following Charts 2 through 7 contain fiscal and programmatic information about each of the programs announced in this notice. Each chart is followed by additional information regarding these programs.

CHART 2.—OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.194Q Bilingual Education—State Grant Program	11/17/95	1/26/96	3/27/96	N/A	N/A	7
84.195E Bilingual Education—Career Ladder Program	11/1/95	1/5/96	3/6/96	$140,000–200,000	$170,000	46
84.288S Bilingual Education—Program Development and Implementation Grants	10/3/95	1/26/96	3/27/96	100,000–175,000	150,000	100

84.194Q Bilingual Education: State Grant Program

Purpose of Program: To assist State educational agencies (SEAs) to (1) collect data on the State's limited English proficient (LEP) population and the educational programs and services available to that population; (2) assist local educational agencies (LEAs) in the State with program design, capacity building, assessment of student performance, and program evaluation; and (3) train SEA personnel in educational issues affecting LEP children and youth.

Eligible Applicants: SEAs.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, and 85.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Plan of operation (34 CFR 75.210(b)(3)). Eight points are added to this criterion for a possible total of 23 points.

Evaluation plan (34 CFR 75.210(b)(6)). Seven points are added to this criterion for a possible total of 12 points.

Project Period: Up to 36 months.

For Applications or Information Contact: Luis A. Catarineau, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–9907.

Program Authority: 20 U.S.C. 7454.

84.195E Bilingual Education: Career Ladder Program

Purpose of Program: To provide grants (1) to upgrade the qualifications and skills of noncertified educational personnel—especially educational paraprofessionals—to meet high professional standards, including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient students; and (2) to help recruit and train secondary school students as bilingual education teachers and other educational

personnel to serve limited English proficient students.

Eligible Applicants: Institutions of higher education (IHEs) applying in consortia with one or more local educational agencies (LEAs) or one or more State educational agencies (SEAs). Consortia may include community-based organizations or professional educational organizations.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Selection Criteria: In evaluating applications for grants under this program the Secretary uses the selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Plan of operation (34 CFR 75.210(b)(3)). Eight points are added to this criterion for a possible total of 23 points.

Evaluation plan (34 CFR 75.210(b)(6)). Seven points are added to this criterion for a total of 12 points.

Project Period: Up to 60 months.

For Applications or Information Contact: Cindy Ryan, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–8842.

Program Authority: 20 U.S.C. 7474.

84.288S Bilingual Education: Program Development and Implementation Grants

Purpose of Program: To provide grants to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for limited English proficient students, including programs of early childhood education, kindergarten through twelfth grade education, gifted and talented education, and vocational and applied technology education.

Eligible Applicants: One or more local educational agencies (LEAs); one or more LEAs in collaboration with an institution of higher education (IHE), community-based organization (CBO), other LEAs, or a State educational agency (SEA); or a CBO or an IHE that has an application approved by the LEA to develop and implement early childhood education or family education programs or to conduct an instructional program that supplements the educational services provided by an LEA.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Extent of need for the project (34 CFR 75.210(b)(2)). Eight points are added to this criterion for a possible total of 28 points.

Plan of operation (34 CFR 75.210(b)(3)). Seven points are added to this criterion for a possible total of 22 points.

Project Period: 36 months.

For Applications or Information Contact: Petraine Johnson, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–8766.

Program Authority: 20 U.S.C. 7422.

CHART 3.—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
National Institute on Student Achievement, Curriculum, and Assessment						
Application notices for all programs and competitions will be published at a future date						
National Institute on the Education of At-Risk Students						
Application notices for all programs and competitions will be published at a future date						
National Institute on Early Childhood Development and Education						
Application notices for all programs and competitions will be published at a future date						
National Institute on Educational Governance, Finance, Policymaking, and Management						
Application notices for all programs and competitions will be published at a future date						
National Institute on Postsecondary Education, Libraries, and Lifelong Learning						
Application notices for all programs and competitions will be published at a future date						

CHART 3.—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT—Continued

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
Office of Reform Assistance and Dissemination (ORAD)						
Application notices for all programs and competitions will be published at a future date						
National Center for Education Statistics						
Application notices for all programs and competitions will be published at a future date						
Library Programs						
Application notices for all programs and competitions will be published at a future date						

CHART 4.—OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
Application notices for all programs and competitions will be published at a future date						

CHART 5.—OFFICE OF POSTSECONDARY EDUCATION

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.016A Undergraduate International Studies and Foreign Language Program.	9/1/95	11/3/95	1/2/96	$40,000–90,000	$65,000	32
84.017A International Research and Studies Program.	8/25/95	10/27/95	N/A	$30,000–140,000	$95,588	15
84.019A Fulbright-Hays Faculty Research Abroad Program.	8/21/95	10/30/95	N/A	$17,000–75,000	$38,000	22
84.021A Fulbright-Hays Group Projects Abroad Program.	9/1/95	10/20/95	N/A	$30,000–90,000	$56,600	38
84.022A Fulbright-Hays Doctoral Dissertation Research Abroad Program.	8/25/95	10/30/95	N/A	$9,000–72,000	$29,000 (per fellow).	61 (indiv. fellowships)
84.031G Endowment Challenge Grant Program.	4/17/96	6/17/96	N/A	$50,000–500,000	$350,000	6
84.103 Training Program for Federal TRIO Programs.	9/22/95	11/27/95	N/A	$80,000–280,000	$190,000	12
84.120A Minority Science Improvement Program—Institutional, Design, Special, and Cooperative Projects.	10/16/95	12/8/95	2/14/96	Institutional Projects: $100,000–300,000.	$120,000	10
				Design Projects: $16,000–20,000.	$18,000	1
				Special Projects: $20,000–150,000.	$25,000	10
				Cooperative Projects: $200,000–500,000.	$175,000	2
84.153A Business and International Education Program.	9/1/95	11/6/95	1/5/96	$50,000–90,000	$80,000	23

CHART 5.—OFFICE OF POSTSECONDARY EDUCATION—Continued

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.204A School, College, and University Partnerships Program.	10/31/95	1/19/96	3/19/96	$250,000–300,000	$275,000	4
84.220A Centers for International Business Education Program.	9/1/95	11/10/95	1/9/96	$150,000–350,000	$261,000	13
84.229A Language Resource Centers Program.	8/25/95	10/27/95	N/A	$350,000–450,000	$400,000	6
84.262A Programs to Encourage Minority Students to Become Teachers.	10/02/95	11/17/95	12/22/95	Teaching Partnership Projects: $120,000–300,000.	210,000	8
				Teacher Placement Projects: $120,000–300,000.	$210,000	4
Fund for the Improvement of Postsecondary Education (FIPSE)						
Application notices for all programs and competitions will be published at a future date..						

84.016A Undergraduate International Studies and Foreign Language Program

Purpose of Program: To provide grants to strengthen and improve undergraduate instruction in international studies and foreign languages in the United States.

Eligible Applicants: Institutions of higher education; combinations of institutions of higher education; and public and nonprofit private agencies and organizations, including professional and scholarly associations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 655 and 658.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priority: Under 34 CFR 75.105(c)(2)(i), 34 CFR 658.35, and section 604(a)(4) of title VI of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1992, the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards five points to an application that meets this competitive priority in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for the program:

Applications from institutions of higher education or combinations of institutions that—

(a) Require entering students to have successfully completed at least two years of secondary school foreign language instruction;

(b) Require each graduating student to earn two years of postsecondary credit in a foreign language or have demonstrated equivalent competence in the foreign language;

(c) In the case of a two-year degree granting institution, offer two years of postsecondary credit in a foreign language.

Supplementary Information: An institutional grantee shall pay a minimum of 50 percent of the cost of the project for each fiscal year.

Project Period: 24 to 36 months.

For Applications or Information Contact: Christine Corey, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5332. Telephone: (202) 401–9783.

Program Authority: 20 U.S.C. 1124.

84.017A International Research and Studies Program

Purpose of Program: To provide grants to conduct research and studies to improve and strengthen instruction in modern foreign languages, area studies, and other international fields to provide full understanding of the places in which the foreign languages are commonly used.

Eligible Applicants: Public and private agencies, organizations, and institutions; and individuals.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 655 and 660.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities: Under 34 CFR 75.105 (c)(2)(i), and 34 CFR 660.34 and 660.10, the Secretary gives preference to applications that meet either of the following competitive priorities. The Secretary awards five points to an application that meets either of these competitive priorities in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for the program:

(a) Studies and surveys to determine needs for increased or improved instruction in foreign language, area studies, or other international fields, including the demand for foreign language, area, and international specialists in government, education, and the private sector.

(b) Studies and surveys to assess the use of graduates of programs supported under title VI of the Higher Education Act, as amended, by governmental, educational, and private sector organizations; and other studies assessing the outcomes and effectiveness of programs supported under title VI.

Project Period: 12 to 36 months.

For Applications or Information Contact: Jose L. Martinez, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5331. Telephone: (202) 401–9784.

Program Authority: 20 U.S.C. 1125.

84.019A Fulbright-Hays Faculty Research Abroad Program

84.022A Fulbright-Hays Doctoral Dissertation Research Abroad Program

Purpose of Programs: (a) The Faculty Research Abroad Program offers opportunities to faculty members of higher education for research and study in modern foreign languages and area studies. (b) The Doctoral Dissertation Research Abroad Fellowship Program provides opportunities for graduate students to engage in full-time dissertation research abroad in modern foreign languages and area studies.

Eligible Applicants: Institutions of higher education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, 82, 85, and 86; and (b) The regulations for these programs in 34 CFR parts 662 and 663.

Priorities: Under 34 CFR 75.105(c)(3), 34 CFR 663.32(c) (Higher Education Programs in Modern Foreign Language Training and Area Studies—Faculty Research Abroad Fellowship Program), and 34 CFR 662.32(c) (Higher Education Programs in Modern Foreign Language Training and Area Studies—Doctoral Dissertation Research Abroad Fellowship Program) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds only applications that meet this absolute priority:

Research projects that focus on one or more of the following: Africa, East Asia, Southeast Asia and the Pacific, South Asia, the Near East, East Central Europe and Eurasia, and the Western Hemisphere (Central and South America and the Caribbean).

Note: Applications that propose projects focused on Western Europe will not be funded.

Project Period: Three to 12 months for Faculty Research Abroad; and 6 to 12 months for Doctoral Dissertation Research Abroad.

For Applications or Information Contact:

For Faculty Research Abroad Program: Eliza Washington, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5331. Telephone: (202) 401–9777.

For Doctoral Dissertation Research Abroad Program: Karla Ver Bryck Block, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5331. Telephone: (202) 401–9774.

Program Authority: 22 U.S.C. 2452(b)(6).

84.021A Fulbright-Hays Group Projects Abroad Program

Purpose of Program: To provide grants to support overseas projects in training, research, and curriculum development in modern foreign languages and area studies by teachers, students, and faculty engaged in a common endeavor. Projects may include short-term seminars, curriculum development, group research or study, or advanced intensive language projects.

Eligible Applicants: Institutions of higher education; State departments of education; nonprofit private educational organizations; and consortia of these types of institutions, departments, and organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 664.

Priorities:

Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 664.32 the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds only applications that meet this absolute priority:

Group projects that focus on one or more of the following: Africa, East Asia, the Western Hemisphere (Central and South America and the Caribbean), Southeast Asia and the Pacific, East Central Europe and Eurasia, the Near East, and South Asia.

Note: Applications that propose projects focused on Western Europe will not be funded.

Competitive Priority: Within the absolute priority specified in this notice, the Secretary, under 34 CFR 75.105(c)(2)(i) and 34 CFR 664.32, gives preference to applications that meet the following competitive priority. The Secretary awards up to five points to an application that meets this competitive priority in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for the program:

Short-term seminars that develop and improve foreign language and area studies at elementary and secondary schools.

Project Periods:

For short-term seminar projects: five weeks.

For curriculum development projects: six to eight weeks. For group research or study projects: two to twelve months.

For advanced overseas intensive language training projects: six weeks to 36 months.

For Applications or Information Contact: Dr. Lungching Chiao, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5332. Telephone: (202) 401–9772.

Program Authority: 22 U.S.C. 2452(b)(6).

84.031G Endowment Challenge Grant Program

Purpose of Program: To provide matching grants to eligible institutions of higher education to establish or increase their endowment funds.

Eligible Applicants: Institutions of higher education that are designated as eligible. The Secretary publishes separately in the **Federal Register** a notice informing interested parties how to be designated as eligible to apply for Endowment Challenge Grant funds.

Note: In the fiscal year 1996 budget request, the President has proposed to limit eligibility. If the President's proposal is enacted, only historically black colleges and universities that meet the eligibility requirements of this program would be eligible to apply for support.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 74.61(h) or 34 CFR 80.26 and the appendix to 34 CFR part 80, as applicable; 74.80, 74.84 and 74.85; 75.100 through 75.102 and 75.217; and in 34 CFR parts 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 628.

Project Period: 240 months (20 years).

Fundraising Period: 18 months (September 1996–March 1998).

For Applications or Information Contact: Steven Pappas, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5337. Telephone: (202) 708–8866. Applications will be sent to those institutions designated as eligible.

Program Authority: 20 U.S.C. 1065.

84.103 Training Program for Federal TRIO Programs (Training Program)

Purpose of Program: To provide Federal financial assistance to train the staff and leadership personnel employed in, or preparing for employment in, projects under the Federal TRIO Programs.

Eligible Applicants: Institutions of higher education; and public and nonprofit private agencies and organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities: Under 34 CFR 642.34(a) the Secretary gives preference to applications that meet one or more of the following priorities. Under 34 CFR 75.201(a) and 642.31(f)(2)(iii) the Secretary awards up to 8 1/3 points to an application that provides effective training in one or more of the following subjects:

(1) Student financial aid.

(2) General project management for new directors.

(3) Legislative and regulatory requirements for the operation of the Federal TRIO programs.

(4) The design and operation of model programs for projects funded under the Federal TRIO programs.

(5) Retention and graduation strategies.

(6) Counseling.

(7) Reporting student and project performance.

Project Period: Up to 24 months.

For Applications or Information Contact: Blanca Rosa Rodriguez, U.S. Department of Education, 600 Independence Avenue, SW., suite 600D, Portals Building, Washington, DC 20202–5249. Telephone: (202) 708–4804.

Program Authority: 20 U.S.C. 1070d–1d.

84.120A Minority Science Improvement Program—Institutional, Design, Special, and Cooperative Projects

Purpose of Program: To effect long-range improvement in science education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities, particularly minority women, into scientific careers.

Eligible Applicants:

(a) *For institutional, design, and special projects described in 34 CFR 637.14(a), (b) and (c):* Public and nonprofit private minority institutions.

Note: A minority institution is defined in 34 CFR 637.4(b) as an accredited college or university whose enrollment of a single minority group or combination of minority groups, as defined in 34 CFR 637.4(b), exceeds 50 percent of the total enrollment.

(b) *For institutional, design, and special projects described in 34 CFR 637.14(b) and (c):* Non-profit science-oriented organizations; professional scientific societies; and nonprofit accredited colleges and universities that render a needed service to a group of eligible minority institutions, as defined in 34 CFR 637.4(b), or that provide inservice training of project directors, scientists, and engineers from eligible minority institutions.

(c) *For cooperative projects:* Groups of nonprofit accredited colleges and universities whose primary fiscal agent is an eligible minority institution, as defined in 34 CFR 637.4(b).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 637.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Project Period: Up to 36 months.

For Applications or Information Contact: Dr. Argelia Velez-Rodriguez, U.S. Department of Education, 600 Independence Avenue, SW., Courtyard Suite C–80, Portals Building, Washington, DC 20202–5329. Telephone: (202) 260–3261. The Department encourages applicants to FAX requests for applications to: (202) 260–7615.

Program Authority: 20 U.S.C. 1135b–1135b–3, 1135d–1135d–6.

84.153A Business and International Education Program

Purpose of Program: To provide grants both to enhance international business education programs and expand the capacity of the business community to engage in international economic activities.

Eligible Applicants: Institutions of higher education that have entered into agreements with business enterprises, trade organizations, or associations engaged in international economic activity.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 655 and 661.

Supplementary Information: A grantee shall pay a minimum of 50 percent of the cost of the project for each fiscal year.

Project Period: 24 months.

For Applications or Information Contact: Sarah T. Beaton, U.S. Department of Education, 600 Independence Avenue SW., Washington, DC 20202–5332. Telephone: (202) 401–9778.

Program Authority: 20 U.S.C. 1130–1130b.

84.204A School, College, and University Partnerships (SCUP) Program

Purpose of Program: To provide grants to higher education and secondary school partnerships to conduct activities that will improve high school retention and graduation rates of low-income and disadvantaged students, improve their academic skills, and prepare them for programs of postsecondary education or gainful employment following graduation from high school.

Eligible Applicants: Institutions of higher education; State higher education agencies; consortia of one or more institutions of higher education or State higher education agencies or both.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 610.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities:

Absolute Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 610.4(a) the Secretary gives absolute preference to applications that meet two or more of the following priorities. The Secretary funds under this program only applications that meet two or more of these absolute statutory priorities:

(1) Projects that will serve predominantly low-income communities.

(2) Projects that will conduct programs during both the regular school year and the summer.

(3) Projects designed to serve one or more of the following historically underrepresented and underserved populations of students: educationally disadvantaged students; students with disabilities; potential dropouts; pregnant adolescents and teenage parents; children of migratory agricultural workers or of migratory fishermen; and students whose native language is other than English.

(4) Projects designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue these fields of study.

Competitive Priority: Within the absolute priorities specified in this notice, the Secretary, under 34 CFR 75.105(c)(2)(ii) and 34 CFR 610.4(b), gives preference to applications that meet the following competitive priority. An application that meets this competitive priority is selected by the Secretary over applications of comparable merit that do not meet the priority:

Projects in which the primary focus is to stimulate school-wide reform and systemic improvements in schools serving a high concentration of disadvantaged students (in contrast to projects in which the aim is to provide

supplemental services to a discrete subpopulation of students).

The following illustrate some of the kinds of systemic changes the Secretary is particularly interested in supporting; projects incorporating these illustrated changes do not receive preference over other projects that also meet the competitive priority:

(1) Change initiatives in which education officials, businesses, and other community leaders look critically at all aspects of an education system that impact on the academic performance of disadvantaged students, identify areas for improvement, develop comprehensive plans for change, and commit to work over the long term to make those changes happen.

(2) Change initiatives that link curriculum, teacher education and training, certification and recertification, instructional materials, and assessments to high student academic standards.

(3) Change in all parts of an education system—including flexible governance, management, and high technology systems—that impact on the overall direction of the system and lead to improvements in student performance, postsecondary aspirations and entrance, and employment opportunities.

(4) Institutionalization of processes, functions, or structures introduced by the project.

(5) Integration of the improvement initiative into the natural workings of the partner organizations to ensure that the project's effects or outcomes are sustained beyond the period of Federal support.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in 34 CFR 610.21.

Under 34 CFR 610.20, the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Need for the project—priorities (34 CFR 610.21(a)(2)). Nine points are added to this criterion for a possible total of 15 points.

Likelihood of success (34 CFR 610.21(g)). Six points are added to this criterion for a possible total of 12 points.

Estimated Project Start Date: June 1, 1996.

Project Period: Up to 60 months.

For Applications or Information Contact: Blanca Rosa Rodriguez, U.S. Department of Education, 600 Independence Avenue, SW., suite 600D, Portals Building, Washington, DC 20202–5249. Telephone: (202) 708–4804.

Program Authority: 20 U.S.C. 1001 et seq.

84.220A Centers for International Business Education Program

Purpose of Program: To provide grants to eligible applicants to pay the Federal share of the cost of planning, establishing, and operating centers for international business education.

Eligible Applicants: Institutions of higher education; and combinations of institutions of higher education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, 86; and (b) Because there are no program-specific regulations for this program, applicants are directed to the authorizing statute for the Centers for International Business Education Program, section 612 of part B, title VI, of the Higher Education Act of 1965, as amended (20 U.S.C. 1130–1).

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the EDGAR selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210(a) and (c) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Plan of Operation (34 CFR 75.210(b)(3)). Ten points are added to this criterion for a possible total of 25 points.

Budget and Cost Effectiveness (34 CFR 75.210(b)(5)). Five points are added to this criterion for a possible total of 10 points.

Project Period: 36 months.

For Applications or Information Contact: Susanna C. Easton, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5332. Telephone: (202) 401–9780.

Program Authority: 20 U.S.C. 1130–1.

84.229A Language Resource Centers Program

Purpose of Program: To provide assistance to centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages.

Eligible Applicants: Institutions of higher education; and combinations of institutions of higher education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 655 and 669.

Priorities:

Competitive Preference Priority: Under 34 CFR 75.105(c)(2)(ii) and 34 CFR 669.22(a) and 669.3(d) the Secretary gives preference to applications that meet the following competitive priority. An application that meets this priority is selected by the Secretary over applications of comparable merit that do not meet the priority:

Training of teachers in the administration and interpretation of foreign language performance tests, the use of effective teaching strategies, and the use of new technologies.

Invitational Priority: Within the competitive priority specified within this notice, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects involving schools of education in the training of prospective foreign language teachers.

Project Period: 36 months.

For Applications or Information Contact: Sara West, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–5331. Telephone: (202) 401–9782.

Program Authority: 20 U.S.C. 1123.

84.262A Programs to Encourage Minority Students to Become Teachers

Purpose of Program: To improve recruitment and training opportunities in education for minority individuals, including language minority individuals; to increase the number of minority teachers, including language minority teachers, in elementary and secondary schools; and to identify and encourage minority students in the 7th through 12th grades to aspire to, and to prepare for, careers in elementary and secondary school teaching. The program comprises two components: the Teacher Partnerships Program and the Teacher Placement Program.

Eligible Applicants:

(a) The Secretary awards grants under the Teacher Partnerships Program to partnerships between: (1) one or more institutions of higher education that have a demonstrated record and special expertise in carrying out the purposes of this program; *and* (2) one or more local educational agencies, a State educational agency or a State higher education agency, or one or more community-based organizations.

(b) The Secretary awards grants under the Teacher Placement Program to institutions of higher education that

have schools or departments of education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 82, 85, and 86.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the EDGAR selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210(a) and (c) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Meeting the purposes of the authorizing statute (34 CFR 75.210 (b)(1)). Ten points are added to this criterion for a possible total of 40 points.

Evaluation plan (34 CFR 75.210 (b)(6)). Five points are added to this criterion for a possible total of 10 points.

Project Period: Up to 36 months.

For Applications or Information Contact: Vicki Payne, U.S. Department of Education, 600 Independence Avenue, SW., suite C–80 Portals Building, Washington, DC 20202–5329. Telephone: (202) 260–3291. The Department encourages applicants to FAX requests for applications to (202) 260–7615.

Program Authority: 20 U.S.C. 1112, 1112a–1112e.

CHART 6.—OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimate range of awards	Estimated average size of awards	Estimated number of awards
Office of Special Education Programs						
84.023B Student-Initiated Research Projects	9/11/95	2/22/96	N/A	$10,000–20,000	$15,000	18
84.023C Field-Initiated Research Projects	9/11/95	11/17/95	N/A	70,000–180,000	125,000	23
84.023F Examining Alternatives for Results Assessment for Children with Disabilities	9/11/95	1/5/96	N/A	170,000–180,000	175,000	5
84.025C Technical Assistance for Children, Adolescents, and Young Adults Who Are Deaf-Blind	9/11/95	10/25/95	12/22/95	1,600,000	1,600,000	1
84.025D Demonstration Projects for Children with Deaf-Blindness	9/11/95	10/25/95	12/22/95	130,000–135,000	133,000	5
84.025U National Clearinghouse for Children Who Are Deaf-Blind	9/11/95	11/1/95	1/2/96	325,000	325,000	1
84.029D Preparation of Leadership Personnel	9/11/95	11/20/95	1/22/96	150,000–200,000	175,000	10
84.029E Minority Institutions Personnel	9/11/95	12/1/95	2/1/96	150,000–200,000	175,000	17
84.029K Special Projects	9/11/95	12/8/95	2/8/96	150,000–200,000	175,000	14
84.029M Parent Training and Information Centers	9/11/95	11/13/95	1/16/96	100,000–400,000	165,000	16
84.158A State Systems for Transition for Youth with Disabilities	9/11/95	12/22/95	2/22/96	350,000–500,000	435,000	12
84.180G Technology, Educational Media, and Materials Research Projects that Promote Literacy	9/11/95	11/13/95	1/16/96	192,000–200,000	196,000	5
84.180U Collaborative Research on Technology, Media, and Materials for Children and Youth with Disabilities	9/11/95	1/12/96	3/12/96	295,000–305,000	300,000	6
84.237G Non-Discriminatory, Culturally Competent, Collaborative Demonstration Models to Improve Services for Students with Serious Emotional Disturbance and Prevention Services for Students with Emotional and Behavioral Problems	9/11/95	1/12/96	3/12/96	160,000–173,000	166,000	3
National Institute on Disability and Rehabilitation Research						
Application notices for all programs and competitions have been published or will be published at a future date						

CHART 6.—OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES—Continued

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimate range of awards	Estimated average size of awards	Estimated number of awards
Rehabilitation Services Administration						
84.128G Vocational Rehabilitation Services Projects for Migratory Agricultural and Seasonal Farmworkers with Disabilities	10/23/95	1/29/96	3/29/96	150,000–175,000	162,500	3
84.128J Projects for Initiating Recreation Programs for Individuals with Disabilities	10/2/95	1/29/96	3/29/96	110,000–140,000	114,000	15
84.129T Distance Learning Through Telecommunications	8/21/95	10/30/95	12/29/95	240,000–260,000	248,000	4
84.129U–1 Parent Information and Training Programs	8/21/95	10/30/95	12/29/95	80,000–90,000	86,000	8
84.129U–3 Parent Information and Training Programs—Technical Assistance	8/21/95	10/30/95	12/29/95	90,000–110,000	100,000	1
84.234M Projects with Industry	10/2/95	1/2/96	3/11/96	200,000–250,000	225,000	80
84.235U Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities	9/15/95	12/5/95	2/5/96	180,000–220,000	200,000	15
84.235V Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth With Disabilities	9/15/95	12/5/95	2/5/96	180,000–220,000	200,000	15
84.250F Vocational Rehabilitation Service Projects for American Indians with Disabilities	1/8/96	6/14/96	N/A	200,000–400,000	285,000	11
84.264B Rehabilitation Continuing Education Programs	8/21/95	10/30/95	12/29/95	490,000–510,000	500,000	3
84.315 Capacity Building for Traditionally Underserved Populations	9/15/95	2/16/96	4/19/96	80,000–120,000	100,000	14

84.023B, C, and F Research in Education of Individuals with Disabilities Program

Purpose of Program: To advance and improve the knowledge base and improve the practice of professionals, parents, and others providing early intervention, special education, and related services—including professionals in regular education environments—to provide children with disabilities effective instruction and enable these children to learn successfully.

Eligible Applicants: State and local educational agencies; institutions of higher education; and other public agencies and nonprofit private organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 324.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 324.10 the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary funds under these competitions only those applications that meet any one of these absolute priorities:

(Note: If an applicant wishes to apply under more than one of these absolute priorities, the applicant must submit a separate application under each affected priority.)

Absolute Priority 1—Student-Initiated Research Projects (84.023B). This priority supports short-term (up to 12 months) postsecondary student-initiated research projects—consistent with the purposes of the program, as described in 34 CFR 324.1—focusing on (1) special education and related services for children and youth with disabilities or (2) early intervention services for infants and toddlers.

Projects must—

(1) Develop research skills in postsecondary students; and

(2) Include a principal investigator who serves as a mentor to the student-researcher while the project is carried out by the student.

The budget for a project must provide for a trip to Washington, DC for the annual two-day Research Project Directors' meeting.

Project Period: Up to 12 months.

Absolute Priority 2—Field-Initiated Research Projects (84.023C). This priority provides support for a wide range of field-initiated research projects that support innovation, development, exchange, and use of advancements in knowledge and practice designed to contribute to the improvement of instruction and learning of infants, toddlers, children, and youth with disabilities.

Invitational Priorities:

Within Absolute Priority 2 the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

(1) Short-term (i.e. up to 12 months) research projects that are budgeted at $100,000 or less, and that are one or more of the following: pilot studies, projects that employ new methodologies, descriptive studies, projects to advance assessment, projects that synthesize state-of-the-art research and practice, projects for research dissemination and utilization, projects that analyze extant data bases.

The Secretary encourages studies that use these approaches to foster the full participation and maximize the achievement of students with disabilities in educational reform efforts related to the Goals 2000: Educate America Act.

(2) Projects that implement and examine a model or models for using research knowledge to improve educational practice and outcomes for children with disabilities, and that include methodologies with the capacity to judge the effectiveness of the model or models as implemented in practice settings.

(3) Projects that study the delivery of coordinated services from providers such as health, social service, and mental health agencies.

(4) Projects that study non-categorical approaches to establishing eligibility for special education.

(5) Projects that study and develop instructionally relevant assessment practices that can also be used to establish student eligibility for special education.

Project Period: The majority of projects will be funded for up to 36 months. Only in exceptional circumstances—such as projects that include repeated measurement or a longitudinal design—will projects be funded for more than 36 months or up to a maximum of 60 months.

Supplementary Information: The Secretary does not fund a project at an amount exceeding the high end of the range for this competition, as specified in Chart 6.

Absolute Priority 3—Examining Alternatives for Results Assessment for Children with Disabilities (84.023F). The Assistant Secretary for Special Education and Rehabilitative Services establishes an absolute priority for research projects that meet the requirements of paragraphs (a), (b), and (c) as follows:

(a) Pursue systematic programs of applied research focusing on one or more issues related to assessment or results based accountability for students with disabilities, or both. These issues include, but are not limited to the following:

(1) *Testing accommodations and adaptations.* When adaptations and accommodations are made to permit students with disabilities to participate in results assessments, how are the technical characteristics of the assessments affected? How can the results be interpreted? To what degree can these scores be aggregated with nonadapted assessments? What are the best methods for selecting appropriate accommodations and adaptations? How can testing accommodations be related to instructional accommodations?

(2) *Alternative assessments.* If alternative assessments (such as performance assessments or portfolio assessments) are provided for students with disabilities, how can these assessments be compared with conventional assessments? What technical criteria can appropriately be applied to these assessments if used with students with disabilities?

(3) *Development of assessments.* How can general educational assessments be developed to be more inclusive for students with disabilities? How can problematic items and item formats be identified? How can students with disabilities be adequately represented in test development and validation samples? What are the effects if tests developed for general populations are administered to students with disabilities?

(4) *Including students with disabilities in general assessments.* How should decisions be made and documented to include students with disabilities in general educational assessments or alternative assessments? What factors influence these decisions?

(5) *System development.* How can assessment and accountability systems be developed with the range and flexibility to accommodate diverse student populations? How can accountability and individualization both be maintained?

(6) *Basic concepts and principles.* How can basic concepts and principles in assessment be revised to reflect new approaches to assessment and new roles and challenges in assessing children with disabilities?

(b) Produce and disseminate information that can be applied in educational programs, as well as in subsequent research.

(c) Coordinate their activities, as appropriate, with the Center to Support the Achievement of World Class Outcomes for Students with Disabilities and with other related projects funded under the Goals 2000: Educate America Act.

The budget for a project must provide for two trips annually to Washington, DC for (1) a two-day Research Project Directors' meeting; and (2) another meeting: to meet and collaborate with the project officer of the Office of Special Education Programs and the other projects funded under this priority, to share information, and to discuss findings and methods of dissemination.

Project Period: Up to 36 months.

Supplementary Information: It is estimated that the Secretary will fund projects at a level of $175,000 for the first year of a project. Multi-year projects are likely to be level funded unless there are increases in costs attributable to significant changes in activity level.

For Applications and General Information Contact: Claudette Carey, U.S. Department of Education, 600 Independence Avenue, SW., room 3525, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–9864. FAX: (202) 205–8105. Internet: Claudette—Carey@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

For Technical Information Contact:

For Student-Initiated Research Projects (84.023B): Doris Andres, U.S. Department of Education, 600 Independence Avenue, SW., room 3526, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–8125. FAX: (202) 205–8105. Internet: Doris—Andres@ed.gov

For Field-Initiated Research Projects (84.023C): Tom V. Hanley, U.S. Department of Education, 600 Independence Avenue, SW., room 3526, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–8110. FAX: (202) 205–8105. Internet: Tom—Hanley@ed.gov

For Examining Alternatives for Outcome Assessment for Children with Disabilities (84.023F): David Malouf, U.S. Department of Education, 600 Independence Avenue, SW., room 3521, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–8111. FAX: (202) 205–8105. Internet: Dave—Malouf@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

Program Authority: 20 U.S.C. 1441–1443.

84.025C, D, and U Services for Children with Deaf-Blindness Program

Purpose of Program: To provide Federal assistance to address the special needs of infants, toddlers, children, and youth with deaf-blindness.

Eligible Applicants: Public or nonprofit private agencies, institutions, or organizations, including Indian tribes, the Bureau of Indian Affairs of the Department of Interior (if the Bureau is acting on behalf of schools operated by the Bureau for children and students on Indian reservations), and tribally controlled schools funded by the Department of Interior.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Applicable Regulations: (a) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Part 307.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 307, the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary funds under these competitions only applications that meet one of these absolute priorities:

(Note: The Department is not bound by any estimates in this notice, except as otherwise provided by statute.)

Absolute Priority 1—Technical Assistance for Children, Adolescents, and Young Adults Who Are Deaf-Blind (84.025A). (a) This priority supports one project that provides technical assistance to State and Multi-State Projects funded under 34 CFR 307.11 of the Services for Children with Deaf-Blindness Program, lead agencies under part H of the Individuals with Disabilities Education Act (IDEA), and State educational agencies. This priority also includes technical assistance to State educational agencies in making available to adolescents and young adults with deaf-blindness, programs and services to facilitate their transition from education to employment and other services such as vocational, independent living, and other postsecondary services.

(b) A grantee must provide the services required by 34 CFR 307.12 and 307.13.

The Secretary invites applications that use a consortia approach in conducting the activities authorized under this priority.

Project Period: 60 months.

Absolute Priority 2—Demonstration Projects for Children with Deaf-Blindness (84.025D). This priority supports projects that develop, improve, or demonstrate new or existing methods, approaches, or techniques that contribute to the adjustment, early intervention, and education of children who are deaf-blind.

Invitational Priority: Within Absolute Priority 2 the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications: Projects that—

(a) Improve instructional techniques that enhance communication skills, including use of augmentative devices and assistive technology;

(b) Improve social skills, including social interaction;

(c) Improve independent living skills, including selfdetermination, mobility, and other community living skills;

(d) Improve recreation and leisure skills; or

(e) Improve more traditional skills, including academic achievement and transition and employment skills.

Project Period: 36 months.

Absolute Priority 3—National Clearinghouse for Children Who Are Deaf-Blind (84.025U). This priority supports a national clearinghouse for children who are deaf-blind. The clearinghouse will—

(a) Identify, coordinate, and disseminate information on deaf-blindness, emphasizing information concerning practices developed through research, development, or demonstration activities that have produced statistical or narrative data establishing their effectiveness with children who are deaf-blind including—

(1) Special educational and early intervention programs, services, and resources;

(2) Related medical, health, social, and recreational services;

(3) The nature of deaf-blindness and its early intervention, educational, and employment implications;

(4) Legal issues affecting persons with disabilities; and

(5) Information on available services and programs in postsecondary education for adolescents and young adults with deaf-blindness;

(b) Interact with educators, professional groups, and parents to identify areas for programming, materials development, training, and expansion of specific services;

(c) Maintain a computerized data base on local, regional, and national resources; and

(d) Respond to information requests from professionals, parents, and members of the public.

Project Period: 36 months.

For Applications and General Information Contact: Robin Buckler, U.S. Department of Education, 600 Independence Avenue SW., room 4617, Switzer Building, Washington, DC 20202–2732. Telephone: (202) 205–9844.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

For Technical Information Contact: Charles Freeman, U.S. Department of Education, 600 Independence Avenue, SW., room 4617, Switzer Building, Washington, DC 20202–2644. Telephone: (202) 205–8165.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

Program Authority: 20 U.S.C. 1422.

84.029D, E, K, and M Training Personnel for the Education of Individuals with Disabilities—Grants for Personnel Training and Parent Training and Information Centers

Purpose of Program: (a) The purpose of Grants for Personnel Training is to increase the quantity and improve the quality of personnel available to serve infants, toddlers, children, and youth with disabilities. (b) The purpose of Parent Training and Information Centers is to enable parents to work more fully and effectively with professionals in meeting the needs of infants, toddlers, children, and youth with disabilities.

Eligible Applicants:

Under Absolute Priorities 1 (Preparation of Leadership Personnel) and 2 (Minority Institutions): Institutions of higher education; and appropriate nonprofit agencies.

Under Absolute Priority 3 (Special Projects): Institutions of higher education; State agencies; and other appropriate nonprofit agencies.

Under Absolute Priority 4 (Parent Training and Information Centers): parent organizations, as defined in 34 CFR 316.5(c).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 316 and 318.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities: Under 34 CFR 75.105(c)(3), 34 CFR 316, and 34 CFR 318, the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary funds under these competitions only those applications that meet any one of these absolute priorities:

(Note: If an applicant wishes to apply under more than one of these absolute priorities, the applicant must submit a separate application under each affected priority.)

Absolute Priority 1—Preparation of Leadership Personnel (84.029D). This priority supports projects designed to provide preservice professional preparation of leadership personnel in

special education, related services, and early intervention. Leadership training is considered to be preparation in—

(a) Supervision and administration at the advanced graduate, doctoral, and post-doctoral levels;

(b) Research; and

(c) Personnel preparation at the doctoral and post-doctoral levels (34 CFR 318.11(a)(4)).

Invitational priorities: Within Absolute Priority 1 the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

(a) Projects designed to foster successful coordination between special education and regular education teachers, administrators, related services personnel, infant intervention specialists, and parents.

(b) Projects that coordinate their professional development programs for regular and special education personnel.

(c) Projects that include recruitment of leadership personnel from groups that are underrepresented in educational leadership positions.

Project period: Up to 48 months.

Absolute Priority 2—Minority Institutions (84.029E). This priority supports awards to Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 25 percent. Awards may provide training of personnel in all areas noted in 34 CFR 318.10(a)(1) and (2) and must be designed to increase the capabilities of the institution in appropriate training areas (34 CFR 318.11(a)(16)).

Project Period: Up to 48 months.

Absolute Priority 3: Special Projects (84.029K). This priority supports projects that include development, evaluation, and distribution of innovative approaches to personnel preparation; development of curriculum materials to prepare personnel to educate or provide early intervention services; and other projects of national significance related to the preparation of personnel needed to serve infants, toddlers, children, and youth with disabilities.

(a) Appropriate areas of interest include—

(1) Preservice preparation programs to prepare regular educators to work with children and youth with disabilities and their families;

(2) Preparing teachers to work in community and school settings with children and youth with disabilities and their families;

(3) Inservice and preservice preparation of personnel to work with infants, toddlers, children, and youth with disabilities and their families;

(4) Inservice and preservice preparation of personnel to work with minority infants, toddlers, children, and youth with disabilities and their families;

(5) Inservice and preservice preparation of special education and related services personnel in instructive and assistive technology to benefit infants, toddlers, children, and youth with disabilities; and

(6) Recruitment and retention of special education, related services, and early intervention personnel.

(b) Both inservice and preservice preparation must include a component that addresses the coordination among all service providers, including regular educators. (See 34 CFR 318.11(a)(5).)

Invitational priorities: Within Absolute Priority 3 the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

Project that develop, demonstrate, evaluate, and disseminate—

(a) Approaches to prepare teachers with strategies, including behavioral management techniques, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom;

(b) Approaches to prepare teachers in innovative instructional methodologies designed to help children with disabilities improve their reading performance; or

(c) Intensive and sustained inservice training to teachers or teams of teachers through institutes or other methods designed to ensure that they have the knowledge and skills necessary to help children with disabilities meet challenging standards established for all children.

Project Period: Up to 36 months.

Absolute Priority 4—Parent Training and Information Centers (84.029M). The purpose of this priority is to support Parent Training and Information Centers that assist parents to—

(1) Better understand the nature and needs of the disabling conditions of their children with disabilities;

(2) Provide follow-up support for the educational programs of their children with disabilities;

(3) Communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

(4) Participate fully in educational decision-making processes, including the development of the individualized education program, for a child with a disability;

(5) Obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to children with disabilities and their families; and

(6) Understand the provisions for educating children with disabilities under the Individuals with Disabilities Education Act.

Competitive Priorities: Within Absolute Priority 4, the Secretary, under 34 CFR 75.105(c)(2)(i), gives preference to applications that meet one or more of the following competitive priorities:

(a) Providing parent training and information in one or more Empowerment Zones or Enterprise Communities. The Secretary awards 5 points to an application that meets the competitive priority relating to Empowerment Zones or Enterprise Communities published in the **Federal Register** on November 7, 1994 (59 FR 55534). These points are in addition to any points the application earns under the selection criteria for the program.

(b) Assisting the Secretary in ensuring that awards are distributed geographically on a State or regional basis throughout all the States. The Secretary awards 15 points to an application that provides parent training and information in a State, or geographic area, that would be unserved by an existing Parent Training and Information Center in FY 1996. These points are in addition to any points the application earns under the selection criteria for the program and under competitive preference (a).

Project Period: Up to 60 months.

Supplementary Information: The selection criteria that are used to evaluate applications under this priority award significant points based on the extent to which a proposed project addresses the needs of parents of minority infants, toddlers, children, and youth with disabilities.

Also, a list of States or geographic areas that are currently unfunded or underserved is available from the contact person listed below.

For Applications and General Information Contact: Cecelia Aldridge, U.S. Department of Education, 600 Independence Avenue SW., room 3072, Switzer Building, Washington, DC 20202–2651. Telephone: 205–9979.

FAX: (202) 205–9070. Internet: Cecelia—Aldridge@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 260–7381.

For Technical Information Contact: For Preparation of Leadership Personnel (84.029D): Bob Gilmore, U.S. Department of Education, 600 Independence Avenue SW., room 3076, Switzer Building, Washington, DC 20202–2651. Telephone: (202) 205–9080. FAX: (202) 205–9070. Internet: Bob—Gilmore@ed.gov

For Minority Institutions Personnel (84.029E): Victoria Mims, U.S. Department of Education, 600 Independence Avenue SW., room 3513, Switzer Building, Washington, DC 20202–2651. Telephone: (202) 205–8687. Telephone: (202) 205–8687. FAX: (202) 205–9070. Internet: Victoria—Mims@ed.gov

For Special Projects (84.029K): Angele Thomas, U.S. Department of Education, 600 Independence Avenue SW., room 3518, Switzer Building, Washington, DC 20202–2651. Telephone: (202) 205–8100. FAX: (202) 205–9070. Internet: Angele—Thomas@ed.gov

For Parent Training and Information Centers (84.029M): Harvey Liebergott, U.S. Department of Education, 600 Independence Avenue SW., room 3072, Switzer Building, Washington, DC 20202–2651. Telephone: (202) 205–9082. FAX: (202) 205–9070. Internet: Harvey—Liebergott@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 260–7381.

Program Authority: 20 U.S.C. 1431.

84.158A State Systems for Transition Services for Youth with Disabilities

Purpose of Program: To assist States to develop, implement, and improve systems to provide transition services for youth with disabilities from age 14 through the age they exit school.

Eligible Applicants: A State education agency (SEA) and a State vocational rehabilitation agency that submit a joint application; or, if a vocational rehabilitation agency does not choose to participate, an SEA and a State agency that provides transition services to individuals who are leaving programs under the Individuals with Disabilities Education Act that submit a joint application.

Note: Because this is a one-time grant, States that have previously received a grant under this program are not eligible to apply (34 CFR 325.2).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR part 325.

Project Period: 60 months.

For Applications and General Information Contact: Oneida Jennings, U.S. Department of Education, 600 Independence Avenue, SW., room 4627, Switzer Building, Washington, DC 20202–2732. Telephone (202) 205–9377.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

For Technical Information Contact: William Halloran, U.S. Department of Education, 600 Independence Avenue, SW., room 4622, Switzer Building, Washington, DC 20202–2644. Telephone (202) 205–8112.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

Program Authority: 20 U.S.C. 1425(e).

84.180G, U Technology, Educational Media, and Materials for Individuals with Disabilities Program

Purpose of Program: To support projects and centers for advancing the availability, quality, use, and effectiveness of technology, educational media, and materials in the education of children and youth with disabilities and the provision of related services and early intervention services to infants and toddlers with disabilities.

Eligible Applicants: Institutions of higher education; State educational agencies; local educational agencies; public agencies; and nonprofit or for-profit private organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 333.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 333.1 and 333.3, the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary funds under these competitions only those applications that meet any one of these absolute priorities:

Absolute Priority 1—Technology, Educational Media and Materials Research Projects that Promote Literacy (84.180G). This priority provides support for research projects that examine how advancing the availability, quality, use, and effectiveness of technology, educational media, and materials can address the problem of illiteracy among individuals with disabilities.

Invitational Priority: Within Absolute Priority 1 the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

The Secretary is particularly interested in projects that—

(a) Define literacy as: to read, to communicate, to compute,to make judgments, and to take appropriate action;

(b) Are of rigorous design and employ clearly explicated quantitative or qualitative methodologies, or both, appropriate to the purpose of the project; and

(c) Consider learning and psycho-social factors in examining the availability, quality, and use of specified technology, educational media, and materials, and in examining their effectiveness in providing experiences and opportunities that improve the literacy of children and youth with disabilities.

Project Period: Up to 36 months.

Absolute Priority 2—Collaborative Research on Technology, Media, and Materials for Children and Youth with Disabilities (84.180U). The Assistant Secretary establishes an absolute priority for collaborative research projects that include all of the following activities, (a) through (e):

(a) Formulate a research topic and design based on program commitments (1) through (3)—as described in the Background section of the notice of final priority published on October 13, 1994 (59 FR 52047)—as these commitments relate to improving, at the local level, education or related services or both for students with disabilities. These program commitments are as follows: (1) enable the learner across environments, (2) promote effective policy, and (3) foster use through professional development.

Note: This priority is not intended to support projects that are primarily engaged in product development; thus, commitment (4) (create innovative tools)—as described in the Background section of the notice of final priority of October 13, 1994 (59 FR 52047)—may be included only as a supporting activity.

In formulating the research topic, projects must develop a focus in terms of (i) curriculum areas, grade or age levels, disabilities, and types of services provided; or (ii) specific types of

technology, media, and materials; or (iii) both (i) and (ii).

In formulating the research design, projects must apply the standards for conducting rigorous social science research.

The following research topics are offered as illustrative examples and do not represent the full range of possible topics. These examples are broad, and projects may opt for more narrow focuses. However, projects must address all three program commitments—either as background, contextual factors, or as components of interventions or manipulations.

Example 1: Research on how local policies in schools and other agencies restrict or facilitate the acquisition and use of assistive devices, and how professional development within the context of these policies can yield improved assistive technology services to better enable students to access school, home, and community environments.

Example 2: Research on how local policies regarding curriculum and accountability can be revised to promote interdisciplinary professional collaboration in the effective use of technology, media, and materials to enable students with disabilities to acquire high-level problem-solving strategies.

Example 3: Research on how policies and professional practices may contribute to inequitable access and use of technology, media, and materials for some students with disabilities, and how the inequities can be reduced by means of policy or professional interventions or both to better enable students with disabilities to engage in beneficial educational experiences.

(b) Conduct a program of collaborative research on the research topic.

(c) Measure the effects of the intervention and relationships within and across the program commitments (1, 2, and 3).

(d) Disseminate information on the findings of the collaborative research in a form conducive to use by other schools or service providers, as well as other researchers.

(e) Coordinate their activities, as appropriate, with recipients of grants under the Technology-Related Assistance for Individuals with Disabilities Act (Pub. L. 100–407, as amended by Pub. L. 103–218).

The budget of a project must provide for two trips annually to Washington, DC for (1) a two-day Research Project Directors' meeting; and (2) another meeting: to meet and collaborate with the project officer of the Office of Special Education Programs and the other projects funded under this priority, to share information, and to discuss findings and joint methods of dissemination.

Project Period: Up to 36 months.

For Applications and General Information Contact: Claudette Carey, U.S. Department of Education, 600 Independence Avenue, SW., room 3525, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–9864. FAX: (202) 205–8105. Internet: Claudette—Carey@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

For Technical Information Contact:

For Technology, Educational Media, and Materials Research Projects that Promote Literacy (84.180G): Jane Hauser, U.S. Department of Education, 600 Independence Avenue, SW., room 3521, Switzer Building, Washington, DC 20202–2640. Telephone: (202) 205–8126. FAX: (202) 205–8105. Internet: Jane Hauser@ed.gov

For Collaborative Research on Technology, Media, and Materials for Children and Youth with Disabilities (84.180U): Ellen Schiller, U.S. Department of Education, room 3523, Switzer Building, 600 Independence Avenue, SW., Washington, DC 20202–2641. Telephone: (202) 205–8123. FAX: (202) 205–8105. Internet: Ellen—Schiller@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

Program Authority: 20 U.S.C. 1461.

84.237G Program for Children and Youth with Serious Emotional Disturbance

Purpose of Program: To support projects designed to improve special education and related services to children and youth with serious emotional disturbance. Types of projects that may be supported under the program include, but are not limited to, research, development, and demonstration projects. Funds may also be used to develop and demonstrate approaches to assist and prevent children with emotional and behavioral problems from developing serious emotional disturbance.

Eligible Applicants: Institutions of higher education; State educational agencies; local educational agencies; and other appropriate public and nonprofit private institutions or agencies.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 328.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 328.3(a)(5) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Absolute Priority—Nondiscriminatory, Culturally Competent, Collaborative Demonstration Models to Improve Services for Students with Serious Emotional Disturbance and Prevention Services for Students with Emotional and Behavioral Problems (84.237G). The Assistant Secretary establishes an absolute priority for demonstration projects that develop, implement, evaluate, and disseminate nondiscriminatory, culturally competent, collaborative practices to (1) prevent children with emotional and behavioral problems from developing serious emotional disturbance, and (2) improve special education and related services for ethnic and cultural minority students with serious emotional disturbance, in the least restrictive environment.

Projects must establish local, community-based assessment, planning, prevention, and intervention teams that involve participation from education, mental health, juvenile justice agencies, other appropriate community service agencies, and organizations representing families.

The first stage of each project must consist of the development and refinement of working agreements among the various community agencies and organizations, to identify approaches that improve the capacity of individuals and systems to respond skillfully, respectfully, and effectively to students, families, teachers, and other providers in a manner that recognizes, affirms, and values their worth and dignity.

The first stage planning must include the collaborative consideration and development, by all participating groups, of nondiscriminatory, culturally competent techniques that enhance the fairness and effectiveness of key service delivery elements, including—but not necessarily limited to—assessment, education, training, transition planning, and the provision of related services.

The second stage of each project must consist of the implementation and evaluation of the services delivered,

across service providers, followed by dissemination of the results.

The budget for a project must provide for two trips annually to Washington, DC for (1) a two-day Research Project Directors' meeting; and (2) another meeting: to meet and collaborate with the Office of Special Education Programs' project officer and the other projects funded under this priority, to share information, and to discuss findings and methods of dissemination.

Project Period: Up to 48 months.

For Applications and General Information Contact: Claudette Carey, U.S. Department of Education, 600 Independence Avenue, SW., room 3525, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–9864. FAX: (202) 205–8105. Internet: Claudette—Carey@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

For Technical Information Contact:

For Nondiscriminatory, Culturally-Competent, Collaborative Demonstration Models to Improve Services for Students with Serious Emotional Disturbance and Prevention Services for Students with Emotional and Behavioral Problems (84.237G): Tom V. Hanley, U.S. Department of Education, 600 Independence Avenue, SW., room 3526, Switzer Building, Washington, DC 20202–2641. Telephone: (202) 205–8110. FAX: (202) 205–8105. Internet: Tom—Hanley@ed.gov

Program Authority: 20 U.S.C. 1426.

REHABILITATION SERVICES ADMINISTRATION

84.128G Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers With Disabilities

Purpose of Program: To provide grants for vocational rehabilitation services for migratory agricultural workers or seasonal farmworkers with disabilities.

Eligible Applicants: State vocational rehabilitation agencies (SVRAs); nonprofit agencies working in collaboration with the SVRAs; local agencies administering vocational rehabilitation programs under written agreements with SVRAs; and SVRAs that enter into agreements with the SVRAs of one or more other States to develop cooperative programs for the provision of vocational rehabilitation services.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 369 and 375.

Project Period: Up to 60 months.

For Applications or Information Contact: Fred Isbister, U.S. Department of Education, 600 Independence Avenue, SW., room 3330, Switzer Building, Washington, DC 20202–2740. Telephone: (202) 205–9297 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications; or (202) 205–8206 for information.

Program Authority: 29 U.S.C. 777b.

84.128J Projects for Initiating Recreational Programs for Individuals With Disabilities

Purpose of Program: To provide grants for initiating recreation programs providing individuals with disabilities recreational activities and related experiences that can be expected to aid in their employment, mobility, socialization, independence, and community integration.

Eligible Applicants: States; other public agencies, including federally recognized Indian tribal governments; and nonprofit private organizations.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 378.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Project Period: Up to 36 months.

For Applications or Information Contact: Fred Isbister, U.S. Department of Education, 600 Independence Avenue, SW., room 3330, Switzer Building, Washington, DC 20202–2740. Telephone: (202) 205–9297 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications; or (202) 205–8206 for information.

Program Authority: 29 U.S.C. 777(f).

84.129T Distance Learning through Telecommunications

Purpose of Program: To support the formation of regional partnerships between institutions of higher education and other public and private entities for the purpose of developing and implementing through the use of telecommunications in-service training programs—including certificate or degree granting programs concerning vocational rehabilitation services and related services—for vocational rehabilitation professionals.

Eligible Applicants: Institutions of higher education with demonstrated experience in continuing education for vocational rehabilitation personnel.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 81, 82, 85, and 86.

Supplementary Information:

In awarding grants under this competition, the Secretary takes into consideration the sparsity of State populations in the region to be served.

Each application submitted under this program must propose to serve one of the 10 regions served by the Rehabilitation Services Administration.

Each application must include all of the following:

(1) A detailed explanation of how the applicant will use interactive audio, video, and computer technologies between distant locations to provide in-service training programs to the region.

(2) A description of how the applicant intends to use and build upon existing telecommunications networks within the region to be served.

(3) A copy of all agreements governing the division of functions within the partnership, including an assurance that all States within the region will be served.

(4) A copy of a binding commitment entered into between the partnership and each entity that is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project. The binding commitment must stipulate that if the partnership receives the grant, the entity will provide those telecommunications services and facilities in the area to be served within a reasonable time and at a charge that is in accordance with State law.

(5) A description of the curriculum to be provided, the frequency of service, and the sites of service.

(6) A description of the need to purchase or lease computer hardware and software, audio and video equipment, telecommunications terminal equipment, or interactive video equipment.

(7) An assurance that the partnership will use not less than 75 percent of the amount of the grant for instructional curriculum development and programming.

(8) A description of the means by which the project will be evaluated.

For Applications or Information Contact: Beverly Brightly, U.S.

Department of Education, 600 Independence Avenue, SW., room 3322, Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–9561.

Program Authority: 29 U.S.C. 797b(a).

84.129U–1 Parent Information and Training Programs

Purpose of Program: To establish programs to provide training and information to enable individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of those individuals, to participate more effectively with professionals in meeting the vocational and rehabilitation needs of individuals with disabilities.

Eligible Applicants: Nonprofit private organizations.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 81, 82, and 85.

Supplementary Information:

(a) *Distribution of Grants:* Under this competition the Secretary distributes grants geographically to the greatest extent possible throughout all States, and targets awards to individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of those individuals, in both urban and rural areas or on a State or regional basis.

(b) *Demonstration of Capacity and Expertise:* Each application submitted under this competition must demonstrate the capacity and expertise of the applicant to—

(1) Coordinate and work closely with the parent training and information centers established under section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431); and

(2) Effectively conduct the training and information activities authorized under this program.

(c) *Assurances:* Each application submitted under this competition must provide assurances that the grantee at the time it receives a grant—

(1) Is governed by a board of directors that includes professionals in the field of vocational rehabilitation and on which a majority of members are individuals with disabilities or the parents, family members, guardians, advocates, or authorized representatives of those individuals; or

(2)(i) Has a membership that represents the interests of individuals with disabilities; and

(ii) Has established a special governing committee that includes professionals in the field of vocational rehabilitation and on which a majority of members are individuals with disabilities or the parents, family members, guardians, advocates, or authorized representatives of those individuals.

(d) *Other Assurances:* Each application submitted under this competition must provide assurances that—

(1) The grantee will serve individuals with a full range of disabilities, and the parents, family members, guardians, advocates, or authorized representatives of those individuals;

(2) The grantee will consult with appropriate agencies, in the jurisdiction served by the program, that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of those individuals; and

(3) The board of directors or special governing committee will meet at least once in each calendar quarter to review the training and information program, and, in the case of a special governing committee, will directly advise the governing board regarding the views and recommendations of the committee.

(e) *Use of Grants:* Each grantee shall assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals to—

(1) Better understand vocational rehabilitation and independent living programs and services;

(2) Provide follow-up support for transition and employment programs;

(3) Communicate more effectively with transition and rehabilitation personnel and other relevant professionals;

(4) Provide support in the development of the individualized written rehabilitation program;

(5) Provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and

(6) Understand the provisions of the Rehabilitation Act, particularly provisions relating to employment, supported employment, and independent living.

(f) *Other Requirements:* The appropriate provisions of section 306 of the Rehabilitation Act of 1973, as amended, also apply to grants under this competition. (29 U.S.C. 776)

For Applications or Information Contact: Beverly Brightly, U.S. Department of Education, 600 Independence Avenue, SW., room 3322, Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–9561.

Program Authority: 29 U.S.C. 797b(c).

84.129U–3 Parent Information and Training Programs—Technical Assistance

Purpose of Program: To provide coordination and technical assistance to Parent Information and Training Projects.

Eligible Applicants: Nonprofit private organizations.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 81, 82, and 85.

For Applications or Information Contact: Beverly Brightly, U.S. Department of Education, 600 Independence Avenue SW., room 3322, Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–9561.

Program Authority: 29 U.S.C. 797b(c).

84.234M Projects with Industry

Purpose of Program: To (1) create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process; (2) identify competitive job and career opportunities and the skills needed to perform these jobs; (3) create practical settings for job readiness and training programs; and (4) provide job placements and career advancement.

Eligible Applicants: (1) Designated State units; (2) labor unions; (3) employers; (4) community rehabilitation program providers; (5) trade associations; (6) Indian tribes or tribal organizations; or (7) other agencies or organizations with the capacity to create and expand job and career opportunities for individuals with disabilities.

Only applicants that propose to serve a geographic area that is currently unserved or underserved by the Projects with Industry program may receive new awards under this program.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, and 85; and (b) the regulations for this program in 34 CFR parts 369 and 379.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Project Period: Up to 60 months.

Priorities:

Competitive Priority: Under 34 CFR 75.105(c)(2)(i) and the notice of final priorities for this program published in the **Federal Register** on December 9, 1994 (59 FR 63860), the Secretary gives

preference to applications that meet the following competitive priority. The Secretary awards 10 points to an application that meets this competitive priority. These points are in addition to any points the application earns under the selection criteria for the program:

Providing Program Services in an Empowerment Zone or Enterprise Community.

Background: The Empowerment Zone and Enterprise Community Program is a critical element of the Administration's community revitalization strategy. The program is a first step in rebuilding communities in America's poverty-stricken inner cities and rural heartlands. It is designed to empower people and communities by inspiring Americans to work together to create jobs and opportunity.

Under this program the Federal Government has designated 9 Empowerment Zones (Atlanta, GA; Baltimore, MD; Chicago, IL; Detroit, MI; New York, NY; Philadelphia, PA/Camden, NJ; Kentucky Highlands, KY; Mid-Delta, MS; and Rio Grande Valley, TX); 2 Supplemental Empowerment Zones (Los Angeles, CA and Cleveland, OH); and 95 Enterprise Communities (a full list of which is available upon request). Interested individuals may contact the Department of Housing and Urban Development (HUD) at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community Program.

Under the Empowerment Zone and Enterprise Community Program communities are invited to submit strategic plans that comprehensively address how the community would link economic development with education and training, as well as how community development, public safety, human services, and environmental initiatives together would support sustainable communities.

Priority:

The Secretary gives competitive preference to applications that—

(1) Propose the provision of substantial services in Empowerment Zones or Enterprise Communities; and

(2) Propose projects that contribute to the strategic plan of the Empowerment Zone or Enterprise Community activities and that are made an integral component of the Empowerment Zone or Enterprise Community activities.

A PWI project may provide services at one or more sites. Under this program a PWI project is considered to be providing substantial services in a zone or community if a minimum of 51 percent of the total number of persons served by the project, irrespective of the number of sites, reside in a zone or community and at least one of the project sites is located within the boundaries of a zone or community. If there is only one project site, it must be located within the boundaries of a zone or community.

Invitational Priorities: Within the competitive priority in this notice, the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1. Projects that demonstrate the use of alternative work setting models of employment, such as flexiplace or telecommute, to assist individuals with disabilities to secure and maintain competitive employment.

Invitational Priority 2. Projects that demonstrate the use of workplace apprenticeship programs designed to encourage, support, and train individuals with disabilities for employment in careers with advancement potential.

Invitational Priority 3. Projects that demonstrate effective outreach and collaboration with minority-owned businesses in order to secure competitive placement opportunities for individuals with disabilities. Minority-owned businesses are defined as nonprofit and for-profit entities at least 51 percent owned or controlled by one or more minority individuals.

Invitational Priority 4. Projects that demonstrate a service model or design that will facilitate the transition from school-to-work of individuals with disabilities. Projects should focus on placing youth with disabilities in employment with career path or career advancement opportunities.

For Applications and General Information Contact: Constance Pledger, U.S. Department of Education, 600 Independence Avenue SW., room 3318 Switzer Building, Washington, DC 20202–2741. Telephone: (202) 205–9343 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications; or (202) 205–9415 for information.

Program Authority: 29 U.S.C. 795g.

84.235U Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities

Purpose of Program: To provide financial assistance to projects for expanding or otherwise improving vocational rehabilitation and other rehabilitation services for individuals with disabilities, especially individuals with the most severe disabilities.

Eligible Applicants: State agencies; other public agencies and organizations, including federally recognized Indian tribal governments; and nonprofit private agencies and organizations.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 373.

Priorities:

Competitive Priority: Under 34 CFR 75.105(c)(2)(i) and the notice of final priorities for this program published in the **Federal Register** on December 9, 1994 (59 FR 63860), the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards 10 points to an application that meets this competitive priority. These points are in addition to any points the application earns under the selection criteria for the program:

Providing Program Services in an Empowerment Zone or Enterprise Community.

Background:

The Empowerment Zone and Enterprise Community Program is a critical element of the Administration's community revitalization strategy. The program is a first step in rebuilding communities in America's poverty-stricken inner cities and rural heartlands. It is designed to empower people and communities by inspiring Americans to work together to create jobs and opportunity.

Under this program the Federal Government has designated 9 Empowerment Zones (Atlanta, GA; Baltimore, MD; Chicago, IL; Detroit, MI; New York, NY; Philadelphia, PA/Camden, NJ; Kentucky Highlands, KY; Mid-Delta, MS; and Rio Grande Valley, TX); 2 Supplemental Empowerment Zones (Los Angeles, CA and Cleveland, OH); and 95 Enterprise Communities (a full list of which is available upon request). Interested individuals may contact the Department of Housing and Urban Development (HUD) at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community Program.

Under the Empowerment Zone and Enterprise Community Program communities are invited to submit strategic plans that comprehensively address how the community would link economic development with education and training, as well as how community development, public safety, human services, and environmental initiative

together would support sustainable communities.

Priority

The Secretary gives competitive preference to applications that—

(1) Propose the provision of substantial services in Empowerment Zones or Enterprise Communities; and

(2) Propose projects that contribute to the strategic plan of the Empowerment Zone or Enterprise Community and that are made an integral component of the Empowerment Zone or Enterprise Community activities.

Under this program a project is considered to be providing substantial services if a minimum of 51 percent of the persons served by the project reside within the Empowerment Zone or Enterprise Community.

Invitational Priorities: Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1—Services to Minorities and Women. Applications that propose to provide culturally sensitive vocational rehabilitation services and make significant outreach efforts to identify and serve individuals with disabilities from minority backgrounds and women with disabilities.

Invitational Priority 2—Services to People with HIV or AIDS. Applications that propose to provide vocational rehabilitation services to people with HIV or AIDS.

Invitational Priority 3—Rehabilitation Technology. Applications that address the uses of technology in the successful rehabilitation of individuals with disabilities.

For Applications or Information Contact: Pamela Martin, U.S. Department of Education, 600 Independence Avenue, SW., room 3414, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8494 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications; or (202) 205–8494 for information.

Program Authority: 29 U.S.C. 777a(a)(1).

84.235V Special projects and demonstrations for providing transitional rehabilitation services to youth with disabilities.

Purpose of Program: To provide job training to prepare youth with disabilities for entry into the labor force, including competitive or supported employment.

Eligible Applicants: State agencies; other public agencies and organizations, including federally recognized Indian tribal governments; and nonprofit agencies and organizations.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 376.

Priority

Competitive Priority: Under 34 CFR 75.105(c)(2)(i) and the notice of final priorities for this program published in the **Federal Register** on December 9, 1994 (59 FR 63860), the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards 10 points to an application that meets this competitive priority. These points are in addition to any points the application earns under the selection criteria for the program:

Providing Program Services in an Empowerment Zone or Enterprise Community

Background

The Empowerment Zone and Enterprise Community Program is a critical element of the Administration's community revitalization strategy. The program is a first step in rebuilding communities in America's poverty-stricken inner cities and rural heartlands. It is designed to empower people and communities by inspiring Americans to work together to create jobs and opportunity.

Under this program the Federal Government has designated 9 Empowerment Zones (Atlanta, GA; Baltimore, MD; Chicago, IL; Detroit, MI; New York, NY; Philadelphia, PA/Camden, NJ; Kentucky Highlands, KY; Mid-Delta, MS; and Rio Grande Valley, TX); 2 Supplemental Empowerment Zones (Los Angeles, CA and Cleveland, OH); and 95 Enterprise Communities (a full list of which is available upon request). Interested individuals may contact the Department of Housing and Urban Development (HUD) at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community Program.

Under the Empowerment Zone and Enterprise Community Program communities are invited to submit strategic plans that comprehensively address how the community would link economic development with education and training, as well as how community development, public safety, human services, and environmental initiative together would support sustainable communities.

Priority:

The Secretary gives competitive preference to applications that—

(1) Propose the provision of substantial services in Empowerment Zones or Enterprise Communities; and

(2) Propose projects that contribute to the strategic plan of the Empowerment Zone or Enterprise Community and that are made an integral component of the Empowerment Zone or Enterprise Community activities.

Under this program a project is considered to be providing substantial services if a minimum of 51 percent of the persons served by the project reside within the Empowerment Zone or Enterprise Community.

For Applications or Information Contact: Pamela Martin, U.S. Department of Education, 600 Independence Avenue SW., room 3414, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8494 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications; or (202) 205–8494 for information.

Program Authority: 29 U.S.C. 777a(b).

84.250F Vocational rehabilitation service projects for American Indians with disabilities.

Purpose of Program: To provide vocational rehabilitation services in order to prepare for suitable employment American Indians with disabilities who reside on Federal or State reservations

Eligible Applicants: Governing bodies of Indian Tribes; and consortia of those governing bodies located on Federal or State reservations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 371.

Statutory Priority: Section 130(b)(4) of the Rehabilitation Act provides that, in making new awards under this program, the Secretary gives priority consideration to applications for the continuation of tribal programs that have been funded under this program. For this competition in fiscal year 1996, the Secretary will implement this priority by giving a competitive preference of 10 bonus points, in accordance with 34 CFR 75.105(c)(2)(i), to applications that meet this priority.

For Applications or Information Contact: Barbara M. Sweeney, U. S. Department of Education, 600 Independence Avenue SW., room 3225, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–9544.

Program Authority: 29 U.S.C. 750.

84.264B Rehabilitation continuing education programs.

Purpose of Program: To support cooperative agreements for training centers that serve either a Federal region or another geographic area and provide a broad, integrated sequence of training activities throughout a multi-State geographical area.

Eligible Applicants: State and public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education.

Note: Applications are invited for the provision of training for Department of Education Regions V, VII, and IX only.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, and 86; and (b) The regulations for this program in 34 CFR Parts 385 and 389.

Note: The regulations in 34 CFR Part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR Part 86 apply to institutions of higher education only.

Priorities: The priority in the notice of final priorities for this program, as published in the **Federal Register** on December 5, 1994 (59 FR 62506). For the purpose of this notice, the Secretary designates this priority as an absolute priority for FY 1996. Under an absolute priority the Secretary funds only applications that meet the priority (34 CFR 75.105(c)(3)).

For Applications or Information Contact: Richard Melia, U.S. Department of Education, 600 Independence Avenue SW., room 3324, Switzer Building, Washington, D.C. 20202–2649. Telephone: (202) 205–9400 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications; or (202) 205–9400 for information.

Program Authority: 29 U.S.C. 771a.

84.315 Capacity building for traditionally underserved populations.

Purpose of Program: To provide outreach services and other related activities (such as cooperative efforts) to: (1) Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority student enrollment is at least 50 percent; (2) nonprofit and for-profit agencies at least 51 percent owned or controlled by one or more minority individuals; and (3) underrepresented populations, to enhance their capacity and increase their participation in competitions for grants, contracts, and cooperative agreements under titles I through VIII of the Rehabilitation Act, as amended.

Eligible Applicants: States; other public and nonprofit agencies and organizations; and for-profit agencies and organizations.

Applicable Regulations: Since this direct grant program does not have implementing regulations, the Secretary implements this program under the authorizing statute (section 21 of the Rehabilitation Act) and the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Selection Criteria: To evaluate applications for new grants under this program, the Secretary uses the following selection criteria in 34 CFR 75.210 for a discretionary grant program that does not have regulations:

(a) Meeting the purposes of the authorizing statute (35 points).

(b) Extent of need for the project (25 points).

(c) Plan of operation (20 points).

(d) Quality of key personnel (7 points).

(e) Budget and cost effectiveness (5 points).

(f) Evaluation plan (5 points).

(g) Adequacy of resources (3 points).

Project Period: Up to 36 months.

For Applications and General Information Contact: Thomas E. Finch, U.S. Department of Education, 600 Independence Avenue, SW., room 3038, Switzer Building, Washington, DC 20202–2575. Telephone: (202) 205–8292 or the electronic bulletin boards of the Rehabilitation Services Administration at (202) 205–5574 (2400 bps) or (202) 205–9950 (9600 bps) to order applications.

Program Authority: Section 21 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 718b.

CHART 7.—OFFICE OF VOCATIONAL AND ADULT EDUCATION

CFDA No. and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated avg. size of awards	Estimated number of awards
Application notices for new discretionary grant awards, if any, will be published at a future date						

Invitation to Comment:

The Secretary welcomes comments and suggestions for improving the annual combined application notice.

Please direct any comments and suggestions to Steven N. Schatken, Assistant General Counsel for Regulations, U.S. Department of Education, 600 Independence Avenue, SW. (room 5105, FB–10B), Washington, D.C. 20202–2241.

Dated: August 4, 1995.

Richard W. Riley,

Secretary of Education.

Appendix—Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more

than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, EO 12372—CFDA# [commenter must insert number—including suffix letter, if any], U.S. Department of Education, room 6213, 600 Independence Avenue, SW., Washington, DC 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS*.

State Single Points of Contact

Note: In accordance with Executive Order #12372, this listing represents the designated State Single Points of Contact. Because participation is voluntary some States no longer participate in the process. These include: Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, and Washington. Alabama, which did not participate when this list was last published by the Department of Education in June 1994, now participates.

Alabama

Jon C. Strickland, Alabama Department of Economic and Community Affairs, Planning and Economic Development Division, 401 Adams Avenue, Montgomery, Alabama 36103–5690, Telephone (205) 242–5483, FAX (205) 242–5515

Arizona

Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315, FAX (602) 280–1305

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th Street, room 412, Little Rock, Arkansas 72203, Telephone (501) 682–1074 FAX (501) 682–5206

California

Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, room 121, Sacramento, California 95814, Telephone (916) 323–7480, FAX (916) 323–3018

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903, Telephone (302) 739–3326, FAX (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street, N.W., Suite 500, Washington, DC 20005, Telephone (202) 727–6554, FAX (202) 727–1617

Florida

Suzanne Traub-Metlay, Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, The Capitol (room 1603), Tallahassee, Florida 32399–0001, Telephone (904) 488–8114, FAX (904) 488–9005

Georiga

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W., room 401J, Atlanta, Georgia 30334, Telephone (404) 656–3855 or 656–3829, FAX (404) 656–7938

Illinois

Tim Golemo, State Single Point of Contact, Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701, Telephone (217) 782–1671, FAX (217) 782–6620

Indiana

Francis E. Williams, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–2972, FAX (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 242–4719, FAX (515) 242–4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone (502) 573–2382, FAX (502) 573–2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 287–3261, FAX (207) 287–6489

Maryland

William G. Carroll, Manager, State Clearinghouse, for Intergovernmental Assistance, Maryland Office of Planning, 301 West Preston Street, room 1104, Baltimore, Maryland 21201–2365, Telephone (410) 225–4490, FAX (410) 225–4480

Michigan

Richard S. Pastula, Director, Office of Federal Grants, Michigan Department of Commerce, P.O. Box 30225, Lansing, Michigan 48909, Telephone (517) 373–7356, FAX (517) 373–6683

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone (601) 359–6762, FAX (601) 359–6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, room 760, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834, FAX (314) 751–7819

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687–4065, FAX (702) 687–3983

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/Mike Blake, 2 1/2 Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155, FAX (603) 271–1728

New Jersey

Gregory W. Adkins, Assistant Commisioner, New Jersey Department of Community Affairs

Please direct all correspondence and questions about intergovernmental review to:

Andrew J. Jaskolka, State Review Process, Intergovernmental Review Unit, CN 800, room 813A, Trenton, New Jersey 08625–0800, Telephone (609) 292–9025, FAX (609) 633–2132

New Mexico

Robert Peters, State Budget Division, room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, FAX (505)827–3861

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232, FAX (919) 733–9571

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094, FAX (701) 224–2308

Ohio

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411

Please direct correspondence and questions about intergovernmental review to:

Linda Wise, Telephone (614) 466–0698, FAX (614) 466–5400

Rhode Island

Daniel W. Varin, Associate Director, Department of Administration, Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone (401) 277–2656, FAX (401) 277–2083

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494, FAX (803) 734–0385

Texas

Tom Adams, Governors Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1771, FAX (512) 463–1888

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, room 116, State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535, FAX (801) 538–1547

Vermont

Nancy McAvoy, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05609, Telephone (802) 828–3326, FAX (802) 828–3339

West Virginia

Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, room 553, Charleston, West Virginia 25305, Telephone (304) 558–4010, FAX (304) 558–3248

Wisconsin

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street, 6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone (608) 266–2125, FAX (608) 267–6931

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574, FAX (307) 638–8967

Territories

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone 011–671–472–2285, FAX 011–671–472–2825

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose B. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone (809) 727–4444 or 723–6190, FAX (809) 724–3270 or 724–3103

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to:

Linda Clarke, Telephone (809) 774–0750, FAX (809) 776–0069

Note: This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to Donna Rivelli (Telephone (202) 395–5858) at the Office of Management and Budget and to the State in question. Changes to the list will only be made upon formal notification by the State.

[FR Doc. 95–19748 Filed 8–9–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Thursday
August 10, 1995

Part IV

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Proposed Actions Under the Guidelines; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research: Proposed Actions Under the Guidelines

AGENCY: National Institutes of Health (NIH), PHS, DHHS.

ACTION: Notice of Proposed Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules (59 FR 34496, amended 59 FR 40170, amended 60 FR 20726).

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules (59 FR 34496, amended 59 FR 40170, amended 60 FR 20726). Interested parties are invited to submit comments concerning these proposals. These proposals will be considered by the Recombinant DNA Advisory Committee at its meeting on September 11–12, 1995. After consideration of these proposals and comments by the Recombinant DNA Advisory Committee, the Director of the National Institutes of Health will issue decisions in accordance with the NIH Guidelines.

DATES: Comments received by September 4, 1995, will be reproduced and distributed to the Recombinant DNA Advisory Committee for consideration at its September 11–12, 1995, meeting.

ADDRESSES: Written comments and recommendations should be submitted to Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, National Institutes of Health, MSC 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892–7010, or sent by FAX to 301–496–9839.

All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, MSC 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892–7010, Phone 301–496–9838, FAX to 301–496–9839.

SUPPLEMENTARY INFORMATION: The NIH will consider the following actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

I. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Drs. Steiner and Holt

On April 13, 1995, Drs. Mitchell Steiner and Jeffrey Holt of Vanderbilt University School of Medicine, Nashville, Tennessee, submitted a human gene transfer protocol entitled: Gene Therapy for the Treatment of Advanced Prostate Cancer by In Vivo Transduction with Prostate-Targeted Retroviral Vectors Expressing Antisense c-myc RNA to the Recombinant DNA Advisory Committee for formal review and approval during the June 8–9, 1995, meeting. Due to reviewers' comments before the June 1995 meeting, the protocol was deferred and not forwarded to the committee.

On July 7, 1995, Drs. Steiner and Holt submitted a revised protocol to the Recombinant DNA Advisory Committee for formal review and approval during the September 11–12, 1995, meeting.

II. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Dr. Crystal

In a letter dated July 17, 1995, Dr. Ronald Crystal of the New York Hospital—Cornell Medical Center, New York, New York, submitted a human gene transfer protocol entitled: A Phase I Study of Direct Administration of a Replication Deficient Adenovirus Vector Containing the E. coli Cytosine Deaminase Gene to Metastatic Colon Carcinoma of the Liver in Association with the Oral Administration of the Pro-Drug 5-Fluorocytosine to the Recombinant DNA Advisory Committee for formal review and approval.

III. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Drs. Hortobagyi, Lopez-Berestein, Hung

In a letter dated July 11, 1995, Drs. Gabriel Hortobagyi, Gabriel Lopez-Berestein, and Mien-Chie Hung of the University of Texas, MD Anderson Cancer Center, Houston, Texas, submitted a human gene transfer protocol entitled: Phase I Study of E1A Gene Therapy for Patients with Metastatic Breast or Ovarian Cancer that Overexpress HER–2/neu to the Recombinant DNA Advisory Committee for formal review and approval.

IV. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Drs. Curiel and Alvarez

In a letter dated January 5, 1995, Drs. David Curiel and Ronald Alvarez of the University of Alabama, Birmingham, Alabama, submitted a human gene transfer protocol entitled: A Phase I Study of Recombinant Adenovirus Vector-Mediated Delivery of an Anti-erbB–2 Single-Chain (sFv) Antibody Gene for Previously Treated Ovarian and Extraovarian Cancer Patients to the Recombinant DNA Advisory Committee for formal review and approval at its March 6–7, 1995, meeting. Due to reviewers' comments before the March 1995 meeting, the protocol was not forwarded to the committee.

In a letter dated April 12, 1995, Drs. Curiel and Alvarez submitted a revised protocol to the Recombinant DNA Advisory Committee for formal review and approval at its June 8–9, 1995, meeting. Due to reviewers' comments before the June 1995 meeting, the protocol was deferred and not forwarded to the committee.

On July 14, 1995, Drs. Curiel and Alvarez submitted a revised protocol to the Recombinant DNA Advisory Committee for formal review and approval during the September 11–12, 1995, meeting.

V. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Dr. Isner

In a letter dated July 14, 1995, Dr. Jeffrey Isner of St. Elizabeth's Medical Center, Tufts University School of Medicine, Boston, Massachusetts, submitted a human gene transfer protocol entitled: Arterial Gene Transfer for Restenosis to the Recombinant DNA Advisory Committee for formal review and approval.

VI. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Drs. Bozik, Gilbert, Lotze

In a letter dated July 13, 1995, Drs. Michael Bozik, Mark Gilbert, and Michael Lotze of the University of Pittsburgh Cancer Institute, Pittsburgh, Pennsylvania, submitted a human gene transfer protocol entitled: Gene Therapy of Malignant Gliomas: A Phase I Study of IL–4 Gene-Modified Autologous Tumor to Elicit an Immune Response to the Recombinant DNA Advisory Committee for formal review and approval.

VII. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Dr. Riddell

In a letter dated July 11, 1995, Dr. Stanley Riddell of the Fred Hutchinson Cancer Research Center, Seattle, Washington, submitted a human gene transfer protocol entitled: Phase I Study to Evaluate the Safety of Cellular Adoptive Immunotherapy using Autologous Unmodified and Genetically Modified CD8+ HIV-Specific T Cells in

HIV Seropositive Individuals to the Recombinant DNA Advisory Committee for formal review and approval.

VIII. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Dr. Rosenblatt

In a letter dated July 13, 1995, Dr. Joseph Rosenblatt of the University of California, Los Angeles, California, submitted a human gene transfer protocol entitled: A Phase I Trial of Autologous CD34+ Hematopoietic Progenitor Cells Transduced with an Anti-HIV–1 Ribozyme to the Recombinant DNA Advisory Committee for formal review and approval.

OMB's ''Mandatory Information Requirements for Federal Assistance Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally, NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Effective Date: July 31, 1995.

Suzanne Medgyesi-Mitschang,

Acting Deputy Director for Science Policy and Technology Transfer.

[FR Doc. 95–19872 Filed 8–9–95; 8:45 am]

BILLING CODE 4140–01–P

federal register

Thursday
August 10, 1995

Part V

The President

Executive Order 12969—Federal Acquisition and Community Right-To-Know

Federal Register
Vol. 60, No. 154
Thursday, August 10, 1995

Presidential Documents

Title 3—

The President

Executive Order 12969 of August 8, 1995

Federal Acquisition and Community Right-To-Know

The Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) (''EPCRA'') and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109) (''PPA'') established programs to protect public health and the environment by providing the public with important information on the toxic chemicals being released into the air, land, and water in their communities by manufacturing facilities.

The Toxics Release Inventory (''TRI'') established pursuant to section 313(j) of EPCRA, 42 U.S.C. 11023(j), based on information required to be reported under section 313 of EPCRA and section 6607 of PPA, 42 U.S.C. 13106, provides the public, industry, and Federal, State, and local governments with a basic tool for making risk-based decisions about management and control of toxic chemicals, that can have significant adverse effects on human health and the environment. TRI data allow the public, industry, and government to gauge the progress of industry and government efforts to reduce toxic chemical wastes.

Sharing vital TRI information with the public has provided a strong incentive for reduction in the generation, and, ultimately, release into the environment, of toxic chemicals. Since the inception of the TRI program, reported releases to the environment under TRI have decreased significantly.

The efficiency of the Federal Government is served when it purchases high quality supplies and services that have been produced with a minimum impact on the public health and environment of communities surrounding government contractors. Savings associated with reduced raw materials usage, reduced use of costly, inefficient end-of-pipeline pollution controls, and reduced liability and remediation costs from worker and community claims all serve to increase the economic and efficient provision of essential supplies and services to the government. As a result of TRI reporting, many manufacturers have learned of previously unrecognized significant efficiencies and cost savings in their production processes.

The Federal Government's receipt of timely and quality supplies and services is also served by the general enhancement of relations between government contractors and the communities in which they are situated, as well as the cooperative working relationship between employers and employees who may be subject to exposure to toxic materials.

Information concerning chemical release and transfer can assist the government to purchase efficiently produced, lower cost, and higher quality supplies and services that also have a minimum adverse impact on community health and the environment.

NOW, THEREFORE, to promote economy and efficiency in government procurement of supplies and services, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including EPCRA, 42 U.S.C. 11001 et seq., PPA, 42 U.S.C. 13101 et seq., 40 U.S.C. 471 and 486(a), and 3 U.S.C. 301, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the executive branch in procuring supplies and services that, to ensure the economical and efficient procurement of Federal Government contracts, Federal agencies, to the greatest extent practicable, shall contract with companies that report in a public manner on toxic chemicals released to the environment.

Sec. 2. *Definitions.* 2–201. All definitions found in EPCRA and PPA and implementing regulations are incorporated into this order by reference, with the following exceptions for purposes of this order.

2–202. ''*Federal agency*'' means an ''Executive agency,'' as defined in 5 U.S.C. 105. For purposes of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

2–203. ''*Acquisition*'' means the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when the Federal department or agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

2–204. ''*Toxic chemical*'' means a substance on the list described in section 313(c) of EPCRA, 42 U.S.C. 11023(c), as it exists on the effective date of this order.

2–205. ''*Administrator*'' means the Administrator of the United States Environmental Protection Agency (''EPA'').

2–206. ''*Federal contractor*'' means an entity that has submitted the successful bid or proposal in response to a competitive acquisition solicitation.

Sec. 3. *Applicability.* 3–301. Each Federal agency shall, to the maximum extent practicable, include in contract solicitations as an eligibility criterion for the award of competitive acquisition contracts expected to equal or exceed $100,000 with the Federal contractors described in subsection 3–302, the requirement that such contractors must file (and continue to file for the life of the contract) a Toxic Chemical Release Form (''Form R''), as described in sections 313(a) and (g) of EPCRA, 42 U.S.C. 11023(a) and (g), for each toxic chemical manufactured, processed, or otherwise used by the Federal contractor at a facility, as described in section 313 of EPCRA, 42 U.S.C. 11023, and section 6607 of PPA, 42 U.S.C. 13106.

3–302. The Federal contractors subject to the eligibility criterion described in subsection 3–301 above are those who currently report to the TRI pursuant to section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A), that is, manufacturers having Standard Industrial Classification Code (''SIC'') designations of 20 through 39 (as in effect on July 1, 1985).

3–303. Each Federal agency shall find that a prospective Federal contractor has satisfied the requirement in subsection 3–301 if the contractor certifies in a solicitation that it:

(a) Does not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(b) Does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(c) Does not meet the reporting thresholds established under section 313(f) of the EPCRA, 42 U.S.C. 11023(f); or

(d) Has complied fully with the reporting requirements of subsection 4–404.

3–304. Each Federal agency shall require the filings described in subsection 3–301 above to include information on all chemicals identified by the Administrator pursuant to section 313(c) of EPCRA, 42 U.S.C. 11023(c), as of the date of this order.

3–305. Each Federal agency may amend existing contracts, to the extent permitted by law and where practicable, to require the reporting of information specified in subsection 3–301 above.

3–306. As consistent with Title IV of the Federal Acquisition Streamlining Act of 1994 (FASA), Public Law 103–355, and section 4(11) of the Office

of Federal Procurement Policy Act, 41 U.S.C. 403(11), the requirements of this order are only applicable to competitive acquisition contracts expected to equal or exceed $100,000.

Sec. 4. *Implementation.* 4–401. Not later than September 30, 1995, the EPA shall publish in the **Federal Register** guidance for compliance with this order, including applicability with respect to subcontractors.

4–402. Within 30 days of the issuance of the guidance provided for in subsection 4–401 above, each Federal agency shall include in all acquisition solicitations issued on or after the effective date of this order, the provisions necessary to effect this order.

4–403. For all contracts expected to exceed $500,000, each Federal agency shall consult with the Administrator or the Administrator's designee when the agency believes it is not practicable to include the eligibility requirement of section 3–301 in the contract solicitation or award.

4–404. Each Federal agency shall require each Federal contractor designated in subsection 3–302 above to:

(a) Have included in its response to the contract solicitation a certification, as specified in the guidelines published pursuant to subsection 4–401 of this order, that it will (if awarded the contract) comply with the requirements of subsection 3–301; and

(b) File with the Administrator and each appropriate State pursuant to section 313(a) of EPCRA, 42 U.S.C. 11023(a), the information required by subsection 3–301, beginning on the next July 1 after the date on which the contract is awarded.

4–405. Information submitted to the EPA pursuant to subsection 4–404(b) above shall be subject to the trade secret protections provided by section 322 of EPCRA, 42 U.S.C. 11042. Information that is not trade secret shall be made available to the public pursuant to sections 313(h) and (j) of EPCRA, 42 U.S.C. 11023(h) and (j). The Administrator is directed to review reports submitted pursuant to this order to determine the appropriateness of any claims for trade secret protection.

4–406. When the Administrator determines that a Federal contractor has not filed the necessary forms or complete information as required by subsection 3–301 above, the Administrator or the Administrator's designee may recommend termination of the contract for convenience. The Administrator shall transmit that recommendation to the head of the contracting agency, and that agency shall consider the recommendation and determine whether to terminate the contract. In carrying out this responsibility, the Administrator may investigate any subject Federal contractor to determine the adequacy of compliance with the provisions of this order and the Administrator's designee may hold such hearings, public or private, as the Administrator deems advisable to assist in the Administrator's determination of compliance.

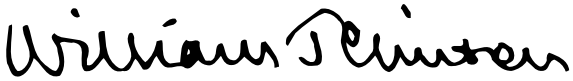
4-407. Each contracting agency shall cooperate with the Administrator and provide such information and assistance as the Administrator may require in the performance of the Administrator's functions under this order.

4–408. Upon request and to the extent practicable, the Administrator shall provide technical advice and assistance to Federal agencies in order to assist in full compliance with this order.

Sec 5. *General Provisions.* 5–501. The requirements of this order shall be implemented and incorporated in acquisition regulations, including the Federal Acquisition Regulations (FAR), within 90 days after the effective date of this order.

5–502. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, it officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.

5–503. This order shall be effective immediately and shall continue to be in effect until revoked.



THE WHITE HOUSE,
August 8, 1995.

[FR Doc. 95–19972
Filed 8–8–95; 5:01 pm]
Billing code 3195–01–P

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