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November 17, 1995

Briefings on How To Use the Federal Register
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

[Two Sessions]

WHEN: November 28 at 9:00 am
December 5 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

LONG BEACH, CA

WHEN: December 12, 1995 at 9:00 am

WHERE: Glenn M. Anderson Federal Building, Conference Room—Room 3470, 501 West Ocean Boulevard, Long Beach, CA 90802

RESERVATIONS: 310–980–3447

SEATTLE, WA

[Two Sessions]

WHEN: December 13, 1995 at 9:00 am and 1:00 pm

WHERE: National Archives—Pacific Northwest Region, Conference Room, 6125 Sand Point Way, NE., Seattle, WA 98115

RESERVATIONS: 206–526–6507

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Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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FEDERAL HOUSING FINANCE BOARD

12 CFR Part 943

[No. 95–40]

Pricing of Services

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending its regulation regarding the pricing of item processing services by the Federal Home Loan Banks (Banks). The amendment eliminates the requirement for Finance Board approval of prices for item-processing and other services authorized in this regulation and deletes the reference to a specifically designated office to act on behalf of the Finance Board regarding this section. The approval requirement is eliminated as it constitutes an unnecessary administrative burden.

EFFECTIVE DATE: November 17, 1995.

FOR FURTHER INFORMATION CONTACT: Edwin J. Avila, Financial Analyst, (202) 408–2871; Edward J. Reedy, Associate Director, (202) 408–2959, Regulatory Oversight Division; or Eric M. Raudenbush, Attorney-Advisor, (202) 408–2932, Office of General Counsel; Federal Housing Finance Board, 1777 F Street NW., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. General

Section 11(e)(2)(A) of the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1431(e)(2)(A), authorizes the Banks to engage in the collection and settlement of any negotiable or nonnegotiable items or instruments of payment drawn on or issued by Bank members or institutions eligible to apply for membership under section 4 of the Bank Act. *Id.* section 1424. In order to preclude the Banks' status as Government-Sponsored Enterprises from providing a competitive advantage over private institutions, section 11(e)(2)(B) of the Bank Act requires that the Banks make charges for these item-processing services that are to be determined and regulated by the Finance Board consistent with the statutory pricing principles established for Federal Reserve Banks. Section 943.6 of the Finance Board's regulations implements this requirement by providing that, in addition to covering operating expenses, service pricing must cover other costs that would have been borne, and reflect the imputed rate of return that would have been earned, if the Banks were private corporations. *See* 12 CFR 943.6. As currently written, § 943.6(a) requires that Banks charge for item-processing services in a manner ''approved by the [Finance] Board or its designee.'' *Id.* § 943.6(a). More specifically, § 943.6(c) requires that the Director of the Finance Board's District Banks Directorate (DBD) at least annually review and approve Banks' prices for item-processing services, in accordance with the established pricing principles. *Id.* § 943.6(c). All prices for Bank services authorized by Part 943 must be published annually in the Federal Register. *Id.*

Pursuant to the Bank Act and the regulations, the Finance Board has established and promulgated a methodology for allocating the imputed costs and rates of return, whereby a cost of capital adjustment factor, commonly referred to as the Private Sector Adjustment Factor (PSAF), is applied to assets used in providing these services. *See* 58 FR 59468 (1993). Under the PSAF Methodology, the FHLBanks are required to impute debt, income taxes and a required return on equity (ROE), which are based on the average rates from a bank holding company (BHC) sample developed by the Federal Reserve Board for use in its PSAF calculation. If a Bank's prior year ROE from its item-processing services equals or exceeds the average ROE attained by the BHC sample group, then the Finance Board considers that Bank's prices for the current year to be in compliance with the regulation. Once a Bank's pricing has been determined to be in compliance with the regulation, any subsequent Finance Board approval is merely perfunctory and, therefore, constitutes an unnecessary administrative burden. The Bank Act does not require Finance Board ''approval'' of the Banks' prices.

Under current practice, approval of current prices is contingent upon and determined by compliance with the PSAF compliance test. Thus, the Finance Board need go no further than monitor for compliance with this test. The Finance Board is, therefore, amending §§ 943.6 (a) and (c) of its regulations to eliminate the requirement for approval of prices for item-processing and other services authorized in this section, although § 943.6(c) will continue to require Finance Board ''review'' of such prices for compliance with the regulation. Under the current PSAF Methodology, if a Bank fails the compliance test, it must submit for Finance Board review either: a revised pricing schedule for item processing services; a business plan designed to resolve the non-compliance; or an explanation of the unanticipated or temporary event which led to the failure. The Bank's proposal for dealing with the non-compliance requires the endorsement of the Finance Board or its designee prior to implementation. Accordingly, under the regulation as revised and the PSAF Methodology, explicit Finance Board approval of prices will be required only when a Bank has failed the compliance test.

In addition, the Finance Board is further amending § 943.6(c) to eliminate reference to the Director of DBD or his or her designee. Both the position and office have been changed since the last publication of the rule. The Finance Board finds it to be unnecessarily confusing and burdensome to revise the regulation every time the office or official changes, and believes that the naming of a specific office serves no useful purpose. Hence, the regulation will now refer simply to the Finance Board, as opposed to a specifically designated office within the agency.

II. Administrative Procedure Act

This rulemaking simply removes an existing provision of § 943.6 of the Finance Board regulations that is unnecessary and burdensome to both the agency and the Banks and deletes reference to a specifically designated office to act on behalf of the Finance Board. No additional reporting is required of the Banks. Since the Banks must still comply with the pricing

principles of the regulation, private providers of item processing services will not be adversely impacted. As a result, the Finance Board hereby finds that notice and public comment is unnecessary. Therefore, for good cause shown under 5 U.S.C. 553(b)(B), this rule is exempt from the notice and comment requirements of the Administrative Procedure Act, as well as from the 30-day delay in the effective date pursuant to 5 U.S.C. 553(d)(3).

III. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601, et. seq., do not apply.

List of Subjects in 12 CFR Part 943

Federal home loan banks.

Accordingly, the Federal Housing Finance Board hereby amends chapter IX, title 12, *Code of Federal Regulations,* as set forth below.

PART 943—COLLECTION, SETTLEMENT, AND PROCESSING OF PAYMENT INSTRUMENTS

1. The authority citation for part 943 is revised to read as follows:

Authority: 12 U.S.C. 1430, 1431.

2. In Section 943.6, paragraphs (a) and (c) are revised to read as follows:

§ 943.6 Pricing of services.

(a) *General.* Federal Home Loan Banks shall charge for services authorized in this part in a manner consistent with the principles of section 11(A)(c) of the Federal Reserve Act (12 U.S.C. 248a(c)), as interpreted by this part.

* * * * *

(c) *Review and publication.* The Finance Board shall from time to time and at least annually review the cost of capital adjustment factor and review prices for services authorized in this part for compliance with the principles set forth in paragraphs (a) and (b) of this section. All prices for Bank services authorized in this part will be published annually in the Federal Register.

Dated: November 8, 1995.

By the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 95–28176 Filed 11–16–95; 8:45 am]

BILLING CODE 6725–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–7241; 34–36479; 35–26407; IC–21500]

RIN 3235–AC48

Adoption of Updated EDGAR Filer Manual and Technical Rule Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission (''Commission'') is announcing the adoption of an updated EDGAR Filer Manual (''Filer Manual'') and providing for its incorporation by reference into the Code of Federal Regulations. It also is adopting technical amendments to rules governing electronic filing on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system.

EFFECTIVE DATE: The amendments to Regulation S–T and the new edition of the EDGAR Filer Manual (Release 4.40) will be effective on December 18, 1995. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of December 18, 1995.

FOR FURTHER INFORMATION CONTACT: With respect to the EDGAR Filer Manual, version 4.40: in the Office of Information Technology, David T. Copenhafer at (202) 942–8800; in the Division of Corporation Finance, Sylvia J. Reis or Serena C. Swegle at (202) 942–2940; in the Division of Investment Management, Anthony A. Vertuno or Ruth Armfield Sanders at (202) 942–0591. With respect to the technical rule amendments, in the Division of Corporation Finance, Barbara C. Jacobs or James R. Budge, Office of Disclosure Policy, at (202) 942–2910; in the Division of Investment Management, Anthony A. Vertuno or Ruth Armfield Sanders at (202) 942–0591.

SUPPLEMENTARY INFORMATION: The Commission is announcing the adoption of an updated EDGAR Filer Manual, version 4.40, and technical amendments to Rules 101[1] and 301[2] of Regulation S–T.[3]

I. Updated Edgar Filer Manual, Version 4.40

The Commission today announces the adoption of an updated EDGAR Filer Manual (''Filer Manual''), which sets forth the technical formatting requirements governing the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system.[4] Compliance with the provisions of the Filer Manual is required to assure the timely acceptance and processing of filings made in electronic format.[5] Filers should consult the Filer Manual in conjunction with the Commission's rules governing mandated electronic filing when preparing documents for electronic submission.[6]

Significant changes to the Filer Manual in this update are as follows: acceptable form types have been modified to accommodate filings made pursuant to Rule 462[7] of Regulation C,[8] adopted in connection with the Commission's T+3 initiatives;[9] form types have been added to allow electronic filing of Forms 3, 4 and 5[10] pursuant to Section 16[11] of the Securities Exchange Act of 1934[12] and notices of securities sales[13] filed pursuant to Rule 144[14] under the Securities Act of 1933 (''Securities Act'').[15] Rule 301 of Regulation S–T also is being amended to provide for the incorporation by reference of this version of the Filer Manual into the Code of Federal Regulations, which 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. As explained more fully below, the revised Filer

[1] 17 CFR 232.101.

[2] 17 CFR 232.301.

[3] 17 CFR Part 232.

[4] The Filer Manual originally was adopted on April 1, 1993, and became effective on April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. Updates to the Filer Manual have been adopted as necessary since that time; the most recent update was adopted on May 22, 1995. Release No. 33–7169 (May 25, 1995) [60 FR 27691].

[5] *See* Rule 301 of Regulation S–T.

[6] *See* Release Nos. 33–6977 (February 23, 1993) [58 FR 14628], IC–19284 (February 23, 1993) [58 FR 14848], 35–25746 (February 23, 1993) [58 FR 14999], and 33–6980 (February 23, 1993) [58 FR 15009] for a comprehensive treatment of the rules adopted by the Commission governing mandated electronic filing. *See also* Release No. 33–7072 (July 8, 1994) [59 FR 36258], relating to implementation of Financial Data Schedules, and Release No. 33–7122 (December 19, 1994) [59 FR 67752], in which the Commission made the EDGAR rules final and applicable to all domestic registrants and adopted minor amendments to the EDGAR rules.

[7] 17 CFR 230.462.

[8] 17 CFR 230.400 to 230.497, inclusive.

[9] *See* Release No. 33–7168 (May 11, 1995) [60 FR 26604].

[10] 17 CFR 249.103, 249.104 and 249.105, respectively.

[11] 15 U.S.C. 78p.

[12] 15 U.S.C. 78a *et seq.*

[13] Form 144, 17 CFR 239.144.

[14] 17 CFR 230.144.

[15] 15 U.S.C. 77a *et seq.*

Manual and the amendment to Rule 301 will be effective on December 18, 1995.

Paper copies of the updated Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1–2, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronic format copies will be available on the EDGAR electronic bulletin board. Copies also may be obtained from Disclosure Incorporated, the paper and microfiche contractor for the Commission, at (800) 638–8241.

II. Technical Amendments to Regulation S–T

In addition to the adoption of the updated Filer Manual, the Commission is adopting several technical amendments to the rules governing electronic filing.

A. Voluntary Electronic Filing of Notices of Exempt Preliminary Roll-up Communication

In connection with the adoption of rules implementing the Limited Partnership Rollup Reform Act of 1993,[16] the Commission adopted an exemption from the proxy filing requirements for preliminary communications among security holders for the purpose of determining whether to solicit proxies, consents or authorizations in opposition to a proposed roll-up transaction.[17] In certain instances, a short notice of such communications was required to be filed with the Commission. Release No. 33–7113 indicates that these documents are to be filed either in paper or electronically, at the filer's option, and that programming would be completed to accommodate their electronic submission. Programming was completed shortly after Release No. 33–7133 was issued, and the Commission now is amending Rule 101(b)(2)[18] of Regulation S–T to codify its position that Notices of Exempt Preliminary Roll-up Communications may be filed electronically, at the filer's option.

B. Voluntary Electronic Filing of Forms 3, 4, 5 and 144

When the Commission adopted Regulation S–T in connection with the EDGAR Interim Rules in 1993,[19] it indicated that reports filed pursuant to Section 16 of the Exchange Act, namely, Forms 3, 4 and 5, and notices of securities transactions (Form 144) filed pursuant to Rule 144 of the Securities Act would not initially be permitted to be filed electronically, but that accommodations for electronic submission of those documents would be contemplated at a later date.[20] Recently, the Commission announced that it had taken steps to initiate programming to allow voluntary electronic filing of these forms.[21] This programming has now been completed and the Commission is amending Rule 101(b) to provide that such documents may be filed electronically, at the filer's option.[22] With regard to Form 144, electronic filing initially will be limited to filings where the issuer of the securities is a public company, *i.e.*, a company subject to Securities Exchange Act of 1934[23] reporting requirements. Filers who desire to file electronically should submit their Forms ID early in order to obtain the access codes they will need to make their filings on EDGAR.[24]

C. Certain Filings Made by the World Bank

The International Bank for Reconstruction and Development (the ''World Bank'') is required to file with the Commission periodic reports and reports with respect to issuances of primary obligations.[25] The World Bank has requested that it be permitted to file some or all of these reports in electronic format on a voluntary basis through the Commission's EDGAR system, and the Commission has agreed to accommodate this request. Consequently, Rule 101(b) is being amended to allow the voluntary electronic filing of these documents.

D. Documents To Be Submitted in Paper Only Under Sections 8(f), 17(g), and 33 of the Investment Company Act

It was not intended that certain submissions under the Investment Company Act of 1940 (''Investment Company Act'')[26] be made in electronic format. Specifically, the EDGAR system was not programmed to accommodate the electronic submission of Form N–8F[27] and related documents under Section 8(f)[28] of, and Rule 8f–1[29] under, the Investment Company Act; fidelity bonds and related documents submitted under Section 17(g)[30] of, and Rule 17g–1[31] under, the Act; or litigation materials filed under Section 33 of the Act.[32] The Commission is amending paragraphs (a) and (c) of Rule 101 to reflect the fact that submissions under these sections of the Investment Company Act are to be made in paper format only.

III. Effective Date

Since the Filer Manual and technical rule amendments relate solely to agency procedure or practice, publication for notice and comment is not required under the Administrative Procedure Act.[33] It follows that the requirements of the Regulatory Flexibility Act[34] do not apply.

The effective date for the updated Filer Manual and the rule amendments is December 18, 1995. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), the Commission finds that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system is scheduled to be upgraded to Release 4.40 on December 18, 1995. The Commission believes that it is necessary to coordinate the effectiveness of the updated Filer Manual with the scheduled system upgrade in order to avoid confusion to EDGAR filers. In addition, the technical amendments to Regulation S–T do not impose new requirements on filers, but merely provide for additional voluntary means to file certain documents electronically. Therefore, it is not anticipated that any hardships will result from the establishment of an effective date of less than 30 days after publication.

IV. Cost-Benefit Analysis

It is anticipated that the amendments to the EDGAR rules adopted today will not impose any additional costs associated with filing documents with the Commission, since they primarily provide means to file specified documents electronically on a voluntary basis. Filers who choose to file these documents electronically may experience cost savings or additional

[16] Government Securities Act Amendments of 1993, Pub. L. 103–202, Title III, 107 Stat. 2344 (1993).

[17] *See* Release No. 33–7113 (December 1, 1994) [59 FR 63676], Rule 14a–6(n) and the Notice of Exempt Preliminary Roll-up Communication [17 CFR 240.14a–104].

[18] 17 CFR 232.101(b)(2).

[19] *See* n. 6, above.

[20] *See* Release No. 33–6977 (February 23, 1993) [58 FR 14628], Section III.C.

[21] *See* Release No. 33–7231 (October 5, 1995) [60 FR 53474].

[22] This functionality will be available as of December 18, 1995.

[23] 15 U.S.C. 78a *et seq.*

[24] Forms ID are available in the EDGAR Filer Manual; they also may be obtained from the Commission's publications unit by calling (202) 942–4046 and asking for Form ID (SEC 2084).

[25] *See* Section 15(a) of the Bretton Woods Agreements Act [22 U.S.C. 286k–1(a)] and Part 285 of Title 17 of the Code of Federal Regulations.

[26] 15 U.S.C. 80a–1 *et seq.*

[27] 17 CFR 274.218.

[28] 15 U.S.C. 80a–8(f).

[29] 17 CFR 270.8f–1.

[30] 15 U.S.C. 80a–17(g).

[31] 17 CFR 270.17g–1.

[32] 15 U.S.C. 80a–32.

[33] 5 U.S.C. 553(b).

[34] 5 U.S.C. 601–612.

costs, depending on their circumstances. Overall, the Commission expects benefits to accrue to both filers and the public at large in cases where filers choose to file in electronic format, primarily because of the promptness and breadth of dissemination associated with electronic filing.

V. Statutory Basis

The updated Filer Manual and the amendments to Regulation S–T are being adopted under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[35] Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[36] Section 20 of the Public Utility Holding Company Act of 1935,[37] Section 319 of the Trust Indenture Act of 1939,[38] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[39]

List of Subjects in 17 CFR Part 232

Incorporation by reference; Investment companies; Registration requirements; Reporting and recordkeeping requirements; Securities.

Text of the Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. Section 232.101 is amended by revising paragraphs (a)(1)(iv) and (b)(2); redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(7) and (b)(8) and adding paragraphs (b)(4), (b)(5) and (b)(6); removing paragraph (c)(7) and redesignating paragraphs (c)(8) through (c)(21) as paragraphs (c)(7) through (c)(20); and revising newly redesignated paragraphs (c)(8) and (c)(13) to read as follows:

§ 232.101 Mandated electronic submissions and exceptions.

(a) * * *

(1) * * *

(iv) Documents filed with the Commission pursuant to Sections 8, 17, 20, and 30 of the Investment Company Act (15 U.S.C. 80a–8, 80a–17, 80a–20, and 80a–29); *provided, however* that in no event shall any submissions under Section 6(c), 8(f), or 17(g) of the Act (15 U.S.C. 80a–6(c), 80a–8(f), or 80a–17(g)) or documents related to applications for exemptive relief under any section of the Act, be made in electronic format; and

* * * * *

(b) *Permitted electronic submissions.* * * *

(1) * * *

(2) Notices of exempt solicitation furnished for the information of the Commission pursuant to Rule 14a–6(g) (§ 240.14a–6(g) of this chapter) and notices of exempt preliminary roll-up communications furnished for the information of the Commission pursuant to Rule 14a–6(n) (§ 240.14a–6(n) of this chapter);

(3) * * *

(4) Forms 3, 4 and 5 (§§ 249.103, 249.104 and 249.105 of this chapter);

(5) Form 144 (§ 239.144 of this chapter), where the issuer of the securities is subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively);

(6) Periodic reports and reports with respect to issuances of primary obligations filed by the International Bank for Reconstruction and Development pursuant to Section 15(a) of the Bretton Woods Agreements Act [22 U.S.C. 286k–1(a)] and Part 285 of Title 17 of the Code of Federal Regulations;

* * * * *

(c) *Documents to be submitted in paper only.* * * *

* * * * *

(8) Filings related to offerings exempt from registration under the Securities Act of 1933, including filings made pursuant to Regulation A (§§ 230.251–230.264 of this chapter), Regulation B (§§ 230.300–230.346 of this chapter), Regulation D (§§ 230.501–508 of this chapter) Regulation E (§§ 230.601–230.610a of this chapter) and Regulation F (§§ 230.651–230.656 of this chapter), as well as filings on Form 144 (§ 239.144 of this chapter) where the issuer of the securities is not subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively);

* * * * *

(13) Submissions under Sections 6(c), 8(f), 17(g), and 33 of the Investment Company Act (15 U.S.C. 80a–6(c), 80a–8(f), 80a–17(g), and 80a–32) and documents related to applications for exemptive relief under any section of the Act;

* * * * *

3. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Electronic filings shall be prepared in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The December 1995 edition of the *EDGAR Filer Manual: Guide for Electronic Filing with the U.S. Securities and Exchange Commission (Release 4.40)* is incorporated into the Code of Federal Regulations by reference, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Compliance with the requirements found therein is essential to the timely receipt and acceptance of documents filed with or otherwise submitted to the Commission in electronic format. Paper copies of the EDGAR Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1–2, 450 5th Street, NW., Washington, DC 20549. They also may be obtained from Disclosure Incorporated by calling (800) 638–8241. Electronic format copies are available through the EDGAR electronic bulletin board. Information on becoming an EDGAR E-mail/electronic bulletin board subscriber is available by contacting CompuServe Inc. at (800) 848–8199.

Dated: November 13, 1995.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28413 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–P

[35] 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

[36] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w and 78*ll*.

[37] 15 U.S.C. 79t.

[38] 15 U.S.C. 77sss.

[39] 15 U.S.C. 80a–8, 80a–29, 80a–30 and 80a–37.

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 0–17

Title 38 CFR Parts 0 to 17; Republication

CFR Correction

Title 38 CFR parts 0 to 17, revised as of July 1, 1995, is being republished in its entirety. The earlier issuance inadvertently omitted text from §§ 1.554a through 1.602 inclusive. The omitted text should immediately precede § 1.603 on page 44.

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 950426116–5264–03; I.D. 102595B]

RIN 0648–AG14

Atlantic Tuna Fisheries; Permit Requirements

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

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS corrects the final regulations governing the Atlantic tuna fisheries by removing Atlantic bonito from the list of species in 50 CFR 285.53(d) for which a private recreational vessel permit is required. When issuing the final regulations it was not the intent of NMFS to extend permit requirements to recreational vessels fishing for bonito and no other Atlantic tunas.

EFFECTIVE DATE: November 16, 1995.

ADDRESSES: Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930–3799.

FOR FURTHER INFORMATION CONTACT: Christopher W. Rogers, 301–713–2347; or Kevin B. Foster, 508–281–9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 issued under the authority of the Atlantic Tunas Convention Act (ATCA). The ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA.

ICCAT requires that contracting parties implement information collection programs to monitor fishing effort and catch in commercial and recreational fisheries. By final rule, NMFS revised and extended the permitting/reporting requirements for the Atlantic tuna fisheries to apply to all Atlantic tunas (60 FR 38505, July 27, 1995). For ICCAT fishery data collection purposes, Atlantic tunas are defined under the regulations to mean: Bluefin tuna, yellowfin tuna, skipjack tuna, bigeye tuna, albacore tuna, and bonito. Atlantic bonito means the fish species *Sarda chiliensis* or *Sarda sarda*.

It was not the intention of NMFS to extend permit requirements to recreational vessels fishing solely for bonito and no other Atlantic tunas. The final rule inadvertently included Atlantic bonito in the list of species for which a recreational vessel permit is required (50 CFR 285.53(d)). This correcting amendment revises the final regulations by removing Atlantic bonito from that list. Removal will not compromise the collection of fishery information required by ICCAT.

This correction does not affect the requirement for vessel permits for operators engaging in the sale of Atlantic tunas (including bonito) nor the requirement for dealer permits for the purchase of Atlantic tunas. Commercial vessel owners taking Atlantic tunas, including charter/headboat operators, and Atlantic tuna dealers must obtain permits by November 15, 1995. Recreational vessels taking any Atlantic tuna other than bonito must obtain permits by January 1, 1996. Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930–3799.

Classification

Because this amendment only corrects an error to make an existing set of regulations for which full prior notice and opportunity for comment have been given consistent with the regulatory intent, under 5 U.S.C. 553(b)(B), it is unnecessary to provide prior notice and opportunity for comment.

This amendment imposes no new requirements on anyone subject to these regulations, and removes or relieves an unintended restriction. Accordingly, under 5 U.S.C. 553(d), the correction is being made effective immediately.

This rule is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: November 13, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285 is corrected by making the following correcting amendment:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.53 paragraph (d) is revised to read as follows:

§ 285.53 Vessel permits.

* * * * *

(d) *Recreational vessel permits.* Effective January 1, 1996, owners or operators of private recreational vessels are required to obtain vessel permits in order to fish for, catch, retain, or land Atlantic yellowfin, bigeye, albacore, and skipjack tunas. Anglers aboard private recreational vessels must adhere to applicable daily catch limits. Atlantic tunas taken on board private recreational vessels may not be sold.

* * * * *

[FR Doc. 95–28362 Filed 11–16–95; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 625

[Docket No. 930832–3314; I.D. 110795A]

Summer Flounder Fishery; Commercial Quota Transfer From Maryland to New York

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

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of Maryland is transferring 50,000 lb (22,680 kg) of commercial summer flounder quota to the State of New York. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508–281–9347.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,456 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, Maryland was

allocated a quota of 299,551 lb (135,874 kg), and New York was allocated a quota of 1,123,374 lb (509,554 kg).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS (Regional Director), to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

Maryland has agreed to transfer 50,000 lb (22,680 kg) of commercial quota to New York. The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met, and publishes this notification of quota transfers. The revised quotas for the calendar year 1995 are: Maryland, 249,551 lb (113,194 kg); and New York, 1,173,374 lb (532,233 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under section 6.02b.3(b)(i)(aa) of NOAA Administrative Order 216–6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

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

Dated: November 13, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–28415 Filed 11–13–95; 4:50 pm]

BILLING CODE 3510–22–F

50 CFR Part 625

[Docket No. 950206038; I.D. 110395A]

Summer Flounder Fishery; Commercial Quota Transfer from North Carolina to Virginia

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

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring 50,658 lb (22,978 kg) of commercial summer flounder quota to the Commonwealth of Virginia. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508–281–9347.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,456 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, North Carolina was allocated a quota of 4,031,905 lb (1,828,841 kg), and Virginia was allocated a quota of 3,131,519 lb (1,420,433 kg). A transfer of commercial summer flounder quota of 7,229 lb (3,279 kg) between North Carolina and New Jersey reduced the summer flounder quota for North Carolina to 4,024,676 lb (1,825,562 kg) which was published August 30, 1995 (60 FR 45107).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS (Regional Director), to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 50,658 lb (22,978 kg) of commercial quota to Virginia. The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met. The revised quotas for the calendar year 1995 are: North Carolina, 3,974,018 lb (1,802,584 kg); and Virginia, 3,182,177 lb (1,443,411 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under section 6.02b.3(b)(i)(aa) of NOAA Administrative Order 216–6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

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

Dated: November 13, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–28414 Filed 11–13–95; 4:50 pm]

BILLING CODE 3510–22–F

50 CFR Part 642

[Docket No. 950725189–5260–02; I.D. 062795A]

RIN 0648–XX24

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Changes in Catch Limits

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

ACTION: Final rule.

SUMMARY: NMFS announces changes in the management measures applicable to the Atlantic migratory groups of king and Spanish mackerel and the Gulf

group of king mackerel, in accordance with the framework procedure for adjusting management measures for the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). This rule decreases the total allowable catch (TAC), commercial allocation, and recreational bag limit for Atlantic group king mackerel; increases the TAC and commercial allocation for Atlantic group Spanish mackerel; and changes the commercial vessel trip limits for Gulf group king mackerel. The intended effect is to protect king and Spanish mackerel from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries dependent on king and Spanish mackerel.

EFFECTIVE DATE: December 18, 1995, except for § 642.28(b)(2) which is effective November 22, 1995.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–570–5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642.

In accordance with the framework procedure of the FMP, the Councils recommended, and NMFS published, a proposed rule to change certain management measures applicable to the Atlantic migratory groups of king and Spanish mackerel and the Gulf group of king mackerel (60 FR 39698, August 3, 1995). That proposed rule described the FMP framework procedures through which the Councils recommended the specific changes, and described the need and rationale for them. Those descriptions are not repeated here.

The final rule adopts the proposed decrease in the TAC for Atlantic group king mackerel and the proposed increase in the TAC for Atlantic group Spanish mackerel. Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of the TAC. The TACs and their allocations for the fishing year that commenced April 1, 1995, under the established percentages are as follows:

Species	m. lb	m. kg
Atlantic Spanish Mackerel—TAC	9.40	4.26
Recreational allocation (50%)	4.70	2.13
Commercial allocation (50%)	4.70	2.13
Atlantic King Mackerel—TAC	7.30	3.31
Recreational allocation (62.9%)	4.60	2.09
Commercial allocation (37.1%)	2.70	1.22

Comments and Responses

Five letters were received during the comment period. One from the South Atlantic Fishery Management Council (South Atlantic Council) supported the actions proposed for the Atlantic groups of king and Spanish mackerel and requested full approval and expedient implementation. The other four—from a U.S. Congressman, a fisherman, a commercial fishermen's organization, and a seafood association—opposed the commercial trip limits proposed for the Atlantic group king mackerel, contending that the proposals would negatively impact Florida Keys fishermen and are inconsistent with National Standards 1, 2, 4, 5, and 7 of the Magnuson Fishery Conservation and Management Act (Magnuson Act) as discussed below.

Inadequate information in the South Atlantic Council's analyses of impacts on the Florida Keys fishery, and the inadequate opportunity for public comment during the Council framework process, preclude NMFS from determining at this time, whether the proposed commercial trip limits for Atlantic group king mackerel are consistent with the national standards. Available information suggests that impacted fishermen were not provided timely notice of the South Atlantic Council's intent to take final action on the proposed trip limits through the FMP framework process at its April 1995 meeting. Previous notices indicated that the trip limits would be considered in Amendment 8, which is being developed by the South Atlantic Council and the Gulf of Mexico Council (Gulf Council). NMFS believes that if the South Atlantic Council been aware of these deficiencies, it may not have approved the trip limits. For these reasons, NMFS has decided not to implement the proposed trip limits at this time.

National Standard 1 and the FMP

Comment: The commenters state that implementation of the trip limits proposed for Atlantic group king mackerel during the 1995–96 season is unnecessary to reduce harvest and safeguard an overrun of the reduced commercial allocation, 2.70 million lb (1.22 million kg). They commented that the quota will not be reached anyway, and the trip limits would reduce harvest and preclude the taking of the annual commercial allocation and TAC and, thus, the achievement of optimum yield (OY).

Response: Information now available from fishery reporting specialists and the quota monitoring program indicates that the reduced commercial quota will not be reached and the fishery will not be closed during the 1995–96 fishing year, although that was not clear at the time the South Atlantic Council took action. To date, effort and harvest have not increased significantly off southeast Florida as had been expected by the Council; nevertheless, the likelihood of an increase in effort and harvest by presently unemployed fishermen still exists and corrective action may be needed as early as the 1996–97 fishing year. Currently, only a few new entrants, who were displaced from inshore fisheries that closed July 1, 1995, as a result of Florida's net ban or from closed northeast U.S. groundfish fisheries, have joined the fishery. Also, this year's production is paralleling that of the previous year, which totaled about 2.02 million lb (0.92 million kg). Thus, immediate implementation of trip limits appears unnecessary to reduce harvest off south and southeast Florida and prevent overrun of the commercial quota and closure of the commercial fishery before the Carolina fisheries have an opportunity to take their traditional fall/winter catch. Although the latest available information indicates that the approved 1995–96 commercial allocation of 2.70 million lb (1.22 million kg) for the Atlantic group king mackerel probably will not be reached this year that does not preclude future implementation of trip limits as a necessary device to keep landings within the quota and user groups within their allocations.

The FMP specifies that commercial trip limits only may be imposed under framework action when necessary to keep user groups within their allocations. Therefore, NMFS recommends that the Councils consider Amendment 8 as the most expedient vehicle to submit trip limits for review. As in a previous review of these proposed trip limits, NMFS affirms that proposals that potentially reallocate the quota and may affect access for certain fishery participants should be addressed through an FMP amendment. Given the complexity and controversial aspects of these trip limit proposals, NMFS believes they will be more appropriately reviewed and resolved under Amendment 8. The trip limit proposals

have been retained as a management option in Amendment 8, and the Gulf Council also has recommended a 125-fish trip limit as a management option for the Florida Keys fishery for Atlantic group king mackerel.

National Standard 2

Comment: The commenters also contend that the proposed commercial trip limits are inconsistent with the best available scientific information, which indicates that the stock is not overfished or in need of more conservative management measures to reduce mortality and prevent early closure and overharvest of the commercial allocation. They reference the 1995 stock assessment, which reports that Atlantic group king mackerel are not overfished. That report estimates the spawning potential ratio at 55 percent, well over the present 30 percent overfishing level defined in the FMP and the 20 percent level recently recommended by scientific advisers. Therefore, they argue that the implementation of trip limits is unnecessary to curtail harvest in the Florida Keys, inferring that the 40,000 to 50,000 lb (18,144 to 22,680 kg) of king mackerel generally taken there during the April season insignificantly affect the status of the Atlantic group king mackerel.

Response: For the reasons stated above in the response under National Standard 1, NMFS is unable at this time to determine whether the trip limits are based on the best available scientific information. However, increased effort and harvest in the future, coupled with lower estimates of acceptable biological catch (ABC) and a lower TAC, may necessitate future implementation of trip limits to prevent quota overruns and keep user groups within their allocations.

National Standard 4

Comment: The commenters believe that the proposed trip limits would unfairly and inequitably discriminate against participants in the Florida Keys fishery. A 50-fish trip limit would exclude many participants, and thus reallocate their traditional share of the quota to more northerly participants. This would inflict an unfair economic burden on dependent businesses and communities. Fishermen would not be able to operate in the April fishery near the Dry Tortugas, because 50 king mackerel would provide insufficient revenue to offset expenses and generate an acceptable profit per trip. Traditionally, fishermen in the Florida Keys take 3- to 5-day fishing trips ranging 30 to 85 nautical miles from their home landing port. The commenters believe that a 3500-lb (1588-kg) trip limit for Florida fishermen north of Brevard County, who take trips of similar distance and duration to harvest the same group of king mackerel, would be discriminatory. The 3500-lb (1588-kg) trip limit would provide an unfair opportunity for northern participants to harvest up to 7 times as many king mackerel per trip as could be harvested off the Florida Keys under a 50-fish trip limit.

Response: NMFS believes that inaccuracies in the analyses considered by the South Atlantic Council raise questions about the rationale for the trip limits. Specifically, it is unclear how the apparent disadvantage to Florida Keys fishermen that would result from a 50-fish trip limit would maximize overall benefits from the fishery as stated in the analyses. NMFS believes the proposed trip limits, including the 3500-lb (1,588 kg) proposal, have the potential to alter harvest geographically, redistribute catch, and reallocate quotas among user groups. Therefore, these proposals should be reanalyzed and reconsidered before submission for review.

National Standard 5

Comment: The commenters contend that the trip limits would not promote efficiency in the utilization of fishery resources for Florida Keys fishermen. The higher costs of production to harvest Atlantic group king mackerel from more distant fishing grounds require harvests greater than 50 fish per trip to operate efficiently and profitably. They note that the 3500-lb (1588-kg) trip limit proposal was offered only to fishermen operating in the Atlantic exclusive economic zone north of Florida's Brevard County, but not to those in the Florida Keys.

Response: In the Florida Keys fishery, a 50-fish trip limit would appear to decrease harvest while increasing the cost of harvest and operations. However, the impact of these localized inefficiencies on attaining OY or maximizing benefits for the overall fishery cannot be accurately determined based on the rationale and inaccurate analyses provided thus far. Therefore, NMFS at this time is unable to determine whether prosecution of the fishery under a 50-fish trip limit would promote wise and efficient use of natural resources in the fishery.

National Standard 7

Comment: The commenters also contend that the proposed trip limits would not minimize costs, place an undue economic and regulatory burden on Florida Keys fishermen, and add more micromanagement measures to an already highly regulated fishery that is not overfished or able to take its quota or achieve optimum yield. Consequently, the trip limits are inconsistent with a balanced management strategy and National Standard 7.

Response: See response to previous comment under National Standard 5. In addition, NMFS has advised the South Atlantic Council to reanalyze available information and consider resubmitting the proposed trip limits with supporting rationale specifically addressing the balance of costs and benefits, as part of Amendment 8.

Other Concerns

Comment: Three respondents opposed the 27 percent reduction in the TAC proposed for the Atlantic group king mackerel because of their belief that the reduction is not supported by the best available scientific information (i.e., 1995 Report of the Mackerel Stock Assessment Panel), which indicates that the group is not overfished; its spawning potential ratio is estimated well above the FMP-defined 30 percent overfishing level.

Response: The South Atlantic Council identified legitimate concerns in proposing a TAC at the lower limit of the ABC range, 7.3–15.5 million lb (3.3–7.0 million kg), calculated by the Stock Assessment Panel. The reduced TAC of 7.3 million lb (3.3 million kg) represents a conservative risk-averse strategy that reflects the South Atlantic Council's concern that next year's ABC estimate will be lower; calculation of the 1996 ABC estimate will include a more accurate estimate of juvenile mortality taken as bycatch in the south Atlantic shrimp fishery. The reduced TAC reflects concern for the resource, but still provides an ample harvest level that has been reached or exceeded only four times in the past nine years under FMP quota management. Accordingly, NMFS adopts the revised TAC of 7.30 million lb (3.31 million kg).

Comment: One respondent opposed the commercial trip limits proposed for the Gulf group king mackerel in the Florida west coast sub-zone because of a belief that they would discriminate against the more efficient and productive fishermen, would not resolve overcapitalization problems of too many boats chasing a very small quota, and would remain as a lingering feature in an already complex management system in lieu of implementing a permanent comprehensive solution, e.g., limited entry.

Response: The trip limits are intended to maintain traditional harvest in the Florida west coast commercial fishery for Gulf group king mackerel, thereby preventing disproportionate harvest of the quota by certain user groups that could result in a situation similar to that which required emergency remedial action during the 1994–95 fishing year. From February 1–21, 1995, the hook-and-line fishery in the Florida west coast sub-zone was reopened under a 300,000-lb (136,078-kg) emergency supplement. The fishery was reopened because northwest Florida fishermen harvested most of the quota before king mackerel migrated to traditional winter fishing grounds off the Florida Keys, where historically most of the quota had been taken. Accordingly, the final rule implements the trip limits.

Partial Approval/Deferral

Based on the most recent stock assessment and quota monitoring information, and on comments received during the public comment period, the 1995–96 preseason adjustments have been partially approved. At this time, NMFS is implementing all of the proposed changes except for the trip limits proposed for the commercial fishery for Atlantic group king mackerel. Implementation of those trip limits is being deferred due to inadequate and inaccurate analyses of their impacts on Florida Keys fishermen, insufficient justification for the proposed limits, and possible inconsistencies with the Magnuson Act and the FMP annual framework adjustment process as discussed above. Implementation of the proposed trip limits will be reconsidered if they are resubmitted with adequate and accurate analyses as a part of Amendment 8.

Changes From the Proposed Rule

For the reasons set forth above, the final rule does not implement commercial trip limits for Atlantic group king mackerel. Likewise, the final rule does not include the proposed prohibitions in § 642.27 corresponding to those trip limits. In addition, the final rule corrects an erroneous reference in § 642.7(t).

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The reasons were published in the preamble to the proposed rule (60 FR 39698, August 3, 1995). As a result, a regulatory flexibility analysis was not prepared.

The Assistant Administrator for Fisheries, NOAA, finds that good cause exists, under 5 U.S.C. 553(d)(3), to establish an effective date of less than 30 days after the date of publication for the trip limits for commercial hook-and-line vessels that harvest Gulf group king mackerel in the Florida west coast sub-zone. To avoid early closure of the fishery and disproportionate harvest of the quota by certain user groups, these trip limits are effective 5 days after the date of publication.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 9, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 642 is amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

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

2. In § 642.7, paragraphs (s), (t), and (u) are revised to read as follows:

§ 642.7 Prohibitions.

* * * * *

(s) In the eastern zone, possess or land Gulf group king mackerel in or from the EEZ in excess of an applicable trip limit, as specified in § 642.28(a), (b)(1), or (b)(2), or transfer at sea such king mackerel, as specified in § 642.28(e).

(t) In the Florida west coast sub-zone, possess or land Gulf group king mackerel in or from the EEZ aboard a vessel that uses or has on board a run-around gillnet on a trip when such vessel does not have on board a commercial permit for king and Spanish mackerel with a gillnet endorsement, as specified in § 642.28(b)(1)(ii)(A).

(u) In the Florida west coast sub-zone, on board a vessel for which a commercial permit for king and Spanish mackerel with a gillnet endorsement has been issued, retain Gulf group king mackerel in or from the EEZ harvested with gear other than run-around gillnet, as specified in § 642.28(b)(1)(ii)(C).

* * * * *

3. In § 642.24, paragraph (a)(1)(ii)(A) is revised to read as follows:

§ 642.24 Bag and possession limits.

(a) * * *

(1) * * *

(ii) * * *

(A) *Northern area*—five per person through December 31, 1995; three per person thereafter.

* * * * *

§ 642.25 [Amended]

4. In § 642.25, in paragraph (a)(2), the numbers ''3.71'' and ''1.68'' are revised to read ''2.70'' and ''1.22'', respectively, and in paragraph (b)(2), the numbers ''4.60'' and ''2.09'' are revised to read ''4.70'' and ''2.13'', respectively.

§ 642.27 [Amended]

5. In § 642.27(b), the numbers ''4.35'' and ''1.97'' are revised to read ''4.45'' and ''2.02'', respectively.

6. In § 642.28, a sentence is added at the end of paragraph (a)(2); in paragraph (c), the phrase ''the trip limit change specified in paragraph (a) of this section'' is revised to read ''the trip limit changes specified in paragraphs (a) and (b) (2) of this section''; and paragraph (b)(1), and paragraph (e) introductory text, are revised effective December 18, 1995, set forth below. Paragraph (b)(2) of § 642.28 is revised effective November 22, 1995, to read as follows:

§ 642.28 Additional limitations for Gulf group king mackerel in the eastern zone.

(a) * * *

(2) * * * However, if 75 percent of the sub-zone's quota has not been harvested by March 1, the vessel limit remains at 50 king mackerel per day until the sub-zone's quota is filled or until March 31, whichever occurs first.

(b) *Florida west coast sub-zone. (1) Gillnet gear.* (i) In the Florida west coast sub-zone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a permit with a gillnet endorsement has been issued under § 642.4, from July 1, each fishing year, until a closure of the Florida west coast sub-zone's commercial fishery for vessels fishing with run-around gillnets has been effected under § 642.26—in amounts not exceeding 25,000 lb (11,340 kg) per day.

(ii) In the Florida west coast sub-zone:

(A) King mackerel in or from the EEZ may be possessed on board or landed from a vessel that uses or has on board a run-around gillnet on a trip only when such vessel has on board a commercial permit for king and Spanish mackerel with a gillnet endorsement;

(B) King mackerel from the west coast sub-zone landed by a vessel for which

such commercial permit with endorsement has been issued will be counted against the run-around gillnet quota of § 642.25(a)(1)(i)(B)(*2*); and

(C) King mackerel in or from the EEZ harvested with gear other than run-around gillnet may not be retained on board a vessel for which such commercial permit with endorsement has been issued.

(2) *Hook-and-line gear.* In the Florida west coast sub-zone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel permitted under § 642.4(a)(1) and operating under the commercial hook-and-line gear quota in § 642.25(a)(1)(i)(B)(1):

(i) From July 1, each fishing year, until 75 percent of the sub-zone's hook-and-line gear quota has been harvested—in amounts not exceeding 125 king mackerel per day; and

(ii) From the date that 75 percent of the sub-zone's hook-and-line gear quota has been harvested until a closure of the west coast sub-zone's hook-and-line fishery has been effected under § 642.26—in amounts not exceeding 50 king mackerel per day.

* * * * *

(e) *Transfer at sea.* A person for whom a trip limit specified in paragraph (a), (b)(1)(i), or (b)(2) of this section or a gear limitation specified in paragraph (b)(1)(ii)(A) of this section applies may not transfer at sea from one vessel to another a king mackerel:

* * * * *

[FR Doc. 95–28348 Filed 11–16–95; 8:45 am]

BILLING CODE 3510–22–W

Proposed Rules

Federal Register
Vol. 60, No. 222
Friday, November 17, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 85 and 86

[AMS–FRL–5333–3]

RIN 2060–AF75

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Voluntary Standards for Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking; extension of public comment period.

SUMMARY: This action extends the comment period for the notice of proposed rulemaking relating to the establishment of a National Low Emission Vehicle (NLEV) program published October 10, 1995 (60 FR 52734). EPA is extending the public comment period to December 1, 1995.

DATES: Written comments on the proposed rule must be received no later than December 1, 1995.

ADDRESSES: Materials relevant to this document are contained in Public Docket A–95–27. The docket is located at the above address in Room M–1500, Waterside Mall, and may be inspected weekdays between 8:30 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket materials.

Comments on this document should be sent to Public Docket A–95–26, at: Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (Telephone 202–260–7548; FAX 202–260–4000).

FOR FURTHER INFORMATION CONTACT: Michael Shields, Office of Mobile Sources, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone (202) 260–7757. FAX (202) 260–6011.

SUPPLEMENTARY INFORMATION: EPA published a Notice of Proposed Rulemaking (NPRM) October 10, 1995 regarding the NLEV program. The public comment period was originally scheduled to end on November 9, 1995. A public hearing on the proposal was held on November 1, 1995 and the comment period is extended to December 1, 1995.

Dated: November 8, 1995.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 95–28388 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Parts 210, 215, and 252

[DFARS Case 94–D003]

Defense Federal Acquisition Regulation Supplement Specifications and Standards

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Defense (DoD) has decided to withdraw a proposed rule published on December 23, 1994 (59 FR 66287). The rule proposed DFARS revisions to reflect DoD's commitment to minimizing the use of military and Federal specifications and standards and maximizing the use of performance specifications and non-Government standards. The DoD has determined that changes to DoD Instruction 5000.2 would result in more effective implementation of those commitments. Therefore, the proposed DFARS rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Ms. Melissa D. Rider, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062, (703) 602–0131.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95–28432 Filed 11–16–95; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Parts 213, 214, 215, and 242

[DFARS Case 95–D715]

Defense Federal Acquisition Regulation Supplement; Past Performance

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Department of Defense is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect the requirements of Section 1091 of the Federal Acquisition Streamlining Act of 1994 and the requirements of OFPP Policy Letter 92–5, Past Performance Information.

DATES: Comments on the proposed rule should be submitted in writing to the DFARS Secretariat at the address shown below on or before January 16, 1996 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: IMD 3D139, PDUSD (A&T), 3062 Defense Pentagon, Washington, DC 20301–3062. Please cite DFARS Case 95–D715 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa D. Rider, at (703) 602–0131. Please cite DFARS case 95–D715.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103–355 (FASA), provides authorities that streamline the acquisition process and minimize burdensome government-unique requirements. Major changes in the acquisition process as a result of FASA implementation include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network (FACNET).

At the request of the Administrator, Office of Federal Procurement Policy, the DoD Past Performance Coordinating Council (PPCC) was tasked by the FASA DFARS Implementation Manager to develop DFARS coverage for implementing Section 1091 of FASA. There were no associated FAR changes that were published as a FASA-related rule, as the final FAR rule published in the Federal Register on March 31, 1995 (60 FR 16718) already complied with FASA requirements.

The following changes to DFARs were developed by the PPCC to implement OFPP Policy Letter 92–5, Past Performance Information, and Section 1091 of FASA:

1. DFARS Part 213 coverage has been added to provide guidance for actions using simplified acquisition procedures.

2. DFARS Part 214 coverage allows contracting officers to quantify past performance information (PPI) as a price-related factor.

3. DFARS Past 215 coverage accelerates the FAR phase-in schedule, taking two years to get to the $100,000 threshold; assures appropriate weighting of PPI; encourages (rather than mandates) use under $100,000; and requires validation of PPI before it is used.

4. DFARS 242.1502 provides requirements for preparing evaluations of performance on individual contracts; accelerates the preparation of the evaluation beyond the use requirements in 214 and 215; provides instructions for interim evaluations—this is the agency direction required by the FAR; and provides a list of required information for performing evaluations. Use of a standardized list will help the exchange of PPI among the DoD components. The list is based on the form in the OFPP Interim Guide to Best Practices for Past Performance, and has been tailored to meet the needs of DoD Components. This is not a standard form, but in the future may be an evaluation tool that can be readily accessible via electronic commerce/electronic data interchange (EC/EDI).

5. DFARS 242.1503(a) states the contracting officer specifies who provides performance evaluations (as a default, Defense Contract Management Command (DCMC) ACOs will fill out the form unless the contracting officer specifies otherwise); requires the evaluator to validate PPI with the contractor; addresses non-response by contractors who were asked for validation; and defines contract completion as the time all contract close-out actions are complete.

B. Regulatory Flexibility Act

The proposed DFARS changes may 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.*, because the requirements for use of past performance information in contract award decisions may preclude award to otherwise successful offerors. The extent of this impact is not known, although it is believed that the regulatory flexibility analysis performed for FAR Case 93–2, Past Performance Information (60 FR 16718, March 31, 1995), has already addressed the effects on small businesses. However, an Initial Regulatory Flexibility Analysis has been performed for this proposed DFARS rule. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will also be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95–D715 in correspondence.

C. The Paperwork Reduction Act

The proposed rule does not contain any information collection requirements which require the approval of Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 213, 214, 215, and 242

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR parts 213, 214, 215, and 242 be amended as set forth below:

1. The authority citation for 48 CFR parts 213, 214, 215, and 242 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

2. The heading of Part 213 is revised to read as set forth above.

3. Section 213.106–1 is added to read as follows:

213.106–1 Soliciting competition, evaluation of quotes, and award.

(b)(1) Use of past performance information is not mandatory for solicitations less than $100,000; however, it is encouraged.

PART 214—SEALED BIDDING

4. Section 214.201–8 is added to read as follows:

214.201–8 Price related factors.

(a) An offeror's record of past performance may be used as an indication of foreseeable costs and delays and may be evaluated where these costs can be reduced to a price-related evaluation factor. For example, where a poor performance record requires a preaward survey or where a record of delivering nonconforming parts would require source inspection, and a preaward survey or source inspection would not otherwise be required, an evaluation factor covering those additional costs may be applied. The method by which these price-related factors will be determined and applied shall be included in the solicitation.

PART 215—CONTRACTING BY NEGOTIATION

5. Section 215.605 is amended by redesignating paragraph (b) as paragraph (b)(2) and by adding paragraph (b)(1)(ii) to read as follows:

215.605 Evaluation factors.

(b)(1)(ii) Notwithstanding FAR 15.605(b)(ii), past performance shall be evaluated in all competitively negotiated acquisitions in excess of $1 million issued on or after July 1, 1995, in excess of $500,000 issued on or after July 1, 1996, and in excess of $100,000 issued on or after July 1, 1997. When past performance is evaluated, it should be a significant evaluation factor or significant subfactor. Although the use of past performance is not mandatory for solicitations less than $100,000, it is encouraged. Past performance information from contractor performance evaluations shall not be used in source selections until the requirements of 242.1503(b) have been met.

* * * * *

PART 242—CONTRACT ADMINISTRATION

6. Subpart 242.15 is added to read as follows:

Subpart 242.15—Contractor Performance Information

Sec.
242.1502 Policy.
242.1503 Procedures.

242.1502 Policy.

(a) Notwithstanding FAR 42.1502, contractor performance evaluations shall be prepared for all contracts in excess of $1 million effective July 1, 1995, and $100,000 effective July 1, 1996. For contracts exceeding 18 months, interim evaluations should be prepared annually.

(S–70) Agencies shall prepare an evaluation of contractor performance including the following information:

(1) Whether the report is a final or interim report;

(2) What period the report covers;

(3) The contractor's name, address, and telephone number;

(4) The contract number, value, award date, and completion date;

(5) The type of contract;

(6) A description of the requirement;

(7) An evaluation of the contractor's performance in the following areas, including a rating and supporting rationale:

(i) Quality of Product or Service;

(ii) Cost Control;
(iii) Timeliness of Performance;
(iv) Customer Satisfaction (Contracting/Business Relations);
(v) Customer Satisfaction (End User/Business Relations); and
(vi) Rater's Overall Assessment.
(8) An evaluation of key contractor personnel for services and R&D contracts;
(9) The evaluator's name, address, telephone number and dated signature;
(10) Whether the contractor provided comments, rebuttals or additional information. If such information was provided, it shall be attached to the Government evaluation;
(11) A resolution of contractor comments; and
(12) The final review authority's name, address, phone number, and dated signature.
(S–71) Evaluations completed in accordance with paragraph (S–70) of this section shall consider the following areas:
(1) Quality of product or service. This includes the following aspects of performance:
(i) Compliance with contract requirements;
(ii) Accuracy of reports;
(iii) Appropriateness of contractor personnel assigned to the contract; and
(iv) Technical excellence of delivered supplies or services.
(2) Cost Control. This includes the following aspects of performance:
(i) Current, accurate, and complete billings;
(ii) The relationship of negotiated cost to actuals;
(iii) Cost containment initiatives; and
(iv) The number and cause of change orders issued.
(3) Timeliness of Performance. This includes the following aspects of performance:
(i) Whether the contractor met interim milestones;
(ii) Contractor's responsiveness to technical direction;
(iii) Contractor's responsiveness to contract change orders and administrative requirements;
(iv) Whether the contract was completed on time, including wrap-up and contract administration; and
(v) Whether liquidated damages were assessed.
(4) Business Relations/Customer Satisfaction. This includes the following aspects of performance:
(i) Whether the contractor effectively managed the contract effort;
(ii) How responsive the contractor was to contract requirements;
(iii) How promptly the contractor notified the Government of problems;
(iv) Whether the contractor was reasonable and cooperative;
(v) How flexible the contractor was;
(vi) Was the contractor proactive;
(vii) How effective were contractor-recommended solutions; and
(viii) Did the contractor effectively implement socio-economic programs, including compliance with requirements of the clause at FAR 52.219–8, Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns, and 52.219–9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan.
(S–72) The following adjectival ratings shall be used when rating each area described in paragraph (S–71):
(1) Unsatisfactory.
(i) Quality of Product or Service. Nonconformances are compromising the achievement of contract requirements, despite the use of Agency resources.
(ii) Cost Control. Cost issues are compromising performance of contract requirements.
(iii) Timeliness of Performance. Delays are compromising the achievement of contract requirements, despite the use of Agency resources.
(iv) Business Relations Customer Satisfaction. Response to inquiries, technical service, and administrative issues is not effective and responsive.
(2) Poor.
(i) Quality of Product or Service. Nonconformances require major Agency resources to ensure achievement of contract requirements.
(ii) Cost Control. Cost issues require major Agency resources to ensure achievement of contract requirements.
(iii) Timeliness of Performance. Delays require major Agency resources to ensure achievement of contract requirements.
(iv) Business Relations Customer Satisfaction. Response to inquiries, technical service, and administrative issues is marginally effective and responsive.
(3) Fair.
(i) Quality of Product or Service. Nonconformances require minor Agency resources to ensure achievement of contract requirements.
(ii) Cost Control. Cost issues require minor Agency resources to ensure achievement of contract requirements.
(iii) Timeliness of Performance. Delays require minor Agency resources to ensure achievement of contract requirements.
(iv) Business Relations Customer Satisfaction. Response to inquiries, technical service, and administrative issues is somewhat effective and responsive.
(4) Good.
(i) Quality of Product or Service. Nonconformances do not impact achievement of contract requirements.
(ii) Cost Control. Cost issues do not impact achievement of contract requirements.
(iii) Timeliness of Performance. Delays do not impact achievement of contract requirements.
(iv) Business Relations Customer Satisfaction. Response to inquiries, technical service, and administrative issues is usually effective and responsive.
(5) Excellent.
(i) Quality of Product or Service. There are no quality problems.
(ii) Cost Control. There are no cost issues.
(iii) Timeliness of Performance. There are no delays.
(iv) Business Relations Customer Satisfaction. Response to inquiries, technical service, and administrative issues is effective and responsive.
(6) Plus. The contractor has demonstrated an exceptional performance level in any of the four categories described in paragraph (S–71). It is expected that this rating will be used in those rare circumstances when contractor performance clearly exceeds the performance levels described as ''excellent.''

242.1503 Procedures.

(a) The contracting officer will determine who provides input on the contractor performance evaluations. Where the contract has been delegated for administration, the cognizant ACO shall complete performance evaluations unless otherwise advised by the PCO.
(b) (S–70) The agency preparing the performance evaluation shall be responsible for validating the past performance information.
(S–71) If the contractor does not respond within the period specified, the data may be assumed to be accurate and may be used in source selections.
(e) The date of completion of contract performance is the date of contract closeout.

[FR Doc. 95–28433 Filed 11–16–95; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 567 and 568

[Docket No. 91–62, Notice 2]

RIN 2127–AE27

Meeting With Manufacturers of Vehicles Built in Two or More Stages

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting; request for comments.

SUMMARY: This notice announces a public meeting at which NHTSA will seek information from final stage and intermediate manufacturers of vehicles built in two or more stages, manufacturers of incomplete vehicles, and the public on certification of vehicles that are manufactured in stages. NHTSA is requesting suggestions for actions with respect to NHTSA's regulations and Federal Motor Vehicle Safety Standards that govern the certification of such vehicles. This notice also invites written comments on the same subject.

The meeting will be held on December 12, 1995 at 9:00 a.m. The agency is interested in obtaining the views of its customers both orally and in writing. An agenda for the meeting will be made based on the number of persons wishing to make oral presentations and will be available on the day of the meeting. Those wishing to make oral presentations at the meeting should contact Charles Hott, at the address or telephone number listed below, by November 24, 1995.

DATES: The meeting will be held on December 12, 1995 at 9:00 a.m.

Written comments. Written comments are due by January 12, 1996.

ADDRESSES: *Public meeting.* The public meeting will be held at the following location: Holiday Inn, Fair-Oaks Mall, 11787 Lee Jackson Memorial Highway, Fairfax, VA 22033, Tel: (703) 352–2525, Fax: (703) 352–4471.

Written comments. All written comments should be mailed to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street, SW, Washington, DC 20590. Please refer to the docket number when submitting written comments.

FOR FURTHER INFORMATION CONTACT: Charles Hott, Office of Vehicle Safety Standards, NPS–15, NHTSA, 400 7th Street, SW, Washington, DC 20590 (telephone 202–366–0247).

SUPPLEMENTARY INFORMATION:

Regulatory Reform

Calling for a new approach to the way Government regulate the private sector, President Clinton asked Executive Branch agencies to improve the regulatory process. Specifically, the President requested that agencies: (1) Cut obsolete regulations; (2) reward agency and regulator performance by rewarding results, not red tape; (3) create grassroots partnerships by meeting with those affected by regulations and other interested parties; and (4) use consensual rulemaking, such as regulatory negotiation, more frequently.

This is the first of NHTSA's announced meetings to create grassroots partnerships with regulated industries that do not deal with NHTSA on a daily basis. By meeting with these groups, NHTSA believes that it can build a better understanding of their needs and concerns. Other groups that the agency will have meetings with are school bus manufacturers, heavy truck manufacturers, child seat manufacturers, lamp/reflector manufacturers, and small volume manufacturers.

NHTSA recognizes that manufacturers who build vehicles in more than one stage are faced with somewhat different problems than manufacturers who build vehicles in a single stage, especially when it comes to certifying vehicles to meet the Federal Motor Vehicle Safety Standards (FMVSS). Therefore, the agency has decided to hold a public meeting to listen to the views of these groups and others with respect to improving the vehicle certification process.

The agency is interested in obtaining the views of incomplete, intermediate and final stage manufacturers on how the agency can improve its regulations that govern the manufacture of vehicles in more than one stage. Suggestions should be accompanied by a statement of the rationale for the proposed action and of the expected consequences of that action. Recommendations should address at least the following considerations:

administrative/compliance burdens
cost effectiveness
costs of the existing regulation and the proposed changes to consumers
costs of testing or certification to regulated parties
effects on safety
effects on small business
enforceability of the standard
whether the regulation reflects a ''common sense'' approach to solving the problem

Written statements should be as specific as possible and provide the best available supporting information. Statements also should specify whether any change recommended in the regulatory process would require a legislative change in NHTSA's authority.

Certification of Vehicles Manufactured in More Than One Stage

In *National Truck and Equipment Association* v. *NHTSA*, 919 F.2d 1148 (6th Cir. 1990), the 6th Circuit remanded a portion of a final rule that extended the requirements of FMVSS No. 204 to trucks and multipurpose passenger vehicles with gross vehicle weight ratings of up to 10,000 pounds. A majority of the court concluded that the final rule was not practicable for final stage manufacturers that cannot ''pass through'' the certification of the incomplete vehicle manufacturer. The court cited passages in the preamble in which NHTSA stated that most final stage manufacturers did not have the capability to perform dynamic testing or in-house engineering analysis, as well as the fact that ''pass through'' certification is not available unless the incomplete vehicle is a chassis cab.

In response to the court decision, on December 3, 1991, NHTSA published a Notice of Proposed Rulemaking (NPRM), 56 FR 61392, to amend the certification requirements that apply to incomplete vehicles. In the NPRM, the agency proposed to extend the certification labeling requirements that currently apply only to manufacturers of chassis-cabs to all incomplete vehicle manufacturers, and to permit all final stage manufacturers to ''pass through'' the certification of the incomplete vehicle.

Incomplete vehicles are vehicles that include at least a frame and chassis structure, power train, steering system, suspension system, and braking system, but need further manufacturing to become completed vehicles. Currently, incomplete vehicle manufacturers are required to provide a document with every incomplete vehicle that establishes guidelines for completing the vehicle. For chassis-cabs (incomplete vehicles with completed occupant compartments), incomplete vehicle manufacturers are currently required both to provide a guidance document and to affix a certification label to each chassis cab. If the intermediate and final stage manufacturers complete the chassis-cab in accordance with the guidelines provided in the guidance document, the final stage manufacturer is allowed to ''pass through'' the certification of the

chassis-cab manufacturer, rather than itself certifying equipment or components manufactured by another manufacturer. Currently, manufacturers of incomplete vehicles that are not chassis cabs because they lack completed occupant compartments (e.g., ''stripped chassis'' or ''bare chassis'') are not required to certify the conformity of their vehicles to NHTSA safety standards. However, like the chassis-cab manufacturers, they are required to provide a guidance document with every vehicle that establishes guidelines for completing the vehicle. If the intermediate and/or final stage manufacturer follows the guidelines, the completed vehicle will conform to the applicable FMVSSs. The final stage manufacturer is required to place on the completed vehicle a certification label stating that the vehicle meets all applicable FMVSSs.

The NPRM proposing the amendments to the regulations governing certification of vehicles manufactured in two or more stages engendered considerable controversy and virtually no support. In the comments, there was a clear division in positions among the various segments of the multistage vehicle industry. The three major domestic manufacturers generally opposed the rule, although General Motors did propose some changes to the text and a delay of the effective date. The final stage manufacturers of commercial vehicles, represented by the National Truck Equipment Association (NTEA), favored the portion of the rule which provided for certification of incomplete vehicles other than chassis cabs, but stated that the proposed rule did not resolve the difficulties faced by numerous final stage manufacturers that depart from the guidelines set by the incomplete vehicle manufacturer. The Recreational Vehicle Industry Association (RVIA) responded that the proposed rule did not resolve the most serious problems faced by the final stage manufacturers which must certify compliance with standards that include dynamic testing.

The agency performed a limited study of the multistage vehicle manufacturing industry. The study was completed in August 1994 and has been placed in the docket. (Docket Number 91–62) The study concluded that final stage manufacturers lack timely information and guidance on how to comply when new standards or amendments are promulgated; that they rely primarily on customer needs and preferences in selecting incomplete vehicles, with particular emphasis on cost; and that they depend heavily on timely guidance and information from incomplete vehicle manufacturers and trade associations.

The study also concluded that most final stage manufacturers, with the exception of some very large van converters, must rely on outside engineering services if they are to conduct dynamic testing of completed vehicles. All rely heavily on their suppliers for certification and warranty. The contractor noted the consensus among final stage manufacturers who are van converters with respect to the difficulties they faced in conducting dynamic testing for compliance with FMVSS No. 208 during the 1992 model year launch, when that portion of the Standard first took effect for light trucks, vans and sport utility vehicles. They cited problems in obtaining critical dimensional data on each vehicle make and model from the incomplete vehicle manufacturers sufficiently in advance to be able to create the necessary equipment to perform testing prior to the effective date of the rule, and stated that this forced production delays and lost sales. They contend that it is unrealistic for final stage manufacturers to be held to the same effective dates as those imposed on single stage manufacturers.

The agency believes that multistage vehicle certification is an area in which negotiated rulemaking may be beneficial. Negotiated rulemaking is a process in which representatives of all interests are assembled to discuss the issue and all potential solutions, reach consensus, and prepare a proposed rule for consideration by the agency. After public comment on any proposal issued by the agency, the group reconvenes to review the comments and make recommendations for a final rule. This inclusive process is intended to make the rule more acceptable to all affected interests and prevent the petitions for reconsideration (and litigation) that often follow the issuance of a final rule. The agency is interested in the commenters' views on the feasibility of negotiated rulemaking on the subject matter of this notice.

Procedural Matters

The agency intends to conduct the meeting informally so as to allow for maximum participation by all who attend. Interested persons may ask questions or provide comments during any period after a party has completed its presentation on a time allowed basis as determined by the presiding official. If time permits, persons who have not requested time to speak, but would like to make a statement, will be afforded an opportunity to do so.

Those speaking at the public meeting should limit their presentations to 20 minutes. If the presentation will include slides, motion pictures, or other visual aids, please indicate so that the proper equipment may be made available. Presenters should bring at least one copy of their presentation to the meeting so that NHTSA can readily include the material in the public record.

A schedule of participants making oral presentations will be available at the designated meeting room. NHTSA will place a copy of any written statement in the docket for this notice. A verbatim transcript of the meeting will be prepared and also placed in the NHTSA docket as soon as possible after the meeting.

Participation in the meeting is not a prerequisite for the submission of written comments. NHTSA invites written comments from all interested parties. It is requested but not required that 10 copies be submitted.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, Room 5219, at the street address given above, and copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512.)

All comments received before the close of business on the comment closing date indicated above will be considered. Comments will be available for inspection in the docket.

After the closing date, NHTSA will continue to file relevant information in the docket as it becomes available. It is therefore recommended that interested persons continue to examine the docket for new material.

Issued: November 14, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–28461 Filed 11–14–95; 10:54 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[I.D. 110995B]

Atlantic Mackerel, Squid, and Butterfish Fisheries; Notice of Availability of Amendment 5

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS issues this notice that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 5 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) for Secretarial review and is requesting comments from the public. The amendment would revise the management program for Atlantic mackerel, squid, and butterfish. Copies of the amendment may be obtained from the Council (see **ADDRESSES**).

DATES: Comments must be received on or before January 8, 1996.

ADDRESSES: Send comments to Dr. Andrew Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope ''Comments on Atlantic Mackerel, Squid, and Butterfish Plan.''

Copies of Amendment 5, the environmental impact statement, and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) requires that each fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving the plan or amendment, immediately make a preliminary evaluation of whether the amendment is sufficient to warrant continued review, and publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the amendment.

Amendment 5 would eliminate joint ventures and directed foreign fishing for *Illex* and *Loligo* squid (squids) and butterfish; establish a moratorium on new entrants to the directed fisheries for the squids and butterfish; establish new permit requirements; establish a quota-setting process that includes recommendations made by a Technical Monitoring Committee; establish minimum mesh requirements for the *Loligo* fishery with exemptions for the sea herring fishery and the summer *Illex* fishery occurring outside the 50–fathom curve; require mandatory reporting for permitted vessels and dealers; revise certain biological reference points for Atlantic mackerel and *Loligo* squid; and specify conditions under which annual seasonal quotas may be established for the *Loligo* fishery.

The receipt date for this amendment was November 8, 1995. Proposed regulations to implement this amendment are scheduled to be published within 15 days of the receipt date.

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

Dated: November 13, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–28360 Filed 11–13–95; 4:39 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 60, No. 222
Friday, November 17, 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 DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on December 5, 1995; December 12, 1995; December 19, 1995; and December 26, 1995, at 10 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rossyln, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: November 13, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–28378 Filed 11–16–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

AGENCY: Defense Department.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review the current status of recommendations and requests for information generated at the 1995 DACOWITS Fall Conference, discuss other issues relevant to women in the Services and conduct business internal to the Committee. All meeting sessions will be open to the public.

DATES: December 11, 1995, 8:30 a.m.–4 p.m.

ADDRESSES: SecDef Conference Room 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Patricia Kersey, USAF, Office of DACOWITS and Military Women Matters, OUSD (Personnel and Readiness), The Pentagon, Room 3D769, Washington, DC 20301–4000, Telephone (703) 697–2122.

Dated: November 9, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–28377 Filed 11–16–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Logistics Agency

Privacy Act of 1974; Notice of a Computer Matching Program Between the Railroad Retirement Board and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Defense.

ACTION: Notice of a computer matching program between the Railroad Retirement Board (RRB) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between RRB and DoD that their records are being matched by computer. The record subjects are RRB delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the United States Government under programs administered by RRB so as to permit RRB to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 18, 1995, and the computer matching may proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and RRB have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection. The match will yield the identity and location of the debtors within the Federal government so that RRB can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between RRB and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Debt

Collection Officer, Railroad Retirement Board, Bureau of Fiscal Operations, 844 Rush Street, Chicago, IL 60611-2092. Telephone (312) 751-4963.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the Federal Register at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and a copy of this notice will be submitted for review to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: November 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NOTICE OF A COMPUTER MATCHING PROGRAM BETWEEN THE RAILROAD RETIREMENT BOARD AND THE DEPARTMENT OF DEFENSE FOR DEBT COLLECTION

A. *Participating agencies:* Participants in this computer matching program are the Railroad Retirement Board (RRB) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). RRB is the source agency, i.e., the activity disclosing the records for the purpose of the match. DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* Upon the execution of an agreement, the RRB will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who may owe delinquent debts to the Federal Government under certain programs administered by the DOD. RRB will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by the RRB of any employing Federal agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97–365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, as amended, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 138, as amended, Assistant Secretaries of Defense; Section 101(1) of Executive Order 12731; 4 CFR ch. II, Federal Claims Collection Standards (General Accounting Office -Department of Justice); 5 CFR 550.1101 - 550.1108 Collection by Offset from Indebted Government Employees (OPM); and 20 CFR part 367, Recovery of Debts Owed to the Railroad Retirement Board From Other Government Agencies.

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

RRB will use personal data from the following Privacy Act record system for the match: RRB-42, entitled 'Uncollectible Benefit Overpayment Accounts' last published in the Federal Register at 49 FR 7900 on March 2, 1984 and amended as published in the Federal Register at 56 FR 47502 on September 19, 1991.

DMDC will use personal data from the record system identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the Federal Register on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. *Description of computer matching program:* The RRB, as the source agency, will provide DMDC with a electronic file which contains the names of delinquent debtors in programs the RRB administers. Upon receipt of the computer tape file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the RRB file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of non-postal Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will produce the member's name, service or agency, category of employee, and current work or home address. The hits or matches will be furnished to the RRB. The RRB is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the RRB source file and for resolving any discrepancies or inconsistencies on an individual basis. The RRB will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The magnetic computer tape provided by the RRB will contain data elements of the debtor's name, SSN, internal account numbers and the total amount owed for each debtor on approximately 5,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government wide Federal civilian records of current and retired Federal employees.

DMDC will match the SSN on the RRB tape by computer against the DMDC database. Matching records, hits based on SSN, will produce data elements of the member's name, SSN, service or agency, and current work or home address.

F. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this Federal Register notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a

mutually agreeable time and will be repeated semiannually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between RRB and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 95–28374 Filed 11–16–95; 8:45 am]
BILLING CODE 5000–04–F

Privacy Act of 1974; Notice of a Computer Matching Program Between the Federal Emergency Management Agency and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Defense.

ACTION: Notice of a computer matching program between the Federal Emergency Management Agency (FEMA) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between FEMA and DoD that their records are being matched by computer. The record subjects are FEMA delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the United States Government under programs administered by FEMA so as to permit FEMA to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 18, 1995, and the computer matching may proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and FEMA have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection. The match will yield the identity and location of the debtors within the Federal government so that FEMA can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between FEMA and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Debt Collection Officer, Federal Emergency Management Agency, Office of the Secretary, Office of Financial Management MS 7258 MIB, Washington, DC 20240. Telephone (202) 208–4703.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the Federal Register at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and a copy of this notice will be submitted for review to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: November 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NOTICE OF A COMPUTER MATCHING PROGRAM BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE DEPARTMENT OF DEFENSE FOR DEBT COLLECTION

A. *Participating agencies:* Participants in this computer matching program are the Federal Emergency Management Agency (FEMA) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). FEMA is the source agency, i.e., the activity disclosing the records for the purpose of the match. DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* Upon the execution of an agreement, the FEMA will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who may owe delinquent debts to the Federal Government under certain programs administered by the DOD. FEMA will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by the FEMA of any employing Federal agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Public Law 97–365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, as amended, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 138, as amended, Assistant Secretaries of Defense; section 101(1) of Executive Order 12731; 4 CFR Ch. II, Federal Claims Collection Standards (General Accounting Office -Department

of Justice); 5 CFR 550.1101 - 550.1108 Collection by Offset from Indebted Government Employees (OPM); 44 CFR 11.43 Salary Offset and 44 CFR 11.45 Administrative Offset (Federal Emergency Management Agency).

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

FEMA will use personal data from the record system identified as FEMA/OC-2, entitled 'Debt Collection Files' last published in the Federal Register at 58 FR 63986 on December 3, 1993.

DMDC will use personal data from the record system identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the Federal Register on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. *Description of computer matching program:* FEMA, as the source agency, will provide DMDC with an electronic file which contains the names of delinquent debtors in programs the FEMA administers. Upon receipt of the electronic file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the FEMA file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will produce the member's name, service or agency, category of employee, and current work or home address. The hits or matches will be furnished to the FEMA. FEMA is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the FEMA source file and for resolving any discrepancies or inconsistencies on an individual basis. FEMA will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The electronic file provided by FEMA will contain data elements of the debtor's name, Social Security Number, debtor status and debt balance, internal account numbers and the total amount owed on approximately 5,600 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government wide Federal civilian records of current and retired Federal employees.

DMDC will match the SSN on the FEMA electronic file by computer against the DMDC database. Matching records, hits based on SSN, will produce data elements of the member's name, SSN, service or agency, and current work or home address.

F. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this Federal Register notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated semiannually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between FEMA and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 95–28375 Filed 11–16–95; 8:45 am]

BILLING CODE 5000–04–F

Privacy Act of 1974; Notice of a Computer Matching Program Between the Department of Justice and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of a computer matching program between the Department of Justice (DOJ) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between DOJ and DoD that their records are being matched by computer. The record subjects are DOJ delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the United States Government under programs administered by DOJ so as to permit DOJ to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 18, 1995, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and DOJ have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection. The match will yield the identity and location of the debtors

within the Federal government so that DOJ can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between DOJ and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Debt Accounting Operations Group, Debt Collection Management, Department of Justice, P.O. Box 177, Ben Franklin Station, Washington, DC 20044.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the Federal Register at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on November 8, 1995, to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: November 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NOTICE OF A COMPUTER MATCHING PROGRAM BETWEEN THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF DEFENSE FOR DEBT COLLECTION

A. *Participating agencies:* Participants in this computer matching program are the Department of Justice (DOJ) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The DOJ is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* Upon the execution of this agreement, DOJ will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal Government, which are being litigated by or are payable directly to DOJ. DOJ will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by DOJ of the employing agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97–365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, as amended, Under Secretary of Defense for Personnel Readiness; 10 U.S.C. 138, as amended, Assistant Secretaries of Defenses 101(1) of Executive Order 12731; 4 CFR Ch. II, Federal Claims Collection Standards (General Accounting Office - Department of Justice); 5 CFR 550.1101 - 550.1108 Collection by Offset from Indebted Government Employees (OPM); and 28 CFR part 11, Debt Collection Salary and Administrative Offset - DOJ.

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

DOJ will use records from the Privacy Act record system identified as Justice/JMD-009, entitled 'Debt Collection Offset Payment System, Justice/JMD-009,' last published in the Federal Register at 59 FR 17111 on April 11, 1994.

DOD will use records from the record system identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the Federal Register at 58 FR 10875 on February 22, 1993.

Sections 5 and 10 of the Debt Collection Act authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. *Description of computer matching program:* DOJ will provide DMDC with a magnetic tape which contains the names and social security numbers of delinquent debtors. Upon receipt of the computer tape file of debtor accounts, DMDC will perform a computer match against a DMDC computer database, using all nine digits of the SSN, as well as the first four characters of the individuals' last names, of the DOJ file. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of non-postal Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN and last names, will produce the individual's name, service or agency, category of employee, and current work or home address. A magnetic tape containing the hits or matches will be furnished to DOJ.

DOJ is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with DOJ's source file and for resolving any discrepancies or inconsistencies on an individual basis. The DOJ Debt Accounting Operations Group (DAOG) will extract from the tape and send to each DOJ collection office (various U.S. Attorneys' offices around the country, DOJ litigating divisions and other DOJ collection components, e.g., BOP, INS, etc.) a hard copy listing of only those matches which come under the enforcement/collection jurisdiction of that particular office.

The magnetic computer tape provided by DOJ will contain data elements of the name and SSN, of approximately 50,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government

wide Federal civilian records of current and retired Federal employees.

DOD will match the SSN on the DOJ magnetic tape by computer against the DMDC database. Matching records, hits based on SSN, will produce data elements of the individual's name, SSN, service or agency, and current work or home address.

F. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this Federal Register notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated on a six month basis. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between DOJ and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 95–28376 Filed 11–16–95; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 18, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. 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.

SUPPLEMENTARY INFORMATION: Section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: November 9, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Regular.
Title: Guaranty Agency Quarterly/Annual Report.
Frequency: Guaranty Agency Quarterly/Annual Report.
Affected Public: Business or other for-profit; state, local or tribal government.
Reporting Burden:
Responses: 270.
Burden Hours: 4,293.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: The Guaranty Agency Quarterly/Annual Report is submitted by 55 agencies operating a student loan Insurance program under agreement with the Department of Education. These reports are used to evaluate agency operations, make payments to agency as authorized by law, and to make reports to Congress.

Type of Review: Extension.
Title: Addendum to Federal Direct PLUS Loan Promissory Note Endorser.
Frequency: One time.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 34,000.
Burden Hours: 17,000.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: Applications for Federal Direct PLUS Loans who have adverse credit may obtain endorsers. The information collected on this form is used to check credit of endorsers. The respondents are endorsers.

Type of Review: Extension.
Title: Federal Direct PLUS Loan Application and Promissory Note.
Frequency: One time.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 135,000.
Burden Hours: 67,500.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This information is used to determine applicant eligibility for Federal Direct PLUS Loans. The respondent are parents applying for benefits.

Type of Review: Extension.
Title: Federal Direct Stafford/Form Loan and Federal Direct Unsubsidized Stafford/Ford Loan Promissory Note and Disclosure.
Frequency: One time.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 2,757,000
Burden Hours: 459,316
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This information is used to determine eligibility for Federal Direct Stafford/Ford Loans and/or Federal Direct Unsubsidized Stafford/Ford Loans. The respondents are students applying for benefits.

Office of Special Education and Rehabilitative Services

Type of Review: Regular.
Title: Supported Employment Augmentation to VR Longitudinal Study.
Frequency: Annually.
Affected Public: Individuals or households; not-for-profit institutions; state, local or tribal governments.
Reporting Burden:
Responses: 1.
Burden Hours: 260.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This augmentation to the VR Longitudinal Study will evaluate the effects of supported employment (SE) services on the economic and noneconomic outcomes of SE consumers, through interviews with a sample of SE consumers and extended services providers.

Type of Review: Regular.
Title: Performance Report—Training Personnel for the Education of Individuals with Disabilities.
Frequency: Annually.
Affected Public: Business or other for-profit; not-for-profit institutions; state, local or tribal governments.
Reporting Burden:
Responses: 869.
Burden Hours: 1,159.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: These Performance Reports collect information required of grantees receiving Federal funds under Part D of IDEA, requested by Pub. L. 101–476 and 102–119. Training data will be summarized in OSERS' Annual Report to Congress, including data on special education and related services personnel, as well as parents trained.

Type of Review: Regular.
Title: Part B Complaint Procedures.
Frequency: One time.
Affected Public: State, local or tribal governments.
Reporting Burden:
Responses: 1,079.
Burden Hours: 14,027.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: States are required to implement complaint procedures to process any complaints regarding a State (grantee) or a subgrantee that is participating in the program funded under Part B of the Individuals with Disabilities Education Act.

Type of Review: Regular.
Title: LEA Application Under Part B of the Individuals with Disabilities Education Act.
Frequency: Annually.
Affected Public: State, local or tribal governments.
Reporting Burden:
Responses: 15,376.
Burden Hours: 445,904.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: States must require local educational agencies to submit an approvable LEA application for a subgrant in order to distribute funds under Part B of the Individuals with Disabilities Education Act.

Office of Elementary and Secondary Education

Type of Review: Regular.
Title: Migrant Education Program State Performance Report.
Frequency: One time.
Affected Public: State, local, or tribal governments.
Reporting Burden:
Responses: 51.
Burden Hours: 4,080.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: Information will be develop estimates for funding purposes of the number of migratory children resident in each State, and to assess and report on the effectiveness of the Migrant Education Program on an ongoing basis.

Type of Review: Regular.
Title: Statewide Family Literacy Program.
Frequency: One time.
Affected Public: State, local, or tribal governments.
Reporting Burden:
Responses: 50.
Burden Hours: 400.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: State and local government to plan and implement statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local resources.

Office of Vocational and Adult Education

Type of Review: Regular.
Title: Financial Status Report for State-Administered Vocational Education Programs.
Frequency: Annually.
Affected Public: Federal Government; state, local or tribal governments.
Reporting Burden:
Responses: 53.
Burden Hours: 4,729.5.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This State Financial Status Report is needed to assist in determining each State's compliance with the enabling statute, to close out each year's grant and to provide information for the Secretaries Report to Congress on the status of vocational education. The respondents are the State Educational agencies.

Office of Educational Research and Improvement

Type of Review: Regular.
Title: ''Final Performance Report for LSCA Title VI''.
Frequency: Annually.
Affected Public: State, local or tribal government.
Reporting Burden:
Responses: 233.
Burden Hours: 1,165.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This report form is needed to obtain information on expenditures of grant funds and to evaluate project performance of grantees under the Library Literacy Program (Title VI of the Library Services and Construction act).

Type of Review: Regular.
Title: Assessment of the role of school and public libraries in support of the National Education Goals.
Frequency: Pretest.
Affected Public: Not for profit institutions; state, local or tribal government.
Reporting Burden:
Responses: 400.
Burden Hours: 279.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: The library and education communities need to know more about the role of libraries in supporting education in order to plan for and direct resources. This data collection effort is the field test of the survey instruments. The respondents are librarians in public libraries and public and private schools.

Office of Bilingual Education and Minority Languages and Affairs

Type of Review: New.
Title: A Descriptive Study of ESEA Title VIII Educational Services for Secondary School Limited English Proficiency Students (LEP).
Frequency: One time.
Affected Public: State, local or tribal governments.
Reporting Burden:
Responses: 100.
Burden Hours: 65.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.

Abstract: This study consists of a literature review and a survey of a sample of 100 Title VII grantees having 10 or more LEP secondary school students in grades 9–12. The survey will consist of a mail survey and a follow up telephone interview to verify, correct or add information available in the grantee applications monitoring reports and evaluation reports. This effort will help in future policy developments and demographic knowledge.

[FR Doc. 95–28277 Filed 11–16–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5276–029 New York]

Niagara Mohawk Power Corporation and Northern Electric Power Company, LP; Notice of Availability of Environmental Assessment

November 13, 1995.

An environmental assessment (EA) is available for public review. The EA is for an application for a temporary suspension of the minimum flow requirement for a period of 5 to 10 years at the Hudson Falls Project. The EA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment. The Hudson Falls project is located on the Hudson River, in Washington County, New York.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed at the Commission's Reference and Information Center, 888 First Street NE., Washington, D.C. 20426.

For further information, please contact the project manager, Mr. Sean Murphy, at (202) 219–2964.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–28420 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–10–000]

Transwestern Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed San Juan Expansion Project and Request for Comments on Environmental Issues

November 13, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the San Juan Expansion Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Transwestern Pipeline Company (Transwestern) proposes to:

- construct a 10,000-horsepower (hp) electric driven Bisti Compressor Station (C.S.) in San Juan County, New Mexico;
- add a 7,000-hp electric driven compressor to the existing Bloomfield C.S. in San Juan County, New Mexico;
- operate an existing 4,132-hp gas compressor at the Bloomfield C.S. originally certificated as a back-up compressor;
- adjust its capacity on its mainline and San Juan Lateral facilities on a flexible basis in response to market demands for San Juan gas. This would require changing the pressure in its mainline facilities from the current level of 950 pounds per square inch gauge (psig) to as low as 800 psig, to the extent required to meet reduced market demand for firm transportation capacity to California, but high demand for San Juan gas in Arizona, California and Transwestern's eastern markets; and
- purchase from Northwest Pipeline Corporation (Northwest) a 77.7 percent ownership interest in Northwest's south end mainline extension facilities extending from the Ignacio C.S. near Ignacio, Colorado to the Blanco Hub near Bloomfield, New Mexico.

The location of the facilities is shown in appendix 1.[2]

Transwestern would bring electrical power to the compressor stations to operate the electrical driven compressors.

Land Requirements for Construction

Construction of the new Bisti C.S. would require about 3.5 acres of land. Transwestern would fence about 2.1 acres for the compressor site facilities. No additional land would be required for the proposed facilities at the existing Bloomfield C.S.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- land use
- water resources, fisheries, and wetlands [3]
- cultural resources
- public safety
- air quality and noise
- endangered and threatened species

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified one issue that we think deserves attention based on a preliminary review of the proposed facilities and the environmental information provided by Transwestern:

[1] Transwestern Pipeline Company's application was filed with the Commission under section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street NW., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] According to the applicant, the project will not affect any waters of the United States. We will report any potential impacts, or their absence, under this heading.

The proposed compressor station and additional compression proposed at the existing compressor stations may increase ambient noise levels.

Keep in mind that this is a preliminary issue. Issues may be added, subtracted, or changed based on your comments and our analysis.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426;
- Reference Docket No. CP96–10–000;
- Send a *copy* of your letter to: Mr. Herman K. Der, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., NE., 7th Floor (PR11.1), Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before December 20, 1995.

If you wish to receive a copy of the EA, you should request one from Mr. Herman K. Der at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing of timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Herman K. Der, EA Project Manager, at (202) 208–0896.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28426 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–167–000, et al.]

Cinergy Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

November 8, 1995.

Take notice that the following filings have been made with the Commission:

1. Cinergy Services, Inc.

[Docket No. ER96–167–000]

Take notice that on October 27, 1995, Cinergy Services, Inc. (CINERGY), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Electric Sales Agreement, dated September 1, 1995, between CINERGY, CG&E, PSI and PECO Energy Company (PECO).

The Electric Sales Agreement provides for the following service between CINERGY and PECO.

1. Service Schedule A—Emergency Service
2. Service Schedule B—System Energy
3. Service Schedule C—Negotiated Capacity and Energy

CINERGY and PECO have requested an effective date of November 1, 1995.

Copies of the filing were served on PECO Energy Company, the Pennsylvania Public Utility Commission, the Kentucky Public Service Commission, Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. National Gas & Electric L.P., Chicago Energy Exchange of Chicago, Inc., Louis Dreyfus Electric Power, Eastern Power Distribution, Inc., NorAm Energy Services, Inc., J.L. Walker & Associates, CMEX Energy, Inc.

[Docket No. ER90–168–023, Docket No. ER90–225–022, Docket No. ER92–850–013, Docket No. ER94–964–007, Docket No. ER94–1247–006, Docket No. ER95–1261–001, Docket No. ER94–1328–005 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On September 27, 1995, National Gas & Electric L.P. filed certain information as required by the Commission's March 20, 1990, order in Docket No. ER90–168–000.

On October 16, 1995, Chicago Energy Exchange of Chicago, Inc. filed certain information as required by the Commission's April 19, 1990, order in Docket No. ER90–225–000.

On October 27, 1995, Louis Dreyfus Electric Power filed certain information as required by the Commission's December 2, 1992, order in Docket No. ER92–850–000.

On October 27, 1995, Eastern Power Distribution, Inc. filed certain information as required by the Commission's April 5, 1994, order in Docket No. ER94–964–000.

On October 20, 1995, NorAm Energy Services, Inc. filed certain information as required by the Commission's July 25, 1994, order in Docket No. ER94–1247–000.

On October 20, 1995, J.L. Walker & Associates filed certain information as required by the Commission's August 7, 1995, order in Docket No. ER95–1261–000.

On October 17, 1995, CMEX Energy, Inc. filed certain information as required by the Commission's June 4, 1994, order in Docket No. ER94–1328–000.

3. AES Power, Inc., Morgan Stanley Capital Group Inc., Engelhard Power Marketing, Inc., Aquila Power Corporation, Williams Power Trading Company, Hartford Power Sales, L.L.C., CL Power Sales 1, 2, 3, 4, 5, L.L.C.

[Docket No. ER94–890–007, Docket No. ER94–1384–007, Docket No. ER94–1690–006, Docket No. ER95–216–005, Docket No. ER95–305–003, Docket No. ER95–393–006, Docket No. ER95–892–002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On October 25, 1995, AES Power, Inc. filed certain information as required by the Commission's April 8, 1994, order in Docket No. ER94–890–000.

On October 25, 1995, Morgan Stanley Capital Group Inc. filed certain information as required by the Commission's November 8, 1994, order in Docket No. ER94–1384–000.

On October 31, 1995, Engelhard Power Marketing, Inc. filed certain information as required by the Commission's December 29, 1994, order in Docket No. ER94–1690–000.

On October 26, 1995, Aquila Power Corporation filed certain information as required by the Commission's January 13, 1995, order in Docket No. ER95–216–005.

On October 30, 1995, Williams Power Trading Company filed certain information as required by the Commission's March 10, 1995, order in Docket No. ER95–305–000.

On October 30, 1995, Hartford Power Sales, L.L.C filed certain information as required by the Commission's February 22, 1995, order in Docket No. ER95–393–000.

On October 31, 1995, CL Powers Sales One, Two, Three, Four, Five, L.L.C filed certain information as required by the Commission's June 8, 1995, order in Docket No. ER95–892–000.

4. Valero Power Services Company, Western States Power Providers, Inc., Illinova Power Marketing, Inc., American Power Exchange, Inc., Gulfstream Energy, LLC, Imprimis Corporation, Associated Power Services, Inc.

[Docket No. ER94–1394–005, Docket No. ER95–1459–001, Docket No. ER94–1475–002, Docket No. ER94–1578–004, Docket No. ER94–1597–004, Docket No. ER94–1672–001, Docket No. ER95–7–005 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On October 26, 1995, Valero Power Services Company filed certain information as required by the Commission's August 24, 1994, order in Docket No. ER95–1394–000.

On October 20, 1995, Western States Power Providers, Inc. filed certain information as required by the Commission's October 10, 1995, order in Docket No. ER95–1459–000.

On October 30, 1995, Illinova Power Marketing, Inc. filed certain information as required by the Commission's May 18, 1995, order in Docket No. ER94–1475–000.

On October 24, 1995, American Power Exchange, Inc. filed certain information as required by the Commission's October 19, 1994, order in Docket No. ER94–1578–000.

On October 25, 1995, Gulfstream Energy, LLC filed certain information as required by the Commission's November 21, 1994, order in Docket No. ER94–1597–000.

On July 19, 1995, Imprimis Corporation filed certain information as required by the Commission's December 14, 1994, order in Docket No. ER94–1672–000.

On October 26, 1995, Associated Power Services, Inc. filed certain information as required by the Commission's December 16, 1995, order in Docket No. ER95–7–000.

5. J. Aron & Company, Koch Power Services, Inc., IEP Power Marketing, LLC, K N Marketing, Inc.

[Docket No. ER95–34–005, Docket No. ER95–218–003, Docket No. ER95–802–002, Docket No. ER95–869–002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On October 27, 1995, J. Aron & Company filed certain information as required by the Commission's March 1, 1995, order in Docket No. ER95–34–000.

On October 30, 1995, Koch Power Services, Inc. filed certain information as required by the Commission's January 4, 1995, order in Docket No. ER95–218–000.

On October 30, 1995, IEP Power Marketing, LLC filed certain information as required by the Commission's May 11, 1995, order in Docket No. ER95–802–000.

On October 25, 1995, K N Marketing, Inc. filed certain information as required by the Commission's May 26, 1995, order in Docket No. ER95–869–000.

6. Northeast Utilities Service Company

[Docket No. ER96–168–000]

Take notice that on October 27, 1995, Northeast Utilities Service Company (NUSCO), on behalf of the Northeast Utilities System Companies, filed an amendment to a Service Agreement for firm transmission service to MASSPOWER under NUSCO's Tariff No. 1. The amendment provides only for a change in a delivery point for a short period of time.

NUSCO states that copies of its submission have been mailed or delivered to MASSPOWER.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas & Electric Company

[Docket No. ER96–169–000]

Take notice that on October 27, 1995, Pacific Gas and Electric Company, tendered for filing a rate schedule change to Supplement No. 42 to Rate Schedule FERC No. 79, between PG&E, the Western Area Power Administration (Western), and the Trinity County Public Utilities District (TCPUD).

PG&E's filing submits an agreement entitled Agreement Between Trinity County Public Utilities District, Pacific Gas and Electric Company, and United States Department of Energy Western Area Power Administration (Letter Agreement) to the Commission. The Letter Agreement sets forth the mechanism under which TCPUD shall be served while PG&E performs scheduled maintenance on a segment of its transmission system starting November 2, 1995.

PG&E requested the appropriate waivers, seeking to have the rate schedule change become effective on November 2, 1995. The rate schedule is requested to be effective only until the completion of the scheduled maintenance.

Copies of this filing have been served upon Western and the California Public Utilities Commission.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Cinergy Services, Inc.

[Docket No. ER96–170–000]

Take notice that on October 27, 1995, Cinergy Services, Inc. (Cinergy Services), tendered for filing on behalf of its affiliated operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), (collectively Cinergy System Companies) a Non-Firm Power Sales Tariff, dated October 1, 1995.

The Non-Firm Power Sales Tariff provides for the following service by Cinergy.

1. Service Schedule A—Emergency Service
2. Service Schedule B—System Energy
3. Service Schedule C—Negotiated Capacity and Energy

Copies of the filing were served on the Kentucky Public Service Commission, Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–171–000]

Take notice that on October 27, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and Koch Power Services (KPS), dated October 6, 1995. This Service Agreement specifies that KPS has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1.

The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co., and Pennsylvania Electric Co.*, Docket No. ER95–276–000 and allows GPU and KPS to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of October 6, 1995 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies to New Jersey and Pennsylvania.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Power, Inc.

[Docket No. ER96–172–000]

Take notice that on October 27, 1995, Entergy Power, Inc. (EPI), tendered for filing a Power Sales Agreement with Virginia Electric and Power Company.

EPI requests an effective date for the Agreement that is one (1) day after the date of filing, and respectfully requests waiver of the Commission's notice requirements in § 35.11 of the Commission's regulations.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. PacifiCorp

[Docket No. ER96–173–000]

Take notice that on October 27, 1995, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, Revision No. 21 to Exhibit A and B, Contract No. 14–06–400–2437, Contract for Interconnection and Transmission Service, between PacifiCorp and Western Area Power Administration (Western), PacifiCorp Rate Schedule FERC No. 45.

Exhibit A specifies the projected maximum integrated demand in kilowatts which PacifiCorp desires to have transmitted to its respective points of delivery by Western. Exhibit B specifies the projected maximum integrated demand in kilowatts which Western desires to have transmitted to its respective points of delivery by PacifiCorp.

PacifiCorp requests an effective date of January 1, 1996 be assigned to Revision No. 21 to Exhibit A and B, this date being consistent with the effective date of the revisions.

Copies of this filing were supplied to Western and the Wyoming Public Service Commission.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Central Hudson Gas and Electric Corporation

[Docket No. ER96–174–000]

Take notice that on October 27, 1995, Central Hudson Gas and Electric Corporation (CHG&E), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR, a Service Agreement between CHG&E and Industrial Energy Applications, Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume 1 (Power Sales Tariff) has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. UtiliCorp United Inc.

[Docket No. ES95–24–003]

Take notice that on November 2, 1995, UtiliCorp United Inc. (UtiliCorp) filed an amendment to its application in Docket Nos. ES95–24–000, ES95–24–001 and ES95–24–002 under § 204 of the Federal Power Act. By letter order dated May 1, 1995 (67 FERC ¶ 62,214), UtiliCorp was authorized to issue up to and including 5 million shares of Common Stock, par value $1.00 per share during the period May 1, 1995 through April 30, 1997. UtiliCorp requests that the authorization be amended to increase the number of shares from 5 million to 6 million.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. UtiliCorp United Inc.

[Docket No. ES96–10–000]

Take notice that on November 3, 1995, UtiliCorp United Inc. (UtiliCorp) filed an application under § 204 of the Federal Power Act seeking authorization to issue and sell up to and including $7.3 million of Pollution Control Bonds (PCBs). UtiliCorp indicates that the maturity date of the PCBs has not been determined but is anticipated to range from 19 to 35 years.

UtiliCorp also requests an exemption from the Commission's competitive bidding requirements.

Comment date: December 4, 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 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 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28428 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER95–1158–000, et al.]

Dayton Power & Light Company, et al.; Electric Rate and Corporate Regulation Filings

November 9, 1995.

Take notice that the following filings have been made with the Commission:

1. Dayton Power & Light Company

[Docket Nos. ER95–1158–000, ER95–1256–000, ER95–1532–000]

Take notice that on October 19, 1995, the Dayton Power and Light Company tendered for filing an amendment in the above-referenced dockets.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Powertec International, L.L.P.

[Docket No. ER96–1–000]

Take notice that on October 23, 1995, Powertec International, L.L.P. tendered for filing an amendment in the above-referenced docket.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Colorado

[Docket No. ER96–111–000]

Take notice that on October 18, 1995, Public Service Company of Colorado (Public Service) tendered for filing Revised Exhibits A and C to Contract No. 87–LAO–285, which sets forth the capacity entitlements, ownership, operating maintenance, replacement, and financial responsibilities of the parties associated with the Ault-Fort St. Vrain 230-Kv Transmission Line, the Fort St. Vrain Switchyard and other consolidated facilities with the Western Area Power Transmission Administration (Western), Tri-State Generation and Transmission Association, Inc. (Tri-State), Platte River Power Authority (PRPA), and Basin Electric Power Cooperative (Basin) as contained in Public Service's Rate Schedule FERC No. 67. Public Service states that these revisions reflect the reconfiguration of certain facilities and have no impact on rates.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Central Illinois Light Company

[Docket No. ER96–112–000]

Take notice that Central Illinois Light Company (CILCO) tendered for filing on October 18, 1995, a Service Schedule NC, Negotiated Capacity Service Schedule as part of its Coordination Sales Tariff approved in Docket No. ER95–602.

CILCO is requesting a waiver of the notice period to allow the revised tariff to be effective on November 1, 1995.

Copies of this filing were served on all parties and the Illinois Commerce Commission.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Kentucky Utilities Company

[Docket No. ER96–119–000]

Take notice that on October 13, 1995, Kentucky Utilities Company tendered for filing a Service Agreement for power sales service and a Service Agreement for transmission services between KU and Catex Vitol Electric L.L.C.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Electric and Gas Company

[Docket No. ER96–120–000]

Take notice that on October 19, 1995, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial rate schedule to provide fully interruptible transmission service to Enron Power Marketing, Inc., for delivery of non-firm wholesale electrical power and associated energy output utilizing the PSE&G power transmission system.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Virginia Electric and Power Company

[Docket No. ER96–122–000]

Take notice that on October 19, 1995, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement between Stand Energy Corporation and Virginia Power, dated October 12, 1995, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Appalachian Power Company 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 Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Nordic Electric, L.L.C.

[Docket No. ER96–127–000]

Take notice that on November 1, 1995, Nordic Electric, L.L.C. tendered for filing an amendment in the above-referenced docket.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Power and Electric Company, Public Service Company of New Hampshire

[Docket No. ER96–160–000]

Take notice that on October 27, 1995, Northeast Utilities Service Company (NUSCO), on behalf of Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Power and Electric Company and Public Service Company of New Hampshire (together, NU System Companies), tendered for filing, a System Power Sales Agreement between NUSCO and Rowley Municipal Light Plant (Rowley) and a Service Agreement between NUSCO and the NU System Companies for service under NUSCO's Long-Term Firm Transmission Service No. 1 to amend and replace current unit sales agreements and transmission service agreements.

NUSCO states that a copy of this filing has been mailed to Rowley.

NUSCO requests that the Service Agreement become effective on November 1, 1995.

Comment date: November 22, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company, Public Service Company of New Hampshire

[Docket No. ER96–162–000]

Take notice that on October 27, 1995, Northeast Utilities Service Company (NUSCO), on behalf of Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company and Public Service Company of New Hampshire (together, the NU System Companies) tendered for filing, a Service Agreement with CNG Power Services Corporation (CNG) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

CNG also filed a Certificate of Concurrence as its relates to exchange transactions under the Tariff.

NUSCO states that a copy of this filing has been mailed to CNG.

NUSCO requests that the Service Agreement become effective sixty (60) days following the Commission receipt of the filing.

Comment date: November 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company, Public Service Company of New Hampshire

[Docket No. ER96–163–000]

Take notice that on October 27, 1995, Northeast Utilities Service Company (NUSCO) on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company and Public Service Company of New Hampshire (together, the NU System Companies) filed a Service Agreement for firm transmission service to the NU System Companies. The Service Agreement provides for the delivery of system power from the NU System Companies to Vermont Marble Power Division of Omya (VMPD).

NUSCO requests an effective date of November 1, 1995.

Comment date: November 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company, Public Service Company of New Hampshire

[Docket No. ER96–164–000]

Take notice that on October 27, 1995, Northeast Utilities Service Company (NUSCO), on behalf of Connecticut Light & Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company and Public Service Company of New Hampshire (together NU System Companies) tendered for filing, a Service Agreement with Coastal Electric Services Company (Coastal) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

Coastal also filed a Certificate of Concurrence as its relates to exchange transactions under the Tariff.

NUSCO states that a copy of this filing has been mailed to Coastal.

NUSCO requests that the Service Agreement become effective sixty days following the Commission's receipt of the filing.

Comment date: November 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. PECO Energy Company

[Docket No. ER96–175–000]

Take notice that on October 27, 1995, PECO Energy Company (PECO) filed a Service Agreement dated October 19, 1995, with Kentucky Utilities Company (Kentucky Utilities) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds Kentucky Utilities as a customer under the Tariff.

PECO requests an effective date of October 19, 1995 for the Service Agreement.

PECO states that copies of this filing have been supplied to Kentucky Utilities and to the Pennsylvania Public Utility Commission.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Carolina Power & Light Company

[Docket No. ER96–176–000]

Take notice that on October 27, 1995, Carolina Power & Light Company (CP&L) filed, pursuant to Rule 205 of the Federal Power Act and Part 35 of the Commission's Regulations, a revision to Exhibit IX of the Power Coordination Agreement (PCA) between Carolina Power & Light Company and North Carolina Electric Membership Corporation (NCEMC) which applies only to the rates charged to NCEMC under that agreement. CP&L has requested an effective date of October 1, 1995.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Louisville Gas and Electric Company

[Docket No. ER96–177–000]

Take notice that on October 27, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Enron Power Marketing, Inc. under Rate GSS.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. South Carolina Electric & Gas Company

[Docket No. ER96–178–000]

Take notice that on October 27, 1995, South Carolina Electric & Gas Company (SCE&G), tendered for filing a letter agreement dated October 11, 1995 between SCE&G and the Southeastern Power Administration (SEPA) extending the agreement between them with respect to SEPA's marketing of capacity and energy from Federal projects in the Georgia-Alabama-South Carolina area.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Niagara Mohawk Power Corporation

[Docket No. ER96–179–000]

Take notice that on October 27, 1995, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing an agreement between Niagara Mohawk and National Fuel Resources (National) dated October 6, 1995, providing for certain transmission services to National.

Copies of this filing were served upon National and the New York State Public Service Commission.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Maine Public Service Company

[Docket No. ER96–180–000]

Take notice that on October 27, 1995, Maine Public Service Company (Maine Public) filed an executed Service Agreement with Koch Power Services, Inc. under its umbrella sales tariff.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Northern States Power Company

[Docket No. ER96–181–000]

Take notice that on October 27, 1995, Northern States Power Company, Eau Claire, Wisconsin (NSPW), tendered for filing the following document:

An Amended and Restated Power and Energy Supply Agreement by and between the City of Wakefield, Michigan, Wisconsin, and NSPW dated August 30, 1995. The City currently purchases power and energy from NSPW under a power sales agreement dated April 12, 1993, as amended on May 9, 1994. The 1992 agreement as amended is superseded by the 1995 agreement. NSPW submitted a Certificate of Concurrence on behalf of the City of Wakefield.

NSPW requests an effective date of November 1, 1995. NSPW states that under this new agreement, the City of Wakefield will be entitled to discounts from NSPW's currently effective W–1 rate and that such discounts are being offered to all of its wholesale electric customers. The agreement contains a provision allowing the customer to obtain a negotiated rate upon two years, prior notice.

A copy of the filing was served upon the City of Wakefield and the State of Michigan Public Service Commission.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

20. Enerserve, L.C.

[Docket No. ER96–182–000]

Take notice that on October 27, 1995, Enerserve, L.C. (Enerserve) tendered for filing pursuant to Rule 205, 18 CFR 385.205 an application for a blanket certificate and various other authorizations and waivers from the Commission, including approval of its FERC Electric Rate Schedule No. 1 to be effective December 26, 1995.

Enerserve proposes to engage in the wholesale electric power market as both a broker and a marketer buying and selling electric power. Specifically, Enerserve proposes to purchase electric energy and transmission capacity from public utilities and other power producers, and resell such energy and capacity to others. Enerserve anticipates that such transactions will vary in duration and quality of service relative to interruptibility. In addition, the price it proposes to charge for its services shall be negotiated, market-based rates. Enerserve states that it is not affiliated with any other company, nor does it own or operate electric power generation, transmission, or distribution

facilities, and therefore, it has no market power in the electric power market.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

21. Niagara Mohawk Power Corporation

[Docket No. ER96–183–000]

Take notice that on October 27, 1995, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing an agreement between Niagara Mohawk and Aquila Energy Marketing (Aquila) dated September 28, 1995, providing for certain transmission services to Aquila.

Copies of this filing were served upon Aquila and the New York State Public Service Commission.

Comment date: November 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

22. Illinois Power Company

[Docket No. ER96–185–000]

Take notice that on October 27, 1995, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62525 tendered for filing a Power Sales (PS) Tariff, which provides for wholesale sales by Illinois Power at market-based rates. Illinois Power also filed amendments incorporating the PS Tariff into its interchange agreements with Central Illinois Public Service, Tennessee Valley Authority, Union Electric, Southern Illinois Power Cooperative, Kentucky Utilities, Central Illinois Light Company, Springfield City, Water, Light & Power, Iowa-Illinois Electric and Gas, Commonwealth Edison and Indiana-Michigan Power Company, so that Illinois Power can make wholesale sales at market-based rates under these agreements.

Illinois Power has requested an effective date of December 26, 1995.

Comment date: November 24, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28429 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–45–000, et al.]

Pacific Gas Transmission Company, et al.; Natural Gas Certificate Filings

November 8, 1995.

Take notice that the following filings have been made with the Commission:

1. Pacific Gas Transmission Company

[Docket No. CP96–45–000]

Take notice that on November 2, 1995, Pacific Gas Transmission Company (PGT), 2100 Southwest River Parkway, Portland, Oregon 97201, filed in Docket No. CP96–45–000 a request pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, and 157.211) for approval to operate certain taps to serve entities other than the right-of-way grantor and/or provide service in excess of 200 MMBtu per day under PGT's blanket certificate authority issued in Docket No. CP82–530–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

PGT proposes to operate a total of eighteen taps along its Medford Extension to serve entities other than the right-of-way and/or provide service in excess of 200 MMBtu per day. PGT states that the taps in question were all installed at the request of WP Natural Gas Company (WP), the sole firm customer utilizing the line, pursuant to PGT's blanket certificate and the Commission's certificate order in Docket No. CP93–618–000. PGT indicates that it has come to PGT's attention that WP may use these taps to serve more than a single right-of-way grantor and/or provide service in excess of the volume limitations set forth in section 157.211(a)(1) of the Commission's regulations. It is indicated that PGT seeks authorization for such service.

Comment date: December 26, 1995, in accordance with Standard Paragraph G at the end of this notice.

2. NorAm Gas Transmission Company

[Docket No. CP96–46–000]

Take notice that on November 3, 1995, NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP96–46–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate facilities in Franklin County, Texas under NGT's blanket certificate issued in Docket No. CP82–384–000, *et al.*, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

NGT proposes to construct and operate a 1-inch tap and first-cut regulator on NGT's Line AM–54 in the Mark Caudle H.R.S., Franklin County, Texas to deliver gas to ARKLA, a distribution division of NorAm Energy Corporation (ARKLA). The estimated volumes to be delivered to this delivery tap are approximately 40,000 MMBtu annually and 1,080 MMBtu on a peak day. The estimated cost of construction of the tap and the first-cut regulator is $2,078 and ARKLA agrees to reimburse NGT for these cost.

Comment date: December 26, 1995, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gas Transmission Corporation

[Docket No. CP96–47–000]

Take notice that on November 3, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP96–47–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas transportation and exchange service for National Gas & Oil Corporation (National) which was authorized in Docket No. CP78–271, all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia proposes to abandon service for National under Columbia's Rate Schedule X–74. Columbia states that it was authorized to transport up to 300 Mcf of gas per day during the winter period from November 1 through March 31 of each year. Columbia adds this service was accomplished by National delivering gas to Columbia Gas of Ohio (COH) at existing interconnections in Newark and/or Zanesville, Ohio. COH would then reduce by equivalent volumes its receipt of gas from Columbia at existing interconnections near Newark and/or Zanesville, Ohio. Columbia then redelivered like volumes of gas to National at an existing point of delivery near Somerton, Ohio and at a

specific point on Columbia's Line O–1463 near Batesville, Ohio. Columbia asserts that gas was last transported under X–74 in 1983 and there are no outstanding imbalances.

Comment date: November 29, 1995, in accordance with Standard Paragraph F at the end of this notice.

4. National Fuel Gas Supply Corporation

[Docket No. CP96–49–000]

Take notice that on November 3, 1995, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP96–49–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its storage service to Boston Gas Company (Boston Gas), Orange & Rockland Utilities, Inc. (O&R), Penn Fuel Gas, Inc. (Penn Fuel) and The Southern Connecticut Gas Company (S. Conn.), all as more fully set forth in the application on file with the Commission and open to public inspection.

National proposes to abandon the storage service it provides to Boston Gas, O&R, Penn Fuel and S. Conn. under National's SS–1 and SS–2 Rate Schedules, effective April 1, 1996. Specifically, 876,620 Mcf of annual storage service is provided to Boston Gas; 711,165 Mcf of annual storage service is provided to Penn Fuel; and 150,000 Mcf of annual storage service is provided to S. Conn. under the SS–2 Rate Schedule, and 1,500,000 Mcf of annual storage service is provided to O&R under the SS–1 Rate Schedule.

National states that all four customers, as provided in their service agreements, have submitted written notices of termination to National on or before March 31, 1995, requesting termination of their services effective April 1, 1996.

Comment date: November 29, 1995, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements 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 a grant of the certificate and/or 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 applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28430 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. TM96–1–1–001]

Alabama-Tennessee Natural Gas Company; Notice of Filing of Proposed Change in FERC Gas Tariff

November 13, 1995.

Take notice that on November 7, 1995, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet with a proposed effective date of October 1, 1995:

Sub. Ninth Revised Sheet No. 4

According to Alabama-Tennessee, the purpose of this filing is to reflect a decrease in Alabama-Tennessee's Annual Charge Adjustment (ACA) clause brought about by the Commission's September 29, 1995 order in Docket Nos. TM96–1–000, et al.

Alabama-Tennessee states that copies of the tariff filing have been served upon the Company's affected customers and interested public bodies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before November 20, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants a party 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. 95–28417 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–1–20–003]

Algonquin Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 13, 1995.

Take notice that on November 6, 1995, Algonquin Gas Transmission Company (Algonquin), filed revised tariff sheets reflecting a corrected Annual Charge Adjustment (ACA) surcharge of $0.0023 per MMBtu. Algonquin tendered for filing as part of its FERC Gas Tariff, the following tariff sheets:

Fourth Revised Volume No. 1

Sub Tenth Revised Sheet No. 21
Sub Tenth Revised Sheet No. 22
Sub Seventh Revised Sheet No. 23
Sub Seventh Revised Sheet No. 24
Sub Seventh Revised Sheet No. 25
Sub Seventh Revised Sheet No. 27
Sub Sixth Revised Sheet No. 29
Sub Sixth Revised Sheet No. 31
Sub Sixth Revised Sheet No. 35

Original Volume No. 2

Sub Seventh Revised Sheet No. 259
Sub Sixth Revised Sheet No. 343
Sub Fourth Revised Sheet No. 431

Algonquin asserts that the purpose of this filing is to increase its current ACA

surcharge by $0.0001 per MMBtu to $.0023 per MMBtu. This increase reflects a correction in the computation contained in Algonquin's August 31, 1995, ACA filing. Algonquin respectfully requests that these tariff sheets be accepted effective October 1, 1995.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before November 20, 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 in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–28416 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT96–1–000]

El Paso Natural Gas Company; Notice of Tariff Filing

November 13, 1995.

Take notice that on November 2, 1995, El Paso Natural Gas Company (El Paso), tendered for filing pursuant to Part 154 of the Federal Energy Regulatory Commission Regulations Under the Natural Gas Act, a revised tariff sheet to its FERC Gas Tariff, Second Revised Volume No. 1–A and updated procedures to ensure continued compliance with the Standards of Conduct pursuant to Section 161.3(i) of the Commission's Regulations as required by Order Nos. 497, et. seq., and 566, et. seq.

El Paso states that the tendered tariff sheet and procedures reflect the acquisition of Eastex Energy Inc. as a subsidiary of EL Paso and update the previously filed procedures.

El Paso respectfully requests that the Commission accept the tendered tariff sheet for filing and permit it to become effective on December 3, 1995, which is not less than 30 days after the date of the filing.

El Paso states that copies of the filing were served upon all of El Paso's interstate pipeline system transportation customers and interested state regulatory commissions.

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, 888 First Street NE., Washington, DC 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 November 20, 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. 95–28421 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MG96–1–000]

El Paso Natural Gas Company; Notice of Filing

November 13, 1995.

Take notice that on November 2, 1995, El Paso Natural Gas Company (El Paso) filed updated procedures to ensure continued compliance with the standards of conduct required by Order Nos. 497 *et al* [1] and Order Nos. 566 *et al.*[2]

El Paso states that copies of this filing were served upon all interstate pipeline system transportation customers of El Paso and interested state regulatory commissions.

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 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 28, 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. 95–28422 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), III FERC Stats. & Regs. ¶ 30,820 (1988); Order No. 497–A, *order on rehearing,* 54 FR 52781 (December 22, 1989), III FERC Stats. & Regs. 30,868 (1989); Order No. 497–B, *order extending sunset date,* 55 FR 53291 (December 28, 1990), III FERC Stats. & Regs. ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date,* 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F. 2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date,* III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497–E, *order on rehearing and extending sunset date,* 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification,* 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date,* 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing,* 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing,* 59 FR 65707, (December 21, 1994); 69 FERC ¶ 61,334 (December 14, 1994); *appeal docketed sub nom. Conoco, Inc.* v. *FERC,* D.C. Cir No. 94–1745 (December 13, 1994).

[Docket No. GT96–26–000]

Florida Gas Transmission Company; Notice of Filing

November 13, 1995.

Take notice that on October 27, 1995, Florida Gas Transmission Company (FGT) tendered for filing a report of Gas Research Institute (GRI) refunds for the period January 1, 1994 through December 31, 1994.

FGT states that on September 29, 1995, it received a GRI refund of $492,118, which FGT refunded to its eligible firm shippers on October 12, 1995. This refund is in compliance with the Commission's February 22, 1995 Order in Docket No. RP95–124–000. FGT states that it has allocated refunds of $492,118 to firm shippers on a pro rata basis based on amounts paid through GRI surcharges during 1994.

FGT states that copies of the filing have been served on all affected parties and interested state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 285.214). All such motions or protests should be filed on or before November 20, 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. 95–28423 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–458–001]

Ozark Gas Transmission System; Notice of Proposed Changes in FERC Gas Tariff

November 13, 1995.

Take notice that on November 3, 1995, Ozark Gas Transmission System (Ozark) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, with a proposed effective date of the earlier of April 1, 1995, or the date Ozark's firm customers leave its system:

Third Revised Sheet No. 20

Ozark states that the purpose of this filing is to correct the pagination of this tariff sheet in compliance with the Commission's directive in its October 27, 1995 ''Order Accepting and Suspending Tariff Sheets, Subject to Refund and Conditions.''

Ozark states that copies of the filing were served upon Ozark's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before November 20, 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 in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–28418 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–56–000]

Southern Natural Gas Company; Notice of Request Under Blanket Authorization

November 13, 1995.

Take notice that on November 8, 1995, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed a prior-notice request with the Commission in Docket No. CP96–56–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to modify an existing meter station to serve as a delivery point in the Saturday Island Field, Plaquemines Parish, Louisiana, under Southern's blanket certificates issued in Docket Nos. CP82–406–000 and CP88–316–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Southern proposes to modify an existing meter station at or near milepost 0.0 on its 4-inch diameter Saturday Island Field pipeline in Plaquemines Parish, by reversing and replacing the existing 4-inch meter (which currently has the capability to receive gas from the field) with a 2-inch meter run in order to deliver gas to Hubco Exploration Inc. (Hubco). Southern states that Hubco would reimburse Southern for the estimated $23,603 cost of modifying the meter. Southern also proposes to abandon the 4-inch meter under Section 157.16(a) of the Regulations.

Southern states that it would deliver gas to Hubco under its FERC Rate Schedule IT via its Part 284, Subpart G blanket certificate. Southern would deliver 166 Mcf of natural gas per average day, 600 Mcf per peak day, and 60,000 Mcf annually on an interruptible basis for Hubco's gas lift operations in its oil production facilities. Southern indicates that Hubco's oil wells are currently shut-in and that without Southern's natural gas deliveries, Hubco would not be able to resume its production activities.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–28424 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–197–007]

Tennessee Gas Pipeline Company; Notice To Make Tariff Sheet Into Effect

November 13, 1995.

Take notice that on November 6, 1995, Tennessee Gas Pipeline Company (Tennessee), filed to move the following revised tariff sheet into effect as of November 1, 1994:

First Revised Substitute Ninth Revised Sheet No. 30

Tennessee hereby re-submits First Revised Substitute Ninth Revised Sheet No. 30. Tennessee states that this sheet is being re-submitted to correct a pagination error from the December 15, 1994 filing.

Any person desiring to protect with reference to said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 211 of the Commission's Rules of Practice and Procedure, 18 CFR Section 385.211. All such protests should be filed on or before November 20, 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 and available for public inspection..

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–28419 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP88–760–019]

Transcontinental Gas Pipe Line Corporation; Notice of Compliance Filing

November 13, 1995.

Take notice that on October 30, 1995, Transcontinental Gas Pipe Line Corporation (Transco) filed pursuant to Section 154.62 of the Commission's Regulations and in compliance with the Commission's October 16, 1995, 73 FERC ¶ 61,077, Order on Remand in Docket No. CP88–760–018, certain substitute tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 and

Original Volume No. 2, which are included in Appendix A attached to the filing. The tariff sheets are proposed to be effective on various dates as indicated in Appendix A.

It is alleged that the October 16 order directed Transco to file within 15 days of the said order revised tariff sheets reflecting straight fixed-variable rates for Transco's Southern Expansion (SEP) firm transportation service effective November 1, 1990, in lieu of the November 1, 1991 effective date approved by the Commission's March 4, 1993, order in Docket No. CP88–760–012. 62 FERC ¶ 61,211.

Transco states that copies of the instant filing are being mailed to customers, State Commissions, and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before November 20, 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 in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–28427 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–48–000]

Trunkline Gas Company, Texas Eastern Transmission Corporation; Notice of Application

November 13, 1995.

Take notice that on November 3, 1995, Trunkline Gas Company (Trunkline) and Texas Eastern Transmission Corporation (Texas Eastern), an affiliate, P.O. Box 1642, Houston, Texas, 77251–1642, (jointly referred as applicants), filed in Docket No. CP96–48–000 an abbreviated application pursuant to Section 7(b) of the Natural Gas Act, as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) regulations thereunder, for permission and approval to abandon two exchange agreements between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they are authorized to exchange natural gas pursuant to agreements dated February 27, 1970, as amended (Agreement A) and April 20, 1972 (Agreement B), respectively. Applicants indicate that these agreements are embodied in Trunkline's Rate Schedules X–1 and Texas Eastern's Rate Schedule X–30, respectively (Agreement A) and Trunkline's Rate Schedule E–9 and Texas Eastern's Rate Schedule X–63, respectively (Agreement B).

It is indicated that pursuant to Agreement A, Applicants agreed to exchange gas by mutual dispatching arrangements at interconnects in Williamson County, Illinois, and Allen and Beauregard Parishes, Louisiana. It is further indicated that two other exchange points for Agreement A are in Hidalgo and Colorado Counties, Texas. Applicants indicate that pursuant to Agreement B, they agreed to exchange gas by mutual dispatching arrangements in Brooks and Hidalgo Counties, Texas.

It is indicated that Applicants have exchanged termination agreements for each exchange agreement, dated April 17, 1995, and May 30, 1995, respectively. It is further indicated that no imbalances exist under the two exchange agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1995, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with 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 the proceeding or to participate as a party in any hearing therein must file a petition 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 on this application if no petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide 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. 95–28425 Filed 11–16–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5332–9]

Agency Information Collection Activities; EPA's Energy Star Buildings Program

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 that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before January 17, 1996.

ADDRESSES: U.S. Environmental Protection Agency, Atmospheric Pollution Prevention Division, Mail Code: 6202J, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain additional information concerning the proposed information collection by contacting Michael L. Hadrick of EPA either via phone at (202) 233–9282, fax at (202) 233–9579, or by mail at the address above.

SUPPLEMENTARY INFORMATION: Affected entities: Entities affected by this action will be those that agree to participate in EPA's Energy Star Buildings Program, which is a voluntary program for increasing the energy efficiency of existing commercial and industrial buildings.

Title: Information Collection Activities Associated with EPA's Energy Star Buildings Program

Abstract: EPA's Energy Star Buildings Program is a voluntary, non-regulatory

program for increasing the energy efficiency of existing commercial and industrial buildings. The program encourages corporations, state and local governments, and other organizations to participate in a partnership with EPA to make cost-effective energy-efficiency improvements in their buildings. In return, EPA provides technical support to help program participants apply proven technologies to achieve maximum efficiency at the lowest cost. EPA also publicly recognizes participants for their efforts and publicizes participant achievements. The overall goal of the program is to reduce utility-generated emissions by reducing the energy consumed in commercial and industrial buildings.

Participation in the program is initiated by completing and signing an Energy Star Buildings Memorandum of Understanding (MOU). The MOU outlines the responsibilities of the participant and EPA, and is used to establish participation in the program and agreement to the terms of participation. Other than the name of the organization, signature, and date, no other information is requested on the MOU. The Energy Star Buildings MOU is an addendum to the Green Lights MOU, which requests more detailed information. The burden associated with the Green Lights MOU was covered in ICR No. 1614 and is not covered in this ICR. Information from the MOU is entered into a data base that serves as a source of general information and as a mailing list.

As a condition of program participation, partners agree to complete and submit to EPA an annual facility report on each building undergoing energy efficiency improvements. On the annual reports, partners provide information such as stage of project completion, project cost, historical and current energy use and cost data, and ancillary information such as building name, location, and size. EPA reviews the annual facility reports to track project implementation efforts and to obtain data on the costs and benefits of the energy efficiency improvements being made. This information is used to calculate the amount of utility-generated emissions prevented, evaluate program effectiveness, and publicize partner achievements and program results.

EPA will also collect additional, project-specific technical information from some partners concerning the energy-efficiency improvements made. This collection will include information such as building age and construction, utility and fuel rates, financial and economic criteria used to evaluate and select investment opportunities, types and sources of project financing, project and equipment costs and rates of return, and technical details concerning the building's lighting, heating, ventilating, and air conditioning equipment and systems. EPA will use this information to evaluate and refine its technical strategies and implementation support tools.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: EPA estimates an average annual respondent burden of 4,362 hours for the information collection activities associated with the Energy Star Buildings program. The total burden is comprised of the following information collections:

(i) MOU: EPA estimates that, on average, 191 new partners will join the Energy Star Buildings program each year by completing and submitting an MOU. The total annual respondent burden for the MOU is 1,385 hours, or 7.25 hours per MOU.

(ii) Annual Facility Report: EPA estimates that, on average, a total of 565 annual facility reports will be submitted by 353 partners (respondents) each year, for a total annual respondent burden of 2,697 hours. This equates to 1.6 annual facility reports per partner, or 4.8 hours per report.

(iii) Additional Technical Information: EPA estimates that, on average, 35 partners (respondents) each year will submit additional technical information on their actual upgrade projects. The burden for this information collection is 280 hours, or 8 hours per response.

These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

No person is required to respond to a collection of information unless it displays a currently valid OMB control number.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: November 2, 1995.

Jean Lupinacci,

Chief, Energy Star Commercial and Industrial Buildings Customer Support Branch.

[FR Doc. 95–28391 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5230–6]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075.

Weekly receipt of Environmental Impact Statements Filed November 6, 1995 Through November 10, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950525, DRAFT EIS, BLM, UT, Natural Bridges National Monument, General Management Plan and Development Concept Plan, Implementation, Interpretive Prospectus, Wilderness Suitability Study and Wild and Scenic River Eligibility and Classification Study, San Juan County, UT, Due: January 16, 1996, Contact: Steve W. Chaney (801) 692–1234.

EIS No. 950526, FINAL EIS, UAF, GA, F–15 Fighter Aircraft Conversion at Dobbins Air Force Base (AFB), Marietta, GA to B–1B Bomber Aircraft at Robins AFB, Warner Robins, GA and Training Airspace Modifactions Servicing the Savannah Combat Readiness Training Center (CRTC) Area, GA, Due: December 18, 1995, Contact: Ltc. Steve Shiell (301) 981–8894.

EIS No. 950527, FINAL EIS, DOE, WY, Adoption—Kenetech/PacifiCorp Windpower Development Project, Construction of a 500–MW Windplant and 230 kV Transmission Line between Arlington and Hanna, Right-of-Way Grant, COE Section 404 Permit and Special-Use-Permit Issuance, Carbon County, WY, Contact: George Darr (503) 230–4386.

The US Department of Energy's, Bonneville Power Administration (BPA) has adopted the US Department of the Interior's, Bureau of Land Management FEIS #950392, filed with

the Environmental Protection Agency on 8–24–95. BPA is a cooperating agency on this project. Recirculation of the document is not necessary under Section 1506.3(c) of the Council on Environmental Quality Regulations.

EIS No. 950528, DRAFT EIS, FAA, MA, Boston Logan International Airport, Implementation, Alternative Turbojet Departure Procedures at Runway 27, City of Boston, MA, Due: January 02, 1996, Contact: John Silva (617) 238–7602.

EIS No. 950529, DRAFT EIS, FHW, AZ, AZ-260 Transportation Improvements, between Payson and Heber, Funding, NPDES and COE Section 404 Permits, Gila, Coconino and Navajo Counties, AZ, Due: January 10, 1996, Contact: Nathan M. Banks (602) 379–3646.

EIS No. 950530, FINAL EIS, FHW, IN, I–65 Reconstruction Project from the Ohio River to IN–311 at Sellersburg, Funding and COE Section 404 Permit, Clark County, IN, Due: December 18, 1995, Contact: Arthur Fendrick (317) 226–7481.

EIS No. 950531, DRAFT EIS, AFS, OR, Metolius Wild and Scenic River Management Plan, Implementation, Deschutes National Forest, Sisters Ranger District, Jefferson County, OR, Due: February 16, 1996, Contact: Ron Bonacker (503) 549–7730.

EIS No. 950532, FINAL EIS, AFS, WA, OR, Umatilla and Malheur National Forests Oil and Gas Exploration and Development, Lease Offerings, several counties, WA and OR, Due: December 18, 1995, Contact: Rene' Crompton (503) 676–9187.

EIS No. 950533, DRAFT EIS, NPS, ID, Hagerman Fossil Beds National Monument, General Management Plan, Implementation, Twin Falls and Gooding County, ID, Due: January 31, 1996, Contact: Rick Ernenwein (303) 969–2274.

EIS No. 950534, FINAL EIS, UAF, NY, Griffis Air Force Base (AFB) Disposal and Reuse, Implementation, Oneida County, NY, Due: December 18, 1995, Contact: Jonathan D. Farthing (210) 536–3787.

EIS No. 950535, DRAFT EIS, COE, CA, San Diego County Water Authority Emergency Water Storage Project, Construction and Operation, COE Section 404 Permit and Permit Application, San Diego County, CA, Due: February 14, 1996, Contact: David A. Zoutendyk (619) 674–5384.

Amended Notices

EIS No. 950457, DRAFT EIS, COE, MN, Northwestern Minnesota Basin Flood Control Impoundments and Flood Damage Reduction Project, Construction and Operation, Red River, St. Paul District, MN, Due: December 22, 1995, Contact: Robert J. Whiting (612) 290–5264. Published FR 10–13–95—Review period extended.

Dated: November 13, 1995.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities

[FR Doc. 95–28395 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5333–1]

Public Meetings of the Urban Wet Weather Flows Advisory Committee and Storm Water Phase II Advisory Subcommittee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) is convening two separate public meetings: (1) the Urban Wet Weather Flows (UWWF) Advisory Committee meeting on December 4–5, 1995, and (2) the Storm Water Phase II Advisory Subcommittee meeting on December 6–7, 1995. These meetings are open to the public without need for advance registration. The UWWF Advisory Committee will focus on the issues papers being developed by the work groups on Storm Water Phase I Improvements, Water Quality Standards and Watershed Approach. The Committee's agenda will also include a status report on the SSO Subcommittee and the Storm Water Phase II Subcommittee. The Phase II Advisory Subcommittee will: (1) Discuss and adopt operating protocols; (2) review the ''Storm Water Discharges Potentially Addressed By Phase II of the National Pollutant Discharge Elimination System Storm Water Program Report to Congress'' and the National Water Quality Inventory (305(b)) Report in detail; (3) hear a number of case studies; and (4) review the progress of the work groups on the role of government, technical and programmatic options, and small construction sites and no exposure industries.

DATES: The UWWF Advisory Committee meeting will be held on December 4–5, 1995. On December 4, the meeting will begin at approximately 8:30 a.m. EST and run until about 5:00 p.m. On December 5, the meeting will run from about 8:30 a.m. until completion. The Phase II meeting will be held on December 6–7, 1995. The December 6 meeting will begin promptly at 9:00 a.m. EST and end at approximately 8:30 p.m. On December 7, the meeting will begin at 7:45 a.m. and end at approximately 4:15 p.m.

ADDRESSES: Both meetings will be held at the Resolve Center for Environmental Dispute Resolution, 2828 Pennsylvania Avenue NW., suite 402, Washington, DC 20007. The Resolve telephone number is (202) 944–2300. A block of 75 rooms per day has been reserved at a special rate (until November 13) at the St. James Hotel, 950 24th Street NW., Washington, DC, telephone (202) 457–0500. The block of rooms are reserved from Sunday, December 3 through Friday, December 8. The rooms are listed under ''urban wet weather meeting.''

FOR FURTHER INFORMATION: For the UWWF Advisory Committee meeting, contact William Hall, Urban Wet Weather Matrix Manager, Office of Wastewater Management, at (202) 260–1458, or Internet: hall.william@epamail.epa.gov. For the Phase II Subcommittee meeting, contact Pamela Mazakas, Storm Water Phase II Matrix Manager, Office of Wastewater Management, at (202) 260–6599.

Dated: November 3, 1995.

Michael B. Cook,

Director, Office of Wastewater Management, Designated Federal Official.

[FR Doc. 95–28389 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5333–2]

Meeting; Clean Air Act Committee

The Mobile Sources Technical Advisory Subcommittee to the Clean Air Act Committee is convening a meeting on December 1 from 10–3 at the Ramada Detroit Metro Airport, 8270 Wickham Rd., Romulus, Michigan. There is some chance this meeting may have to be cancelled closer to the date if EPA's budget authority is not clarified; EPA is now operating under a Continuing Resolution which expires on November 13. This meeting will address primarily EPA's Heavy Duty Nox initiative. Questions can be addressed to Katherine McMillan, Designated Federal Official to the Subcommittee, at 202–260–3420.

Katherine McMillan,

Associate Director, Policy, Planning and Budget Division, Office of Mobile Sources.

[FR Doc. 95–28383 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–P

[OPP–34084; FRL–4986–9]

Notice of Receipt of Requests for Amendments to Delete Uses In Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on February 15, 1996.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the Federal Register. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 15 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names/ active ingredients and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before February 15, 1996 to discuss withdrawal of the applications for amendment. This 90–day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1--Registrations with Requests for Amendments to Delete Uses in Certain Pesticide Registrations

EPA Reg No.	Product Name	Delete From Label
001812–00245	Linex 4L (Linuron)	Sweet corn
001812–00320	Linex 50 DF (Linuron)	Sweet corn, cotton
002724–00314	SAFROTIN Emulsifiable Concentrate Insecticide (Propetamphos)	Food processing (mills, dairies, etc.), meat & poultry plants, food packing (canning, bottling, etc.), food and/or feed warehouses
002724–00355	Zoecon RF-270 Emulsifiable Concentrate (Propetamphos)	Food processing (mills, dairies, etc.), meat & poultry plants, food packing (canning, bottling, etc.), food and/or feed warehouses
002724–00449	Zoecon 8718 EW (Propetamphos)	Food processing (mills, dairies, etc.), meat & poultry plants, food packing (canning, bottling, etc.), food and/or feed warehouses
005905–00494	Fluometuron 80WP Herbicide (Fluometuron)	Sugarcane use
037979–00001	ACECAP 97 Systemic Insecticide (Acephate)	Forests, golf courses, commercial landscaping
042750–00014	Albaugh MCPA Amine 4 (MCPA, dimethylamine salt)	Rice, Flax
048273–00003	Ametryne 80 WP (Ametryn)	Potatoes, citrus (grape fruit, oranges)
062719–00013	MCP Amine (MCPA, dimethylamine salt)	Flax, peas
062719–00059	MCP Ester (MCPA, isoocytl ester)	Flax
062719–00060	MCPA Acid Technical (MCPA)	Flax, peas
062719–00058	MCPA Na Salt (MCPA, sodium salt)	Grain sorghum, rice, flax, peas
062719–00062	MCPA Amine 5 Lb Concentrate (MCPA, dimethyl-amine salt)	Flax, peas
062719–00064	MCPA 2-Ethylhexyl Ester Technical (MCPA, isooctyl ester)	Flax

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2--Registrants Requesting Amendments to Delete Uses in Certain Pesticide Registrations

Company No.	Company Name and Address
001812	Griffin Corporation, P.O. Box 1847, Valdosta, GA 31603.
002724	Sandoz Agro, Inc., 1300 E. Touhy Ave., Des Plaines, IL 60018.
005905	Helena Chemical Co., 6075 Poplar Ave., Suite 500, Memphis, TN 38119.
037979	Creative Sales, Inc., P.O. Box 501, 222 No. Park ave., Fremont, NE 68025.
042750	Albaugh, Inc., 1517 N. Ankeny Blvd., Suite A, Ankeny, IA 50021.
062719	DowElanco, 9330 Zionsville Road, Indianapolis, IN 46268.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pest, Product registrations.

Dated: November 3, 1995.

Frank Sanders,

Director, Program Management and Support Division, Office of Pesticide Programs.

[FR Doc. 95–28393 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–F

[OPP–66219; FRL–4987–1]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by Febuary 15, 1996, orders will be issued canceling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be canceled. The Act further provides that EPA must publish a notice of receipt of any such request in the Federal Register before acting on the request.

II. Intent to Cancel

This Notice announces receipt by the Agency of requests to cancel some 25 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1--Registrations With Pending Requests for Cancellation

Registration no.	Product Name	Chemical Name
000299–00221	Martin's Ear - Tix - Tox Ear Tick Control	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
000352–00396	Dupont Benlate DF Fungicide	Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate
000655–00790	Prentox Larva-Lur	Dimethyl (2,2,2-trichloro-1-hydroxyethyl)phosphonate
002393 OR–86–0008 ..	Mylone 99G Soil Fumigant NC	Tetrahydro-3,5-dimethyl-2*H*-1,3,5-thiadiazine-2-thione
002935–00416	Wilbur Ellis MCPA Sodium Salt.	Sodium 2-methyl-4-chlorophenoxyacetate
003125 CA–82–0103 ..	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 CA–82–0104 ..	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 CA–91–0029 ..	Metasystox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 ID–77–0006 ...	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 ID–78–0001 ...	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 NM–79–0025 .	Furadan 4 Flowable	2,3-Dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate
N/A	N/A	2,3-Dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate
N/A	N/A	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 NV–77–0014 ..	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 OH–89–0004 ..	Metasystox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 OR–77–0019 ..	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 OR–79–0067 ..	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 WA–77–0014 .	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 WA–77–0058 .	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 WA–80–0077 .	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 WA–85–0003 .	Meta-Systox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
003125 WA–89–0033 .	Metasystox-R Spray Concentrate	*S*-(2-(Ethylsulfinyl)ethyl) *O,O*-dimethyl phosphorothioate
007056–00149	CSA Screwworm Spray	Dipropyl isocinchomeronate
N/A	N/A	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
010182 OR–88–0016 ..	Fusilade 2000 Herbicide	Butyl (*R*)-2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)propanoate
010182 OR–90–0018 ..	Fusilade 2000 Herbicide	Butyl (*R*)-2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)propanoate
050534–00028	75% Dimethyl T	Dimethyl tetrachloroterephthalate

Unless a request is withdrawn by the registrant within 90 days of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this 90-day period.

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2--Registrants Requesting Voluntary Cancellation

EPA Company no.	Company Name and Address
000299 .	C. J. Martin Co, Box 630009, Nacogdoches, TX 75963.

TABLE 2--Registrants Requesting Voluntary Cancellation—Continued

EPA Company no.	Company Name and Address
000352 .	E. I. Du Pont De Nemours & Co, Inc., Barley Mill Plaza, Walker's Mill, Wilmington, DE 19880.
000655 .	Prentiss Inc., 21 Vernon Street, C.B. 2000, Floral Park, NY 11001.
002393 .	Haco, Inc., Box 7190, Madison, WI 53707.
002935 .	Wilbur Ellis Co., 191 W. Shaw Ave, Fresno, CA 93704.
003125 .	Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120.
007056 .	IQ Products Co, Attn: Marty York, 16212 State Hwy 249, Houston, TX 77086.
010182 .	Zeneca Ag Products, Box 15458, Wilmington, DE 19850.
050534 .	ISK Biosciences Corp., 5966 Heisley Rd., Box 8000, Mentor, OH 44061.

III. Procedures for withdrawal of request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before February 15, 1996. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

IV. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for one year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in Federal Register No. 123, Vol. 56, dated June 26, 1991. Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide productswhich are currently in the United States and which have beenpackaged, labeled, and released for shipment prior to the effectivedate of the cancellation action. Unless the provisions of anearlier order apply, existing stocks already in the hands ofdealers or users can be distributed, sold or used legally untilthey are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pest, Product registrations.

Dated: November 3, 1995.

Frank Sanders,

Director, Program Management & Support Division, Office of Pesticide Programs.

[FR Doc. 95–28392 Filed 11–16–95; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94N–0376]

Plascon, Inc.; Opportunity for Hearing on a Proposal to Revoke U.S. License No. 572–003

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for a hearing on a proposal to revoke the establishment license (U.S. License No. 572–003) and the product license issued to Plascon, Inc., doing business as Anderson Plasma Center, for the manufacture of Source Plasma. The proposed revocation is based on the firm's history of continued noncompliance with the applicable biologics regulations and the license standards.

DATES: The firm may submit a written request for a hearing to the Dockets Management Branch by December 18, 1995, and any data and information justifying a hearing by January 16, 1996. Other interested persons may submit written comments on the proposed revocation by January 16, 1996.

ADDRESSES: Submit written requests for a hearing, any data and information justifying a hearing, and any comments on the proposed revocation to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Timothy W. Beth, Center for Biologics Evaluation and Research (HFM–635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–3074.

SUPPLEMENTARY INFORMATION: FDA is proposing to revoke the establishment license (U.S. License No. 572–003) and the product license issued to Plascon, Inc., doing business as Anderson Plasma Center, 2507 Nichol Ave., Anderson, IN 46011, for the manufacture of Source Plasma.

During preapproval and routine inspections conducted by FDA at Plascon, Inc., in 1989, 1991, 1992, and 1993, significant deviations from the applicable Federal regulations and the license standards were documented. Following each of these inspections, FDA provided to Plascon, Inc., written documentation of the deviations observed; FDA then requested that Plascon, Inc., indicate in writing what corrective action plan would be undertaken to remedy the deviations. Following the 1992 inspection, FDA issued a warning letter dated November 12, 1992, to Plascon, Inc., advising the firm that failure to promptly correct the deviations observed during the inspection could result in regulatory action by FDA without further notice.

In response to FDA's inspectional observations, in letters dated December 19, 1989, October 17, 1991, and January 6, 1993, Plascon, Inc., proposed corrective action plans. However, subsequent inspections of Plascon, Inc., by FDA continued to demonstrate that sufficient and effective long-term corrective action had not been achieved. Plascon, Inc.'s, cumulative inspectional history thus established a pattern of continued noncompliance with the applicable Federal regulations and license standards.

The most recent inspection, conducted from December 13 through December 17, 1993, revealed continuing significant deviations from the applicable regulations and the license standards. These deviations included, but were not limited to, the following: (1) Failure to adequately determine donor suitability (21 CFR 606.100(b)(1)

and 640.63(c)); (2) failure to investigate donor adverse reactions (21 CFR 606.170(a)); (3) failure to perform adequate donor physical examinations (21 CFR 640.63(b)(3) and 640.63(c)(9)); (4) failure to provide suitable facilities (21 CFR 606.40(a)(1)); (5) failure to perform and maintain records of quality control for equipment and reagents (21 CFR 606.60(a), 606.160(b)(5)(i), and 606.160(b)(7)(iv)); and (6) failure to maintain complete and accurate records and follow standard operating procedures (21 CFR 606.160(b)(1)(i), 606.160(b)(1)(ii), and 640.65(b)(3)).

Accordingly, due to the serious nature of the deviations, which the Commissioner of Food and Drugs determined to constitute a danger to health, FDA suspended the firm's licenses by letter dated January 11, 1994. In a letter to FDA dated January 20, 1994, Plascon, Inc., requested that revocation be held in abeyance and that a time extension be granted by which another corrective action plan would be submitted. By letter dated January 27, 1994, FDA granted the request for a time extension to submit in writing the corrective action plan. By letter dated January 28, 1994, Plascon, Inc., requested a second time extension for submission of the plan. By letter dated, February 10, 1994, FDA granted the second time extension. By letter dated February 21, 1994, Plascon, Inc., submitted the corrective action plan to FDA.

After consideration of Plascon, Inc.'s, submission, FDA sent a letter dated May 5, 1994, denying Plascon, Inc.'s, request that the license revocation be held in abeyance. FDA advised Plascon, Inc., that the most recent corrective action plan was incomplete and inadequate, and that Plascon, Inc.'s, claim that sufficient corrective actions would be implemented and sustained was not credible in light of the firm's careless disregard of the applicable regulations and standards. In accordance with § 601.5(b) (21 CFR 601.5(b)), FDA advised Plascon, Inc., that no additional time would be provided in which to demonstrate compliance with the regulations and standards before FDA would initiate proceedings to revoke Plascon, Inc.'s, licenses. Plascon, Inc., was offered the option of voluntarily requesting that the licenses be revoked. Plascon, Inc., was further advised that, should that option not be exercised, FDA would initiate proceedings to revoke the license by publishing in the Federal Register a notice of opportunity for a hearing on a proposal to revoke the licenses, pursuant to § 12.21(b) (21 CFR 12.21(b)), as provided in § 601.5(b). Plascon, Inc., did not respond to FDA's letter within the specified response period.

Thus, under § 12.21(b), FDA is issuing a notice of opportunity for a hearing on a proposal to revoke Plascon, Inc.'s, licenses. FDA has placed copies of letters between FDA and Plascon, Inc., concerned with the revocation on file with the Dockets Management Branch (address above) under the docket number found in brackets in the heading of this notice. These documents include the following: (1) November 12, 1992, warning letter from FDA to Plascon, Inc.; (2) January 6, 1993, response letter from Plascon, Inc., to FDA regarding FDA inspectional findings of inspection conducted between August 11, 1992, and October 21, 1992; (3) January 7, 1994, response letter from Plascon, Inc., to FDA regarding FDA inspectional findings of inspection conducted between December 13, 1993, and December 17, 1993; (4) January 11, 1994, letter from FDA to Plascon, Inc., suspending the firm's licenses; (5) January 20, 1994, letter from Plascon, Inc., to FDA requesting that license revocation be held in abeyance and that an extension of time be granted to submit another corrective action plan; (6) January 27, 1994, letter from FDA granting the request for an extension of time to submit in writing a corrective action plan; (7) January 28, 1994, letter from Plascon, Inc., requesting a second extension of time for submission of a corrective action plan; (8) February 10, 1994, letter from FDA to Plascon, Inc., granting the second extension of time; (9) February 21, 1994, letter from Plascon, Inc., submitting a corrective action plan to FDA; and (10) May 5, 1994, letter from FDA to Plascon, Inc., denying the firm's request that the revocation be held in abeyance and advising Plascon, Inc., that the corrective action plan submitted by letter dated February 21, 1994, was incomplete and inadequate and that FDA would institute license revocation proceedings. These documents are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Plascon, Inc., may submit a written request for a hearing to the Dockets Management Branch by December 18, 1995, and any data and information justifying a hearing must be submitted by Janaury 16, 1996. Other interested persons may submit comments on the proposed revocation by January 16, 1996.

FDA procedures and requirements governing a notice of opportunity for a hearing, notice of appearance and request for a hearing, grant or denial of a hearing, and submission of data and information to justify a hearing on a proposed revocation of a license are contained in 21 CFR parts 12 and 601. A request for a hearing may not rest upon mere allegations or denials but must set forth a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses submitted in support of the request for a hearing that there is not genuine and substantial issue of fact for resolution at a hearing, or if a request for a hearing is not made within the specified time, or in the required format or the required analyses, the Commissioner of Food and Drugs will deny the hearing request, making findings and conclusions that justify the denial.

Two copies of any submissions are to be provided to FDA, except that individuals may submit one copy. Submissions are to be identified with the docket number found in brackets in the heading of this document. Submissions, except for data and information prohibited from public disclosure under 21 CFR 10.20(j)(2)(i), 21 U.S.C. 331(j), or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act (sec. 351 (42 U.S.C. 262)) and the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 701 (21 U.S.C. 321, 351, 352, 355, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.67).

Dated: November 8, 1995.

Kathryn C. Zoon,

Director, Center for Biologics Evaluation and Research.

[FR Doc. 95–28367 Filed 11–16–95; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committee; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETING: The following advisory committee meeting is announced:

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. December 4, 1995, 8:30 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4 p.m.; William Freas or Sheila D. Langford, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, Michael A. Bernstein, Center for Drug Evaluation and Research (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville MD 20857, 301–594–5521, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Peripheral and Central Nervous System Drugs Advisory Committee, code 12543.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in neurological disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 28, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss product license application 95–0979 from Biogen, Inc., for Interferon Beta-1a (Avonex™), for treatment of relapsing forms of multiple sclerosis.

Dental Drug Products Panel Plaque Subcommittee (Nonprescription Drugs) of the Medical Devices Advisory Committee

Date, time, and place. December 4 and 5, 1995, 8:30 a.m., DoubleTree Hotel, Conference Center, Rockville, MD.

Type of meeting and contact person. Open public hearing, December 4, 1995, 8:30 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 5:30 p.m.; open public hearing, December 5, 1995, 8:30 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 4 p.m.; Jeanne L. Rippere or Stephanie A. Mason, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–1003, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Dental Products Panel of the Medical Devices Advisory Committee, code 12518.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

The Dental Products Panel of the Medical Devices Advisory Committee functions at times as a nonprescription drug advisory panel. As such, the panel reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of various currently marketed nonprescription drug products for human use, the adequacy of their labeling, and advises the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these drugs are generally recognized as safe and effective and not misbranded.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on the general issues pending before the subcommittee. Those desiring to make formal presentations should notify the contact person before November 24, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On December 4, 1995, the subcommittee will discuss data and information submitted to support the safety and effectiveness of hydrogen peroxide, sodium bicarbonate, and a combination of these two ingredients for use in the prevention and/or treatment of dental plaque and gingivitis. On December 5, 1995, if necessary, the subcommittee will continue its discussion of hydrogen peroxide and sodium bicarbonate. In addition, it will begin to discuss data and information submitted to support the safety and effectiveness of sanguinaria extract for use in the prevention and/or treatment of dental plaque and gingivitis.

Dermatologic and Ophthalmic Drugs Advisory Committee Subcommittee on Ophthalmic Drugs With Representation From the Antiviral Drugs Advisory Committee

Date, time, and place. December 8, 1995, 8:30 a.m., Holiday Inn—Silver Spring, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m., Ermona B. McGoodwin or Valerie M. Mealy, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Dermatologic and Ophthalmic Drugs Advisory Committee, code 12534.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 1, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the

approximate time required to make their comments.

Open committee discussion. The committee will discuss data relevant to the new drug application (NDA) 20–569 ganciclovir intravitreal implant (Vitrasert® Sterile Intravitreal Implant, Chiron Vision Corp.) for treatment of cytomegalovirus retinitis. The committee will also discuss data relevant to NDA 20–597 latanoprost (Xalatan™ Sterile Ophthalmic Solution, Pharmacia, Inc.) a topical ophthalmic drug indicated for the reduction of elevated intraocular pressure in patients with open-angle glaucoma and ocular hypertension.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: November 13, 1995.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 95–28366 Filed 11–16–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3778–N–63]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: November 17, 1995.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7256, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: November 9, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 95–2828 Filed 11–16–95; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement and Receipt of an Application for the Proposed Issuance of a Permit To Allow Incidental Take of Threatened and Endangered Species on Plum Creek Timber Company, L.P., Lands in the I–90 Corridor, King and Kittitas Counties, WA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability; request for comments.

SUMMARY: This notice advises the public that Plum Creek Timber Company, L.P. (Applicant) has applied to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (together Services) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant has also requested unlisted-species and safe-harbor provisions in an Implementation Agreement (Agreement) to cover vertebrate species which may be found in the planning area. The application has been assigned permit number PRT–808398. The requested permit would

authorize incidental take of currently listed threatened or endangered species that may occur within the planning area in King and Kittitas Counties, Washington, as a result of the Applicant's timber management activities. The unlisted-species provision provides for the issuance of further permits for the incidental take of species not presently listed under the Act, but which might become listed during the term of the proposed permit, and which might occur within the planning area.

The Services also announce the availability of a Draft Environmental Impact Statement (DEIS) for the proposed issuance of the incidental take permit and approval of the Agreement. All comments received will become part of the public record and may be released. 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 and DEIS should be received on or before January 7, 1996.

ADDRESSES: Comments regarding the application or DEIS, or requests for those documents, should be addressed to William Vogel, U.S. Fish and Wildlife Service, Pacific Northwest Habitat Conservation Plan Program, 3773 Martin Way East, Building C—Suite 101, Olympia, Washington 98501; (360) 534–9330. Please refer to permit No. PRT–808398 when submitting comments. Individuals wishing copies of the documents for review should immediately contact the office listed above. Copies of the documents are also available at the following libraries:

Wenatchee Public Library, Attention: Joy, 310 Douglas Street, Wenatchee, Washington 98801

University of Washington Library, Attention: Carolyn Aamot, Government Publications Department, 170 Suzzallo Library, Seattle, Washington 98195–2900

Seattle Public Library, Attention: Jeanette Voiland, Government Publications Department, 1000 Fourth Avenue, Seattle, Washington 98104

Evergreen State College, Attention: Lee Lyttle, Library Campus Parkway—L23100H, Olympia, Washington 98505

Central Washington University, Attention: Dr. Patrick McLaughlin, Library Collection Development, Ellensburg, Washington 98926

King County Library System, Attention: Cheryl Standley, Documents Department, 1111 110th Avenue Northeast, Bellevue, Washington 98004

FOR FURTHER INFORMATION CONTACT: William Vogel, U.S. Fish and Wildlife Service, or Steve Landino, National Marine Fisheries Service, at the office listed above.

SUPPLEMENTARY INFORMATION:

Background

Under section 9 of the Act and its implementing regulations, ''taking'' of threatened and endangered species is prohibited. However, the Service, under limited circumstances, may issue permits to take threatened or endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are in 50 CFR 17.32 and 17.22.

The permit application includes a Habitat Conservation Plan (HCP) and the Agreement. In the HCP, the Applicant has addressed species conservation and ecosystem management on approximately 170,000 acres of its private land in the Cascade Mountains of Washington. The Applicant's ownership occurs in a ''checkerboard'' pattern in an area commonly referred to as the I–90 Corridor. The term ''checkerboard'' refers to alternate sections of public and private land. The ''checkerboard'' HCP planning area is approximately 419,000 acres in size. The term of the proposed permit is 50 years from the date of issuance, with a possible extension of an additional 50 years for safe-harbor provision purposes.

The Applicant is requesting a permit for the incidental take of northern spotted owls (Strix occidentalis caurina) (owls) which may occur as a result of timber harvest and related activities within a portion of the owl sites present on the Applicant's property. There are currently more than 100 owl sites that impact operations within the planning area. The Applicant plans to avoid the take of marbled murrelets (Brachyramphus marmoratus marmoratus), but has included murrelets in the incidental take permit application in case some incidental take occurs. The Applicant has also included grizzly bears (Ursus arctos = U.a. horribilis) and gray wolves (Canis lupus) in the permit application to cover the circumstance where these species may occur on the subject property in the future and may at some point be subject to take. The Applicant has addressed numerous other species in their HCP and is requesting the unlisted-species and safe-harbor provisions in the Agreement for vertebrate species which may be found in habitats within the planning area. At the time of termination for the HCP phase of the permit, the safe-harbor provision would provide the Applicant relief from regulatory restrictions on timber-management activities in habitats provided for listed species which are greater than the habitat amounts required under the HCP.

The HCP is designed to complement the Federal Northwest Forest Plan, and includes various forms of mitigation which are integral parts of the HCP. Mitigation includes a schedule of habitat amounts to be provided for each decade of the 50-year HCP. These habitats include eight stand-structure types (ranging from early-successional stages, such as stand initiation, to late-successional stages, such as old growth) and habitat for owls. Owl-habitat projections include projections for nesting, roosting, and foraging habitat, and for foraging and dispersal habitat. Mitigation for gray wolves and grizzly bears include avoidance of timber harvest and road construction in certain habitats, limits to road densities, provision of visual cover, and other specific management prescriptions. Minimum prescriptions are also provided for riparian and wetland areas, and Watershed Analysis will be completed on an accelerated basis. Specific prescriptions to minimize and mitigate impacts will also be implemented for other species and special habitats.

The DEIS considers four alternatives, including the Proposed Action and the No-action Alternatives. Under the No-action Alternative, the Applicant would avoid the take of all Federally listed species and no permit would be issued. Under the Riparian Alternative, emphasis for conservation of fish and wildlife species would be placed in riparian and wetland areas; other portions of the ownership would be managed for aggressive timber harvest. Under the Dispersal Alternative, riparian areas would be managed for fish and wildlife, but, in addition, upland areas would be managed to provide dispersal habitat for owls. The Proposed Action builds upon the benefits of the previous alternatives. It places emphasis for conservation on riparian and wetland areas, but, also, commits to implementation of the Applicant's Environmental Principles; provides for nesting, roosting, and foraging habitat for owls, and provides for habitat deferrals for owls and goshawks. The Proposed Action includes specific mitigation for other currently listed and unlisted wildlife species such as the gray wolf, grizzly bear, Larch Mountain salamander, and

other vertebrate species and special habitats.

Dated: November 6, 1995.

Thomas J. Dwyer,

Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 95–27962 Filed 11–16–95; 8:45 am]

BILLING CODE 4310–55–P

National Park Service

Fort McHenry National Monument and Historic Shrine, MD; Concession Contract

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to issue a concession contract for operations currently conducted by Evelyn Hill Corporation authorizing the continuation of gift and souvenir sales for the public at Fort McHenry National Monument And Historic Shrine, Baltimore, Maryland, for a period of five (5) years from January 1, 1996 through December 31, 2000.

EFFECTIVE DATE: January 16, 1996.

ADDRESS: Interested parties should contact the Superintendent, Fort McHenry National Monument and Historic Shrine, Baltimore, Maryland 21230–5393, for information as to the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1992, and therefore pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR, Section 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60) day following publication of this notice to be considered and evaluated.

Dated: November 2, 1995.

Warren Beach,

Acting Director, Northeast Field Area.

[FR Doc. 95–28363 Filed 11–16–95; 8:45 am]

BILLING CODE 4310–70–M

General Management Plan/ Development Concept Plan, Draft Environmental Impact Statement, Natural Bridges National Monument, UT

AGENCY: National Park Service, Interior.

ACTION: Availability of draft environmental impact statement and general management plan/development concept plan for Natural Bridges National Monument.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of a Draft Environmental Impact Statement/ General Management Plan/Development Concept Plan (DEIS/GMP) for Natural Bridges National Monument, Utah.

DATES: The DEIS/GMP will remain available for public review until January 16, 1996. If any public meetings are held concerning the DEIS/GMP, they will be announced at a later date.

ADDRESSES: Comments of the DEIS/GMP should be sent to the Superintendent, Natural Bridges National Monument, Box 1—Natural Bridges, Lake Powell, Utah 84533–0101. Public reading copies of the DEIS/GMP will be available for review at the following locations:

Office of the Superintendent, Natural Bridges National Monument, Box 1—Natural Bridges, Lake Powell, Utah 84533–0101, (801) 692–1234

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, DC 20240, Telephone: (202) 208–6843.

SUPPLEMENTARY INFORMATION: The DEIS/GMP analyzes two alternatives which are being considered to direct the management and development of Natural Bridges National Monument for a period of about ten years.

The alternatives include: (1) No Action—Under this alternative, existing facilities and management actions would remain unchanged; (2) Proposed Plan—Under the proposal, the administrative/visitor center would be expanded to provide 900–1,400 square feet of office and sales space; removal and rehabilitation of a small picnic area, the addition of a comfort station and benches for visitor comfort along the loop road; the addition of housing for 12 future employees; redesign of the visitor center parking area to improve vehicular circulation; and the addition of a garage and storage building in the maintenance area.

The DEIS/GMP in particular evaluates the environmental consequences of the proposed action and the other alternative on water resources, flood plains, wetlands, geology, soils, vegetation, wildlife, threatened and endangered species, air quality, visual interpretation, socioeconomic data, health and safety, law enforcement, other agencies, management and operations, and cumulative impacts. The environmental consequences of the proposed action and alternative considered are fully disclosed in the DEIS/GMP/DCP.

FOR FURTHER INFORMATION: Contact Superintendent, Natural Bridges National Monument, at the above address and telephone number.

Dated: October 20, 1995.

Roy Everhart,

Intermountain Field Area, National Park Service.

[FR Doc. 95–28379 Filed 11–16–95; 8:45 am]

BILLING CODE 4310–70–P

Advisory Commission for the San Francisco Maritime National Historical Park; Meeting

Agenda for the December 7, 1995 Meeting of the Advisory Commission for the San Francisco Maritime National Historical Park

Public Meeting, Fort Mason, Building C, Room 370, 9:30 am–12:15 pm

9:30 am—At Building C
- Welcome—Neil Chaitin, Chairman,
- Proclamation Presentation—Neil Chaitin, Chairman,
- Opening Remarks—Neil Chaitin, Chairman
- William G. Thomas, Superintendent
- Old Business
- Approval of Minutes

9:45 am—Orientation to Park Departments
- Collections, Judy Hitzeman, Supervisory Archivist
- Small Craft, William Doll, Curator of Small Craft

10:05 am—Update—Museum Accreditation San Francisco
- Maritime National Historical Park, Marc Hayman—Chief, Interpretation and Resource Management

10:15 am—Update—General Management Plan, William G. Thomas, Superintendent

10:30 am—Break.

10:45 am—FY–96 Ships Division Priorities, Acting Ships Manager

11:15 am—FY–96 Budget, William G. Thomas, Superintendent
11:30 am—Status Report—Disaster Planning, Marc Hayman, Chief, Interpretation & Resource Management
11:45 am—Public questions and comments
12:00 pm—Agenda Items/Date for next meeting.

Dated: November 3, 1995.

William G. Thomas,

Superintendent, San Francisco Maritime NHP.

[FR Doc. 95–28364 Filed 11–16–95; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and State:

Volume V

Kansas
KS950067 (Nov. 17, 1995)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

New Jersey
NJ950002 (Feb. 10, 1995)
NJ950003 (Feb. 10, 1995)
NJ950004 (Feb. 10, 1995)
NJ950007 (Feb. 10, 1995)
NJ950009 (Feb. 10, 1995)
NJ950015 (Feb. 10, 1995)
New York
NY950003 (Feb. 10, 1995)

Volume II

Pennsylvania
PA950006 (Feb. 10, 1995)
PA950026 (Feb. 10, 1995)
PA950030 (Feb. 10, 1995)
PA950031 (Feb. 10, 1995)
Virginia
VA950001 (Feb. 10, 1995)
VA950002 (Feb. 10, 1995)
VA950013 (Feb. 10, 1995)
VA950111 (Feb. 10, 1995)

Volume III

Alabama
AL950004 (Feb. 10, 1995)
AL950034 (Feb. 10, 1995)

Volume IV

Illinois
IL950001 (Feb. 10, 1995)
IL950002 (Feb. 10, 1995)
IL950003 (Feb. 10, 1995)
IL950004 (Feb. 10, 1995)
IL950005 (Feb. 10, 1995)
IL950006 (Feb. 10, 1995)
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IL950017 (Feb. 10, 1995)
IL950019 (Feb. 10, 1995)
IL950020 (Feb. 10, 1995)
IL950023 (Feb. 10, 1995)
IL950026 (Feb. 10, 1995)
IL950049 (Feb. 10, 1995)
Michigan
MI950030 (Feb. 10, 1995)

Volume V

Kansas
KS950003 (Feb. 10, 1995)
KS950004 (Feb. 10, 1995)
KS950005 (Feb. 10, 1995)
KS950014 (Feb. 10, 1995)
KS950061 (Feb. 10, 1995)
KS950063 (Feb. 10, 1995)
KS950064 (Feb. 10, 1995)
New Mexico
NM950001 (Feb. 10, 1995)

Volume VI

Colorado
CO950001 (Feb. 10, 1995)
North Dakota
ND950001 (Feb. 10, 1995)
ND950019 (Feb. 10, 1995)
ND950027 (Feb. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and Related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 9th day of November 1995.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 95–28151 Filed 11–16–95; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (95–101)]

NASA Advisory Council; Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Science and Applications Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Sciences and Applications Advisory Subcommittee.

DATES: December 15, 1995, 9 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room MIC–3A, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Roger K. Crouch, Code UG, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0818.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Program Status Report
—Space Station Resources and Utilization
—Committee on Microgravity Research Report
—Life and Microgravity Sciences Proposed Reorganization
—U.S.-Russian Science Cooperative Program
—NASA/MIR Station Program
—HEDS Metrics
—Informal Discussion

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: November 13, 1995.

Danalee Green,

Chief, Management Controls Office, National Aeronautics and Space Administration.

[FR Doc. 95–28373 Filed 11–16–95; 8:45 am]

BILLING CODE 7510–01–M

[Notice (95–100)]

NASA Advisory Council, Earth Systems Science and Applications Advisory Committee (ESSAAC), Earth Observing System Data and Information System Advisory Subcommittee (ESDAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth System Science and Applications Advisory Committee.

DATES: December 1, 1995, 9 a.m. to 4 p.m.

ADDRESSES: National Aeronautics and Space Administration, MIC–5A Conference Room, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: James L. Harris, Code YD, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2234.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The provisional agenda for the meeting is as follows:

—Discussion of NASA's Response to the Board on Sustainable Development Summer Study at LaJolla, CA
—Cost Modeling Progress
—Findings, Conclusions, and Recommendations.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: November 13, 1995.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 95–28372 Filed 11–16–95; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506

FOR FURTHER INFORMATION CONTACT: Sharon I. Block, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged

or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* December 1, 1995.
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review applications submitted to Library and Archival Preservation and Access Projects, submitted to the Division of Preservation and Access Projects, for projects beginning after May 1, 1996.

Sharon I. Block,

Advisory Committee Management Officer.

[FR Doc. 95–28368 Filed 11–16–95; 8:45 am]

BILLING CODE 7536–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36475; File No. SR–CBOE–95–61]

November 9, 1995.

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Chicago Board Options Exchange, Incorporated Relating to Arbitration Rules

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 31, 1995, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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 CBOE. The Exchange has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (e)(6) of Rule 19b–4 under the Act which renders the proposal effective upon receipt of this filing by the Commission.[1] 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 Exchange proposes to amend certain provisions in Chapter XVIII, ''Arbitration,'' of the Rules of the CBOE.[2] Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

Chicago Board Options Exchange Inc.—Rules

* * * * *

Chapter XVIII—Arbitration

* * * * *

Procedure in Member Controversies

Rule 18.2 The following procedures shall apply in any dispute, claim or controversy between parties who are members or persons associated with a member which is submitted for arbitration pursuant to Rule 18.1(a):

(a) Selection of Arbitrators. The arbitration panel shall be selected by the [Chairman of the Arbitration Committee] *Director of Arbitration* and shall consist of not less than three members of the *Arbitration* Committee.

(b) [Peremptory] Challenges. Each party to the dispute may peremptorily challenge any person appointed to the arbitration panel. There shall be no fixed limit on the number of peremptory challenges by a party; however, no party may assert an unreasonable number of challenges. [The Chairman of the Arbitration Committee] *The Director of Arbitration* shall deny peremptory challenges if both [he and] the Director of Arbitration *and the Chairman of the Arbitration Committee* agree that the number of such challenges by a party has been unreasonable. *Unless extended by the Director of Arbitration, a party wishing to exercise a peremptory challenge must do so by notifying the Director of Arbitration in writing within five (5) business days of notification of the identity of the person(s) named under Rule 18.11 or Rule 18.22 (d) or (e), whichever comes first. There shall be unlimited challenges for cause.*

[(c) The minimum filing deposit and fee shall be $75.00. If the claim would require a higher filing deposit and fee under Rule 18.33, the higher amount shall be required. In the event that a matter is resolved prior to the hearing, a minimum of $50.00 of the filing deposit will be retained by the Exchange.]

[(d) *(c)* [Additional provisions relating to member controversies are set forth [beginning at] *in* Rule 18.34] *In any arbitration concerning the alleged failure to pay for floor brokerage services, the following additional provisions shall apply:*

(1) In order to commence such a proceeding, the claimant shall include with his statement of claim the following: (1) Copies of billing copies of order tickets relating to the unpaid brokerage; (ii) copies of monthly bills reflecting the unpaid brokerage; (iii) copies of evidence reflecting the claimant's post-billing efforts to collect the unpaid brokerage; and (iv) a certification of any efforts, not reflected in writing, made to collect the unpaid brokerage.

(2) If the arbitrators find that the respondent knowingly and purposefully failed to pay for floor brokerage services, and such failure was without sufficient justification or excuse, then the arbitrators have the authority to award up to two times the amount of the brokerage bill, in addition to whatever determinations the arbitrators may ordinarily make concerning arbitration fees, interest, and attorney's fees or other expenses.

[(e)] (*d*) General. Subject to the foregoing [exceptions] *provisions of this Rule* the [provisions] *other Rules* of [the Uniform Arbitration Code contained in Rules 18.5 through 18.33] *Chapter 18* shall apply *to arbitrations between members except for those provisions specifically applicable to arbitrations* [except insofar as such provisions specifically apply to matters] involving public customers.

* * * * *

[Payment for Floor Brokerage Services]

[Rule 18.34 In any arbitration between parties who are members or persons associated with a member concerning the alleged failure to pay for floor brokerage services, Chapter XVIII shall be supplemented by the following provisions:

(a) In order to commence such a proceeding, the claimant shall include with his statement of claim the following: (1) Copies of billing copies of order tickets relating to the unpaid brokerage; (2) copies of monthly bills reflecting the unpaid brokerage; (3) copies of evidence reflecting the claimant's post-billing efforts to collect the unpaid brokerage; and (4) a certification of any efforts, not reflected in writing, made to collect the unpaid brokerage.

(b) If the arbitrators find that the respondent knowingly and purposefully failed to pay for floor brokerage services,

[1] The CBOE has represented that this proposed rule change: (i) will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition, and (iii) will not become operative for 30 days after the date of this filing. The CBOE also has provided at least five business days notice to the Commission of its intent to file this proposed rule change, as required by Rule 19b–4(e)(6) under the Act.

[2] *CBOE Guide*, Rules, Chapter XVIII (CCH) ¶¶2513–2540D.

and such failure was without sufficient justification or excuse, then the arbitrators have the authority to award up to two times the amount of the brokerage bill, in addition, to whatever determinations the arbitrators may ordinarily make concerning arbitration fees, interest, and attorney's fees or other expenses.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE 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 CBOE 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, Proposed Rule Change

The purpose of this rule change is to revise certain Exchange rules governing arbitration procedures. First, the authority of the Director of Arbitration to appoint the arbitration panels in disputes between members will be codified. Currently, paragraph (a) of CBOE Rule 18.2 specifies that the Chairman of the Arbitration Committee shall appoint the arbitration panel. However, in practice, the Chairman of the Arbitration Committee delegates the authority to select the panel to the Director of Arbitration, the Exchange employee charged with administering CBOE's arbitration forum. Therefore, this change would conform the rule to current practice. It should also be noted that in disputes between non-members and members or persons associated with members, the Director of Arbitration is authorized, under Exchange Rules 18.4 and 18.10, to appoint a sole arbitrator and the members of an arbitration panel. Thus, this rule change will make the rules governing the selection of arbitrators consistent.

A second change would more closely conform Rule 18.2 with a rule governing arbitrations in non-member disputes. Rule 18.12, *Challenges,* authorizes the Director of Arbitration to award additional peremptory challenges and to extend the time for exercising peremptory challenges. Paragraph (b) of Rule 18.2 would be changed to grant the Director of Arbitration the right to deny peremptory challenges in member disputes, if both the Director and the Chairman of the Arbitration Committee agree that the number of such challenges has been unreasonable. In addition, paragraph (b) would set a five business day time limit for notifying the Director of Arbitration concerning peremptory challenges. Paragraph (b) would also state that there may be unlimited challenges for cause, consistent with Rule 18.12.

Existing paragraph (c) of Rule 18.2 is proposed to be deleted because the fees are already more completely governed by Rule 18.33, *Schedule of Fees.* In addition, the second sentence of existing paragraph (c) of Rule 18.2, which concerns the retention of $50 of the filing deposit, is superseded by and inconsistent with paragraph (a) of Rule 18.33 which states that the filing fee is non-refundable.

Rule 18.34 will be deleted, and its provisions will be incorporated into Rule 18.2 as new paragraph (c). This change will combine in a single rule, related provisions governing procedures in member controversies.

Finally, a few editorial revisions, for clarification purposes, are proposed to be made to current paragraph (e), and that paragraph will be re-lettered as paragraph (d).

The proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade and the protection of investors and the public interest by improving the administration of an impartial arbitration forum for the resolution of disputes between members, persons associated with members and public investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule filing has been filed by the Exchange as a ''noncontroversial'' rule change pursuant to paragraph (e)(6) of Rule 19b–4. Consequently, the rule change will become operative thirty days after the filing of this rule proposal.

At any time within 60 days of the filing of such 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 in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to file number SR–CBOE–95–61 and should be submitted by December 8, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28400 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36476; File No. SR–DTC–95–16]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Modification of DTC's Reclamation Procedures

November 9, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 23, 1995, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1) (1988).

change (File No. SR–DTC–95–16) as described in Items I and II below, which items have been prepared primarily by DTC. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to modify DTC's reclamation procedures as part of the conversion of DTC's money settlement system to an entirely same-day funds settlement (''SDFS'') system. The proposed rule change will affect reclamations that are processed in both the SDFS system and the next-day funds settlement (''NDFS'') system.[2] The revisions include (1) extending the period DTC will match reclaims with deliveries from the business day the reclaim is submitted to the business day the reclaim is submitted and the prior business day and (2) processing unmatched reclaims instead of rejecting them.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

DTC planned to implement modifications to its reclamation procedures in the second quarter of 1995, but the implementation was postponed until the third quarter of 1995 at the request of participants.[4] Some participants were concerned that the modified reclamation procedures would be implemented at a time when the number of reclamations might increase as a result of the implementation of the shortened settlement time frame required under Commission Rule 15c6–1, which became effective on June 7, 1995.[5]

Furthermore, after additional discussions with participants, The Cashiers Association of Wall Street, the Securities Lending Division of the Securities Industry Association, and the New York Clearing House Association, DTC revised the planned modifications to the reclamation procedures as discussed below. The revisions include (1) extending the period for matching reclaims with deliveries from the business day the reclaim is submitted to the business day the reclaim is submitted and the prior business day and (2) process unmatched reclaims instead of rejecting them.

The reclaim matching period is the period in which DTC's system will search for the original securities delivery or payment order being reclaimed in order to determine whether the reclaim should be processed as a matched reclaim or as an unmatched reclaim. The original version of the revised reclaim procedures provided for a reclaim matching period of sixty business days in certain cases. DTC later concluded that almost all reclaims are likely to be matched using two business days, and any complications presented by a longer period for matching reclaims are unnecessary. Therefore, under the porposed rule change DTC will attempt to match reclaims to transactions processed either on the same day the reclamation is entered or on the prior business day. All reclaims with a corresponding orginal transaction that completed on the current or the preceding business day will be processed as ''matched reclaims.''

Matched SDFS reclaims will not be subject to Receiver-Authorized Delivery (''RAD'') processing, which means that the receiver of a matched SDFS reclaim will not have the opportunity to review and approve the reclaim before it is processed. All matched SDFS reclaims with a settlement value less than $15 million will not be subject to participants' risk management controls (*i.e.*, collateral monitor and net debit caps). Matched SDFS reclaims with a settlement value of $15 million or more will be subject to normal risk management controls.

The receiver of a matched reclaim will not be able to enter a reclaim reversal through DTC's automated reclamation facility. If a matched reclaim needs to be reversed, it must be entered through the free form mode and it will be treated as an unmatched reclaim.[6]

Under the proposed rule change, DTC will process unmatched reclaims subject to certain controls instead of rejecting them. Unmatched reclaims are those that cannot be matched to a completed original transaction. Unmatched reclaims also include partial reclaims, reclaims received by DTC during the night cycle, and reclaims of transactions that were processed more than one business day prior to the day on which the reclaim is submitted. All unmatched SDFS reclaims will be subject to RAD processing, which means the receiver of an unmatched reclaim will have an opportunity to review and approve the reclaim before it is processed. Unmatched SDFS reclaims also will be subject to participants' collateral and risk management controls regardless of the settlement value.

DTC believes the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because the rule proposal will facilitate the processing of reclaims of securities deliveries and payment orders which were made through DTC's facilities. DTC believes the proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody and control or for which it is responsible because the proposed rule change modifies DTC's existing reclamation procedures.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no adverse impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC informed participants of the proposed revisions to the reclamation procedures by a DTC Important Notice dated June 22, 1995. No written comments have been received.

[2] The changes described in this notice and order apply to both NDFS and SDFS reclaims unless specified as otherwise.

[3] The Commission has modified the text of the summaries submitted by DTC.

[4] A reclaim is the return of a delivery order or a payment order by a participant.

[5] Securities Exchange Act Release Nos. 33023 (October 6, 1993), 58 FR 52891 (adoption of Rule 15c6–1) and 34952 (November 9, 1994) 59 FR 59137 (changing the effective date of Rule 15c6–1).

[6] A reclaim submitted in a free form mode refers to a reversal submitted as a deliver order or a payment order through either Mainframe Dual Host, Computer-to-Computer Facility, or Participant Terminal System and identified as a reclaim by its reason code, which returns the securities or payment order to the original delivering party.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[7] The Commission believes that DTC's reclamation procedures are consistent with DTC's obligations under section 17A(b)(3)(F) to promote the prompt and accurate clearance and settlement of securities transactions because the proposed procedures extend the period in which reclaims are matched and processed from one business day to two business days, which should reduce the number of unmatched or rejected reclaims. DTC believes that almost all reclaims will be processed within the two business day period. In addition, under the proposal DTC will process unmatched reclaims subject to certain risk management controls rather than rejecting them thus further reducing the number of rejected reclaims.

The Commission also believes the proposal is consistent with DTC's obligation to safeguard securities and funds in its custody or control or for which it is responsible because the processing of matched reclaims with settlement values exceeding $15 million will be subject to DTC's risk management controls and unmatched reclaims will be subject to DTC's risk management controls and RAD processing. Matched reclaims with settlement values exceeding $15 million and all unmatched reclaims that violate receiving or delivering participants' net debit caps or collateral monitors will not be completed and will await processing until sufficient collateral or credits are applied to the participants' accounts. Unmatched reclaims also will be subject to RAD processing. Therefore, receiving participants will have the opportunity to review and approve unmatched reclaims of $15 million or more before they are processed.

DTC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for so approving the proposed rule change because accelerated approval will allow DTC participants to benefit from the expanded reclamation matching period and the processing of unmatched reclaims subject to certain controls immediately upon implementation of the necessary system changes. The Commission also believes that accelerated approval will provide DTC participants with ample time to become familiar with the new reclamation procedures prior to final implementation of SDFS on February 22, 1996.

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 in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File Number SR–DTC–95–16 and should be submitted by December 8, 1995.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–95–16) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28397 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21487; No. 812–9642]

AIM Variable Insurance funds, Inc., et al.

November 9, 1995.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of Application for an exemption pursuant to the Investment Company Act of 1940 (the ''1940 Act'').

APPLICANTS: AIM Variable Insurance Funds, Inc. (''Company''), AIM Advisors, Inc. (''AIM''), and certain life insurance companies (''Participating Insurance Companies'') and their separate accounts (''Separate Accounts'') that currently or in the future will invest in the Company.

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 6(c) granting exemptions from the provisions of Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

SUMMARY OF APPLICATION: Applicants seek an order to permit shares of the Company and shares of any other investment company that is offered as a vehicle to fund insurance products and for which AIM, or any of its affiliates, may serve as manager, investment adviser, administrator, principal underwriter or sponsor (such other investment companies, including any series thereof, together with the Company and each of its series, are the ''Funds'') to be sold to and held by: (a) Separate Accounts funding variable annuity and variable life insurance contracts issued by both affiliated and unaffiliated Participating Insurance Companies, and (b) qualified pension and retirement plans outside of the context of Separate Accounts (''Qualified Plans'' or ''Plans'').

FILING DATE: The application was filed on June 22, 1995 and amended on October 23, 1995.

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 must be received by the Commission by 5:30 p.m. on December 4, 1995, and must 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 writer'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, D.C. 20549. Applicants, c/o Nancy L. Martin, Esq., AIM Advisors, Inc., 11 Greenway Plaza, Suite 1919, Houston, Texas 97046–1173.

FOR FURTHER INFORMATION CONTACT: Kevin M. Kirchoff, Senior Counsel, or Wendy Friedlander, Deputy Chief, Office of Insurance Products (Division

[7] 15 U.S.C. § 78q–1(b)(3)(F) (1988).

[8] 17 CFR 200.30–3(a)(12) (1994).

of Investment Management), at (202) 942–0670.

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. The Company is a Maryland corporation registered pursuant to the 1940 Act as an open-end management investment company. Currently, the Company's common stock is divided into nine separate series, each representing an interest in a separate investment portfolio with its own investment objectives, program, policies and restrictions.

2. AIM, a Delaware corporation organized in 1976, is registered with the Commission pursuant to the Investment Advisers Act of 1940 and serves as the investment adviser to each Fund. AIM is a wholly-owned subsidiary of AIM Management Group Inc.

3. Shares of the funds are currently offered and sold to Separate Accounts of Connecticut General Life Insurance Company (''CG''), Citicorp Life Insurance Company (''Citicorp Life'') and First Citicorp Life Insurance Company (''First Citicorp,'' together with CG and Citicorp Life, the ''Current Insurance Companies''), to fund benefits under variable annuity contracts (''VA Contracts'') issued by these insurance companies, and to AIM and CG in connection with the initial capitalization of each Fund. Each of these Separate Accounts is registered as a unit investment trust pursuant to the 1940 Act.

4. Prior to obtaining the exemptive relief sought in the application, the Funds intend to offer and sell their shares to Separate Accounts of the Current Insurance Companies as well as other Participating Insurance Companies, affiliated or unaffiliated with the Current Insurance Companies, to fund benefits under VA Contracts issued by these insurance companies. After obtaining exemptive relief, the Funds intend to offer and sell their shares to Separate Accounts of Participating Insurance Companies, including the Current Insurance Companies and insurance companies that are affiliated or unaffiliated therewith, to fund benefits under VA Contracts as well as single premium, scheduled premium and flexible premium variable life insurance contracts (''VLI Contracts,'' together with VA Contracts, the ''Contracts'') issued by these insurance companies.

5. The Participating Insurance Companies, either directly or through affiliated persons (''affiliates''), may serve, or be deemed to serve, as investment advisers, principal underwriters and/or depositors of, as appropriate, their respective Separate Accounts and/or the Funds.

6. The Funds also intend to offer and sell their shares to a variety of Qualified Plans as permitted by applicable tax law. Depending on the type of Qualified Plan, shares of the Funds may be held in trust by one or more trustees pursuant to Section 403(a) of the Employee Retirement Income Security Act of 1974. In addition, depending on the terms of a Qualified Plan, one or more of the Funds may serve as the sole investment vehicle under the Plan or as one of several interest alternatives. Also, Plan participants may be given an investment choice depending on the terms of the Plan. AIM will not act as investment adviser to any of the Qualified Plans that purchase shares of any of the Funds, except to the extent permitted by applicable law. Fund shares held by any Qualified Plan will be voted in accordance with the terms of the Plan pursuant to applicable law.

Applicants' Legal Analysis

1. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of a single insurance company (or of two or more affiliated insurance companies) is referred to as ''mixed funding.'' The use of a common management investment company as the underlying investment medium for variable annuity and variable life insurance separate accounts of unaffiliated insurance companies is referred to as ''shared funding.'' ''Mixed and shared funding'' denotes the use of a common management investment company to fund the variable annuity and variable life insurance separate accounts of affiliated and unaffiliated insurance companies.

2. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the 1940 Act (collectively, the ''Rules'') provide separate accounts organized as unit investment trusts with partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act in connection with scheduled premium and flexible premium VLI Contracts, respectively.

3. The exemptions provided by the Rules, however, are subject to certain exclusivity requirements that prohibit mixed and shared funding in the case of Rule 6e–2, prohibit shared funding in the case of Rule 6e–3(T), and prohibit the offering of underlying fund shares to Qualified Plans under both Rules.

4. Applicants state that, because the relief under the Rules is available only where shares of the Funds are offered exclusively to Separate Accounts, additional exemptive relief is necessary if the shares of the Funds also are to be sold to Plans.

5. Applicants state that the promulgation of the Rules preceded the issuance of the Treasury Department Regulations that made it possible for shares of an investment company to be held by the trustee of a Qualified Plan without adversely affecting the ability of shares in the same investment company also to be held by the separate accounts of insurance companies in connection with their variable contracts. Thus, the sale of shares of the same investment company to separate accounts and Qualified Plans could not have been envisioned at the time of the adoption of the Rules.

6. Section 6(c) of the 1940 Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the 1940 Act and the rules promulgated thereunder 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 purposes fairly intended by the policy and provisions of the 1940 Act.

7. Accordingly, Applicants request that the Commission, pursuant to Section 6(c) of the 1940 Act, issue an order granting exemptions to Participating Insurance Companies and their Separate Accounts (and any investment adviser, principal underwriter and depositor of such a Separate Account and/or a Fund) from the provisions of Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder to the extent necessary to permit shares of the Funds to be sold to and held by (a) Separate Accounts funding VA Contracts and VLI Contracts issued by both affiliated and unaffiliated Participating Insurance Companies and (b) Qualified Plans, under the circumstances described in the application.

8. Section 9(a)(3) of the 1940 Act provides that it is unlawful for any company to serve as investment adviser or principal underwriter of any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in Section 9(a) (1) or (2). Subject to certain exclusivity requirements, the Rules provide partial exemptions from Section 9(a) by limiting the disqualification to affiliated

individuals or companies that directly participate in the management or administration of the underlying investment company. The partial relief granted by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of Section 9(a) of the 1940 Act, in effect, limits the amount of monitoring necessary to ensure compliance with Section 9(a) to that which is appropriate in light of the policy and purposes of the section. Applicants argue that the Rules reflect the Commission's recognition that it is unnecessary to apply Section 9(a) to the many individuals who may be involved in an insurance company complex, but have no connection with the investment company funding the separate accounts. Applicants further argue that Rule 6e–3(T) reflects the Commission's recognition that it is unnecessary to apply Section 9(a) to such individuals in the context of mixed funding.

9. Applicants are aware of no reason the exemptions from Section 9(a) provided by Rule 6e–2 should not be coextensive with that provided by Rule 6e–3(T) with regard to mixed funding. In addition, Applicants are aware of no reason to limit the availability of the exemptions provided by the Rules in the context of shared funding and are not aware of any instance where the Commission or its staff has applied the requirements of Section 9(a) fully in the context of a shared funding arrangement.

10. Applicants do not expect Participating Insurance Companies to play any role in the management or administration of the Funds. Therefore, it is unlikely that they will need to rely on the partial exemptions provided by the Rules. However, in the event Participating Insurance Companies find such relief necessary, no regulatory purpose would be served by applying the full monitoring requirements of Section 9(a). Indeed, applying these requirements would increase the monitoring costs incurred by the Participating Insurance Companies and, therefore, the level of administrative charges borne by Contract owners, which would reduce the net rates of return realized by Contract owners.

11. Applicants also submit that the proposed sale of shares of the Funds to Qualified Plans would not affect the relief requested. Applicants state that the Participating Insurance Companies would engage in the same level of monitoring regardless of whether shares of the Funds were sold to Qualified Plans. Qualified Plans are not subject to Section 9(a), because they are not investment companies.

12. Applicants request relief comparable to that provided by paragraphs (b)(4) and (b)(15) of Rules 6e–2 and 6e–3(T) to the extent necessary to provide exemptions from Section 9(a), in the context of mixed and shared funding, with respect to *variable annuity* Separate Accounts of Participating Insurance Companies.

13. Section 9(a)(3) of the 1940 Act provides that it is unlawful for any company to serve as principal underwriter or depositor for any registered unit investment trust, such as the Separate Accounts, if an affiliated person of that trust is subject to a disqualification enumerated in Section 9(a) (1) or (2). Paragraph (b)(4) of Rules 6e–2 and 6e–3(T) provides partial exemptions from Section 9(a) by limiting the disqualification to affiliated individuals or companies that directly participate in the management or administration of a registered unit investment trust separate account or in the sale of variable life insurance contracts funded by such separate account. Applicants argue that the partial relief provided by Rules 6e–2(b)(4) and 6e–3(T)(b)(4) parallels that provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15), discussed above. Applicants assert that, like the relief provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15), the partial relief granted by Rules 6e–2(b)(4) and 6e–3(T)(b)(4), from the requirements of Section 9(a) of the 1940 Act, in effect, limits the amount of monitoring necessary to ensure compliance with Section 9(a) to that which is appropriate in light of the policy and purposes of such Section.

14. The effect of the requested relief would be to exempt, from the automatic disqualification provisions of Section 9(a), the officers, directors and employees of Participating Insurance Companies, and their affiliates, who do not participate directly in the management or administration of variable annuity Separate Accounts or the Funds underlying Separate Accounts funding VA Contracts, or in the sale of VA Contracts funded by such Separate Accounts. Such relief would be the same as the relief available under Rules 6e–2(b)(4) and (b)(15) and 6e–3(T)(b)(4) and (b)(15) with respect to variable life insurance Separate Accounts.

15. Applicants are aware of no reason the exemptions from Section 9(a) provided by Rules 6e–2(b)(4) and (b)(15) and Rules 6e–3(T)(b)(4) and (b)(15) with respect to variable life insurance contracts should not apply also with respect to variable annuity contracts.

16. Applicants request exemptive relief to limit the scope of Section 9(a) to those officers, directors, and employees of Participating Insurance Companies, and their affiliates, who participate directly in the management or administration of variable annuity Separate Accounts or the Funds underlying such Separate Accounts or in the sale of VA Contracts funded by the Separate Accounts.

17. Section 13(a) of the 1940 Act provides that it is unlawful for any registered investment company to, unless authorized by the vote of a majority of its outstanding voting securities, change its subclassification as open-end or closed-end investment company; engage in certain transactions and investment practices unless they are in accordance with the recitals of policy contained in its registration statement; deviate from certain investment policies of other fundamental policies; or cease to be an investment company.

Section 15(a) of the 1940 Act provides certain requirements regarding any contract between a fund and its investment advisor, including the provision that such contract may be terminated at any time by vote of a majority of the outstanding voting securities of such fund.

18. Rules 6e–2(b)(15) (iii) and 6e–3(T)(b)(15)(iii) under the 1940 Act provide exemptions from the pass-through voting requirement with respect to several significant matters, assuming observance of the limitations on mixed and shared funding imposed by the 1940 Act and the rules thereunder.

Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(iii)(A) provide that the insurance company may disregard voting instructions of its contract owners with respect to the investments of an underlying fund, or any contract between a fund and its investment advisor, when required to do so by an insurance regulatory authority.

Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(B) provide that the insurance company may disregard voting instructions of its contract owners if the contract owners initiate any change in the company's investment policies, principal underwriter, or any investment advisor, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(15)(ii) and (b)(7)(ii) ((B) and (C) of each rule.

19. Applicants submit that neither mixed nor shared funding compromises the goals of the state insurance regulatory authorities or of the Commission. Indeed, by permitting such arrangements, the Commission eliminates needless duplication of start-up and administrative expenses and

potentially increases an investment company's assets, thereby making effective portfolio management strategies easier to implement and promoting other economies of scale. Applicants do not perceive that the sale of shares of the Funds to Qualified Plans would have any impact on the relief requested in this regard.

20. Applicants submit that no increased conflicts of interest would be present if the Commission grants the exemptive relief requested in the application.

21. Applicants further submit that granting the requested relief would enable Participating Insurance Companies investing in the Funds to: (a) avoid the costs of organizing and operating a funding medium, particularly the costs of obtaining expertise with respect to investment management; (b) expand the variety of funding options available under existing or future Contracts; and (c) benefit not only from the investment advisory and administrative expertise of the Funds' investment adviser, but also from the costs efficiencies and investment flexibility afforded by a large pool of funds. Moreover, sales of shares of the Funds to Qualified Plans in addition to Separate Accounts should result in an increased amount of assets available for investment by such Funds. Such an increase in assets should inure to the benefit of Contract owners by promoting economies of scale, by permitting greater safety through greater diversification, and by making the addition of new Funds more feasible. Applicants believe there is no significant legal impediment to permitting mixed and shared funding.

Applicants' Conditions

1. A majority of the Board of Directors (''Board'') of each Fund will consist of persons who are not ''interested persons'' thereof, as defined by Section 2(a)(19) of the 1940 Act and the rules thereunder and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification, or bona fide resignation of any director, then the operation of this condition shall be suspended: (a) for a period of 45 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. Each Board will monitor its Fund for the existence of any material irreconcilable conflict among the interests of the Contract owners of all Separate Accounts and all Plan participants investing in the Fund. A material irreconcilable conflict may arise for a variety of reasons, including: (a) an action by any state insurance or other regulatory authority; (b) a change in applicable federal or state insurance, tax or securities law or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Funds are being managed; (e) a difference in voting instructions given by VA Contract owners and VLI Contract owners; (f) a decision by a Participating Insurance Company to disregard the voting instruction of Contract owners; or (g) a decision by a Plan to disregard the voting instructions of Plan participants.

3. Participating Insurance Companies, AIM (or any other investment adviser of a Fund), and any Plan that executes a fund participation agreement upon becoming an owner of 10% or more of the assets of a Fund (such a Plan being referred to hereafter as a ''Participating Plan''), will report any potential or existing conflicts to the Board of the relevant Fund. Participating Insurance Companies, AIM (or any other investment adviser of a Fund), and Participating Plans will be responsible for assisting the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation of Participating Insurance Company or a Participating Plan to inform the Board whenever it has determined to disregard Contract owner, a Plan participant, voting instructions, respectively. The responsibility to report such information and conflicts and to assist the Board will be contractual obligations of all Participating Insurance Companies and Participating Plans investing in the Funds under their agreements governing participation in the Funds, and such agreements shall provide that these responsibilities will be carried out with a view only to the interests of Contract owners and Plan participants.

4. If it is determined by a majority of the Board of a Fund, or by a majority of its disinterested directors, that a material irreconcilable conflict exists, the relevant Participating Insurance Companies and Participating Plans will, at their expense and to the extent reasonably practicable (as determined by a majority of the disinterested directors), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, which steps could include: (a) withdrawing the assets allocable to some or all of the Separate Accounts and Participating Plans from the Funds and reinvesting such assets in a different investment medium, which may include another Fund, or submitting the question of whether such segregation should be implemented to a vote of all affected Contract owners and Plan participants and, as appropriate, segregating the assets of any appropriate group (*i.e.*, VA Contract owners and/or VLI Contract owners of one or more Participating Insurance Companies, and/or participants of one or more Participating Plans) that votes in favor of such segregation, or offering to the affected Contract owners and Plan participants the option of making such a change; and (b) establishing a new registered management investment company or managed Separate Account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company or Participating Plan to disregard Contract owner or Plan participant voting instructions, respectively, and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company or Participating Plan may be required, at the election of the relevant Fund, to withdraw its Separate Account's investment or, in the case of a Participating Plan, its participants' investments, in such Fund, and no charge or penalty will be imposed as a result of such withdrawal.

The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bear the cost of such remedial action will be a contractual obligation of all Participating Insurance Companies and Participating Plans under their agreements governing participation in the Funds and such agreements shall provide that these responsibilities will be carried out with a view only to the interests of Contract owners and Plan participants. For purposes of this Condition Four, a majority of the disinterested directors of the Board will determine whether any proposed action adequately remedies any material irreconcilable conflict, but in no event will the relevant Fund or AIM (or any other investment adviser of the Funds) be required to establish a new funding medium for any Contract. No Participating Insurance Company shall be required by this Condition Four to establish a new funding medium for any

Contract if an offer to do so has been declined by vote of a majority of Contract owners materially and adversely affected by the material irreconcilable conflict. No Participating Plan shall be required by this Condition Four to establish a new funding medium for any Plan participant if (a) a majority of Plan participants materially and adversely affected by the material irreconcilable conflict vote to decline such offer or (b) pursuant to governing Plan documents and applicable law, the Participating Plan makes such decision without a Plan participant vote.

5. The Board's determination of the existence of a material irreconcilable conflict and its implications will be made known promptly and in writing to all Participating Insurance Companies and Participating Plans.

6. Participating Insurance Companies will provide pass-through voting privileges to Contract owners who invest in registered Separate Accounts so long as the Commission interprets the 1940 Act to require pass-through voting privileges for Contract owners. Accordingly, the Participating Insurance Companies will vote shares of a Fund held in their registered Separate Accounts in a manner consistent with voting instructions timely received from Contract owners. Each Participating Insurance Company will vote shares for which it has not received timely voting instructions, as well as shares attributable to it (and to any unregistered Separate Accounts supporting Contracts for which no voting privileges have been granted to the owners thereof), in the same proportion as it votes shares for which it has received timely instructions. Participating Insurance Companies will be responsible for assuring that each of their registered Separate Accounts calculates voting privileges in a manner consistent with other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with all other registered Separate Accounts investing in the Fund will be a contractual obligation of all Participating Insurance Companies under the agreements governing participation in the Fund. Each Participating Plan will vote as required by applicable law and governing Plan documents.

7. All reports of potential or existing conflicts received by the Board, and all Board action with regard to: (a) determining the existence of a conflict; (b) notifying Participating Insurance Companies and Participating Plans of a conflict; and (c) determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the appropriate Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

8. Each Fund will notify all Participating Insurance Companies that Separate Account prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate. Each Fund will disclose in its prospectus that: (a) shares of the Fund are offered in connection with mixed and shared funding, and are offered to Plans; (b) mixed and shared funding may present certain conflicts of interest; (c) due to differences in tax treatment and other considerations, the interests of various Contract owners investing in Separate Accounts investing in the Funds, and the interests of Plan participants investing in the Funds, may conflict; and (d) the Board of the Fund will monitor for the existence of any material conflicts and determine what action, if any, should be taken.

9. Each Fund will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the person having a voting interest in shares of the Fund), and, in particular, each Fund will either provide for annual meetings (except insofar as the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) of the 1940 Act (although the Funds are not one of the trusts described in Section 16(c) of the 1940 Act), as well as with Section 16(a), and, if applicable, Section 16(b) of the 1940 Act. Further, each Fund will act in accordance with the Commission's interpretation of the requirements of Section 16(a) with respect to periodic elections of directors and with whatever rules the Commission may promulgate with respect thereto.

10. If, and to the extent that, Rules 6e–2 and 6e–3(T) are amended (or if Rule 6e–3 under the 1940 Act is adopted) to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested by Applicants, then the Funds and/or the Participating Insurance Companies, as appropriate, shall take such steps as necessary to comply with Rules 6e–2 and 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent applicable.

11. No less than annually, the Participating Insurance Companies, the Participating Plans, and/or AIM (or any other investment adviser of a Fund) shall submit to the Board such reports, materials, or data as the Board may reasonably request so that the Board may carry out fully the obligations imposed upon it by the conditions contained in any Commission order. The responsibility to submit such reports, materials, and data to the Board shall be a contractual obligation of all Participating Insurance Companies and Participating Plans under the agreements governing their participation in the Funds.

12. A Participating Insurance Company, or any affiliate, will maintain at its home office, available to the Commission, (i) a list of its officers, directors and employees who participate directly in the management or administration of any VA Separate Account organized as a unit investment trust or of the Funds and/or (ii) a list of its agents who, as registered representatives, offer and sell VA Contracts. These individuals will continue to be subject to the automatic disqualification provisions of Section 9(a).

13. If a Qualified Plan should ever become an owner of 10% or more of the assets of a Fund, such Qualified Plan will execute a fund participation agreement with such Fund. A Qualified Plan will execute an application containing an acknowledgment of this condition at the time of its initial purchase of shares of any Fund.

Conclusion

For the reasons summarized above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28401 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21494; 811–8018]

Nuveen Connecticut Premium Income Municipal Fund 2; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Connecticut Premium Income Municipal Funds 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT:

Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28402 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21495; 811–8328]

Nuveen Equity Investment Fund; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Equity Investment Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On February 2, 1994, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28403 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21499; 811–8020]

Nuveen Florida Premium Income Municipal Fund 2; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Florida Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549.

Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28407 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21490; 811–8026]

Nuveen Georgia Premium Income Municipal Fund 2; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Georgia Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation of administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28409 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21488; 811–8016]

Nuveen Massachusetts Premium Income Municipal Fund 2; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Massachusetts Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28399 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21498; 811–8022]

Nuveen Michigan Premium Income Municipal Fund 3; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Michigan Premium Income Municipal Fund 3.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28406 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21497; 811–7610]

Nuveen Minnesota Premium Income Municipal Fund; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Minnesota Premium Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On April 2, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28405 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21496; 811–7990]

Nuveen Municipal Investment Fund; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Municipal Investment Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On August 31, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28404 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21491; 811–8028]

Nuveen New Jersey Premium Income Municipal Fund 4; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen New Jersey Premium Income Municipal Fund 4.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28410 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21492; 811–8024]

Nuveen Pennsylvania Premium Income Municipal Fund 4; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Pennsylvania Premium Income Municipal Fund 4.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On September 15, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28411 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21493; 811–7110]

Nuveen Select Maturities Municipal Fund 3; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Select Maturities Municipal Fund 3.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On August 21, 1992, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28412 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21489; 811–7612]

Nuveen Tennessee Premium Income Municipal Fund; Notice of Application

November 9, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Tennessee Premium Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 11, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 4, 1995, and should be accompanied by proof of service on the applicant, 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 may request notification of a hearing by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606–1286.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, 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.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On April 2, 1993, applicant filed a notification of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1993. Applicant's registration statement was never declared effective.

2. Applicant has never made a public offering of its shares.

3. Applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28408 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26406]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

November 9, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 4, 1995, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

CSW Credit, Inc., et al. (70–7113/70–7218)

CSW Credit, Inc. (''CSW Credit''), a nonutility subsidiary of Central and South West Corporation (''CSW''), a registered holding company, and CSW, both of 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, have filed a post-effective amendment to their application-declaration filed under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 45 and 54 thereunder.

By order dated July 19, 1985 (HCAR No. 23767) (''1985 Order''), CSW was authorized, among other things, to organize CSW Credit to purchase the accounts receivable of the operating companies of CSW at a discount and to finance these purchases with the issuance and sale of debt. CSW Credit was authorized to borrow up to $320 million and CSW was authorized to make equity investments in CSW Credit of up to an aggregate of $80 million through December 31, 1986.

By order dated July 31, 1986 (HCAR No. 24157) (''1986 Order''), CSW Credit was authorized to expand its business to the factoring of accounts receivable of nonaffiliated electric utility companies. In order to finance such transactions, CSW Credit was authorized to borrow up to an additional $160 million and CSW was authorized to make additional equity investments in CSW Credit of up to an aggregate of $40 million, through December 31, 1988. The 1986 Order also required CSW Credit to limit its acquisition of utility receivables from nonassociate utilities so that the average amount of such receivables for the preceding twelve-month period outstanding as of the end of any calendar month would be less than the average amount of receivables acquired from CSW associate companies outstanding as of the end of each calendar month during the preceding twelve-month period (''50% Restriction''). Further, the 1986 Order extended the authority of the 1985 Order until December 31, 1988.

By order dated February 8, 1988 (HCAR No. 24575), CSW Credit was authorized, among other things, to borrow, through December 31, 1989, up to $320 million and $304 million to finance the factoring of affiliate and nonaffiliate receivables, respectively. CSW was authorized to make equity investments in CSW Credit of up to an aggregate of $80 million and $76 million in connection with the factoring of affiliate and nonaffiliate receivables, respectively. This authority was extended through December 31, 1990 by order dated December 27, 1989 (HCAR No. 25009).

By order dated August 30, 1990 (HCAR No. 25138), CSW Credit was authorized to lower its equity ration to no less than 5%.

By orders dated December 21, 1990 and December 24, 1991 (''1991 Order''), December 9, 1992, December 21, 1993 and December 16, 1994 (HCAR Nos. 25228, 25443, 25698, 25959, and 26190, respectively), CSW Credit's existing authority was extended through December 31, 1991, December 31, 1992, December 31, 1993, December 31, 1994 and December 31, 1995, respectively. In addition, the 1991 Order granted CSW Credit the authorization to borrow up to an additional $200 million to finance the factoring of associate receivables.

Pursuant to the orders summarized above, the following authority has been granted: (1) CSW Credit has been authorized to borrow $824 million, of which $520 million could be used to purchase receivables of affiliated companies and $304 million could be used to purchase receivables of nonaffiliated companies; and (2) CSW has been authorized to make equity investments in CSW Credit of up to an aggregate of $156 million, of which $80 million could be used to purchase receivables of affiliated companies and $76 million could be used to purchase receivables of nonaffiliated companies.

For the twelve months ended September 30, 1995, CSW Credit had average outstanding receivables purchased from affiliated companies of $376 million and from nonaffiliated companies of $31 million. The outstanding receivable purchases from nonaffiliated companies do not include the $335 million average receivable purchases for the 12 months ended September 30, 1995 from Houston Lighting and Power Company, authorized by order dated December 29, 1992 (HCAR No. 25720). As of September 30, 1995, the amount of remaining authority, including debt and equity, that CSW Credit had available to purchase receivables from affiliated and nonaffiliated companies was $224 million and $349 million, respectively.

CSW Credit and CSW now propose to extend the previously granted authorities through December 31, 1996.

New England Electric System, et al. (70–8675)

New England Electric System (''NEES''), a registered holding company, and two of its wholly-owned utility subsidiaries, Massachusetts Electric Company (''MEC'') and New England Electric Power Company (''NEP''), each located at 25 Research Drive, Westborough, Massachusetts 01582, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), and rules 43 and 45 thereunder.

Nantucket Electric Company (''NEC'') is a non-affiliated corporation engaged in generating, transmitting and distributing electric power to approximately 8,600 customers on the island of Nantucket, Massachusetts. NEC is not currently connected to the mainland in order to receive electric power. NEES and NEC have agreed that NEES will acquire NEC for NEES's common shares based on a purchase price of $125 per share or $3.5 million, plus interest that will accrue on the total purchase price from March 22, 1995 until the date of closing. The interest rate on this amount will not exceed the Bank of Boston prime rate. The amount of interest owed will be reduced by an amount to offset dividends payable to NEC shareholders that accrued before the date the sale is consummated.

The acquisition is proposed to be accomplished through an exchange of

NEES common shares for the 28,000 shares of outstanding common stock of NEC. The NEC common stock is $25 par value voting stock and comprises one class. To facilitate this transaction, NEES proposes to form a wholly-owned subsidiary (''Newsub''), which will be merged into NEC, with the surviving corporation (''Newco'') having all the rights, interests and obligations of NEC. Shares of Newsub will be converted into shares of new common stock of Newco, making Newco a wholly-owned subsidiary of NEES. Finally, NEC stockholders will receive NEES shares equivalent to $125 per NEC common share outstanding, adjusted by the interest payment and accrued dividend offset described above. At a current price of $34 per share, NEES would have to issue approximately 103,000 shares to consummate the transaction, not taking the above-described interest payment and accrued dividend offset into account.

To finance the construction of an undersea cable and related facilities to be used by NEP to sell power to Newco, Newco will borrow from Massachusetts Industrial Finance Authority (''MIFA'') up to $28 million (''Facilities Loan'') through the use of tax-exempt bond financing. Newco will be operated as though it were a part of MEC and to provide assurances to MIFA, MEC has agreed to enter into a Credit and Operating Support Agreement with Newco (''Support Agreement'') in order to provide additional revenues to Newco to cover its cost of service, including a return on common equity. NEES requests authority for Newco to assign its rights under the Support Agreement to MIFA as collateral for the Facilities Loan. Additionally, MEC requests authority to guarantee to MIFA Newco's obligations under the Facilities Loan. The Facilities Loan would mature in no more than forty years and bear an interest rate not to exceed ten percent per annum.

NEES also requests authority through October 31, 1997 for Newco to make short term borrowings from banks, and to borrow from and lend to the NEES system money pool (''Money Pool''), up to an aggregate principal amount of $5,000,000. The terms of Newco's participation in the Money Pool shall conform to the terms and conditions of the Money Pool. The proposed borrowings from banks will be evidenced by notes maturing in less than one year and bear an interest rate not to exceed 100 basis points over the greater of such bank's base or prime rate or the federal funds rate.

Southern Development and Investment Group, Inc. (70–8715)

Southern Development and Investment Group (''Development''), a wholly-owned nonutility subsidiary of The Southern Company, a registered holding company, both of 64 Perimeter Center East, Atlanta, Georgia 30346, has failed an application-declaration under sections 9(a) and 10 of the Act and rules 51 and 54 thereunder.

By order dated January 25, 1995 (HCAR No. 26221), the Commission authorized Development to engage in, among other activities, the preliminary investigation and study of new business ventures or investment opportunities, including business opportunities using new communications technologies and related facilities; energy and demand side management services to customers both within the Southern system service territory; [1] and the development, construction and operation of a prototype energy management communications network to use two-way, interactive customer-utility communications in connection with utility- and nonutility-related activities.

Development now requests authorization, pursuant to a Stock Purchase Agreement (''Purchase Agreement''), to acquire 250,000 shares, approximately 3%, of authorized but unissued common stock of ITC Holding Co., Inc. (''ITC''), a telecommunications holding company. ITC, through various subsidiaries, provides local telephone exchange, toll, cellular and teleconferencing services, and sells related products, primarily in the southeastern United States.

Specifically, ITC wholly owns Telecommunications Operations Group, which through its wholly-owned Interstate Telephone Co. and Valley Telephone Co., offers local telephone exchange services and related products, and InterCall, which provides audio-conferencing services primarily for businesses for sales meetings, board meetings, training sessions, investor relations and other multi-party communication. ITC also holds partial ownership interests in InterCel, which provides cellular telephone services in Georgia, Alabama and Maine; Interstate Fibernet Co., a wholesale transmission carrier that owns and operates a regional optical fiber transmission network in Mississippi, Alabama, Georgia, Louisiana, North Carolina, and South Carolina (its optical power ground wire is located along power companies transmission right of way—a portion of which is being constructed along certain Southern System Operating Companies' rights of way); and InterServ Services Corp., which provides outsourced customer services and business to business telemarketing services. A unit of InterServ provides customer satisfaction survey information to some Southern operating companies. ITC also holds minority interests in companies engaged in fiber, wireless cable television, caller i.d. equipment marketing, and other telecommunications related operations.

ITC and certain subsidiaries of Southern have previously entered into agreements under which portions of the optical fiber transmission network of an ITC subsidiary have been installed along the operating companies' utility right-of-way. Development and ITC have also engaged in discussions concerning possible joint development and experimentation with respect to the modernization of telecommunications in the southeastern United States, particularly with respect to the types of utility and utility-related communications services that Development is authorized to provide under the terms of the Commission's January 1995 Order, including but not limited to energy and demand-side management services and the build-out of communications network in various locations inside the Southern service territory to be used for such purposes.

Development states that its investment in ITC will enable it to have input into the strategic planning of a major regional telecommunications provider as it formulates plans for investment in the modernization of communications infrastructure, much of which will be in Southern's service area. Development also asserts that its investment in ITC will provide ITC with the informed insight of a major customer of ITC, thereby enabling it to address the communications needs of Southern's subsidiaries.

Under the Purchase Agreement, the purchase price for ITC's shares is $6,195,000, provided that if the closing has not occurred by January 25, 1996, the purchase price will bear interest at 8.75% per annum, starting from that date until closing. Southern will make a cash capital contribution to Development of approximately $7,000,000 to fund the purchase and pay other costs associated with the transaction. Southern will obtain the funds from sales of common stock, as authorized by the Commission in orders dated August 2 and 3, 1995 (HCAR Nos. 26347 and 26349, respectively), from borrowings, and/or issuance of commercial paper, as authorized by the

[1] Southern provides retail and wholesale electric service throughout Georgia, most of Alabama and parts of Florida and Mississippi.

Commission in an order dated August 1, 1995 (HCAR No. 26346), and from available cash, chiefly dividends from subsidiaries.

Under the Purchase Agreement, ITC will be obligated to use its best efforts for a period of three years to cause the election to the board of directors of ITC of a nominee of Development. Development states that neither it nor any associate company will, as a result of the ownership of the shares to be acquired and participation on ITC's board have the ability to control or dictate any corporate decisions or policies of ITC. In this regard, Development represents that ITC is a privately-held company that is controlled by its founder and chief executive officer and related family interest and certain other executive officers of the company.

Mississippi Power & Light Company (70–8719)

Mississippi Power & Light Company (''MP&L''), 308 East Pearl Street, Jackson, Mississippi 39201, an electric utility subsidiary of Entergy Corporation, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(d) and 12(e) of the Act and rules 44, 54, 62 and 65 thereunder.

MP&L seeks authorization to issue and sell not more than $530 million principal amount of (a) its general and refunding mortgage bonds (''Bonds'') and (b) its debentures (''Debentures''), issued in one or more new series from time to time through December 31, 2000. Each series of Bonds and/or Debentures will be sold at such price, will bear interest at such rate, either fixed or adjustable, and will mature on such date as will be determined at the time of sale. One or more series of Bonds and/or Debentures may include provisions for redemption or retirement prior to maturity, including restrictions on optional redemption for a given number of years.

MP&L further proposes to issue and sell, from time to time through December 31, 2000, (a) one or more new series of the preferred securities of a subsidiary of MP&L (''Entity Interests'') and (b) one or more new series of its preferred stock (''Preferred''), in a combined aggregate amount not to exceed $75 million. Each series of Entity Interests will have a stated per share liquidation preference and will be sold at such price and will be entitled to receive distributions at such rate, either fixed or adjustable, on such periodic basis as will be determined, along with the maturity, at the time of sale. One or more series of Entity Interests may include provisions for redemption or retirement prior to maturity, including restrictions on optional redemption for a given number of years. The price, exclusive of accumulated dividends, and the dividend rate for each series of Preferred will be determined at the time of sale. MP&L may determine that the terms of the Preferred should provide for an adjustable dividend rate thereon to be determined on a periodic basis, subject to specified maximum and minimum rates, rather than a fixed dividend rate. The terms of one or more series of the Preferred may include provisions for redemption, including restrictions on optional redemption, and/or a sinking fund designed to redeem all outstanding shares of such series not later than forty years after the date of original issuance. Depending upon market conditions, MP&L may sell one or more series of Preferred to underwriters for deposit with a bank or trust company (''Depositary''). The underwriters would then receive from the Depositary and deliver to the repurchasers in the subsequent public offering shares of depositary preferred stock (''Depositary Preferred''), each representing a stated fraction of a share of the new series of Preferred. Depositary Preferred would be evidenced by depositary receipts. Each owner of Depositary Preferred would be entitled proportionally to all the rights and preferences of the series of Preferred (including dividends, redemption and voting). A holder of Depositary Preferred will be entitled to surrender Depositary Preferred to the Depositary and receive the number of whole shares of Preferred represented thereby. A holder of Preferred will be entitled to surrender shares of Preferred to the Depositary and receive a proportional amount of Depositary Preferred.

MP&L may determine to amend its Restated Articles of Incorporation, as amended (''Articles''), to establish a new class of preferred stock having no par value or a nominal par value. It is expected that such class would rank *pari passu* with MP&L's existing class of preferred stock and would be identical with such class, except as to par value, variations among series, and voting entitlement in certain cases. In connection with any such amendment to the Articles, certain other amendments to the Articles unrelated to the new class of preferred stock, including, but not limited to, an amendment to increase the number of authorized shares of MP&L's existing class of preferred stock and/or amendments to clarify certain provisions with respect to issuance of preferred stock with market-based dividend rates and varying dividend payment periods, may also be adopted. Approval of outstanding stockholders of MP&L would be required to effect such an amendment to the Articles. In connection with such an amendment, MP&L would thus solicit proxies from holders of its outstanding Preferred and seek the consent of Entergy Corporation, the sole holder of its common stock.

MP&L proposes to use the net proceeds derived from the issuance and sale of Bonds and/or the Debentures and/or the Entity Interests and/or the Preferred for general corporate purposes, including, but not limited to, the possible acquisition of certain outstanding securities.

MP&L states that it presently contemplates selling the Bonds, Debentures, Entity Interests and Preferred either by competitive bidding, negotiated public offering or private placement.

MP&L also proposes to enter into arrangements to finance on a tax-exempt basis certain solid waste, sewage disposal and/or pollution control facilities (''Facilities''). MP&L proposes, from time to time through December 31, 2000, to enter into one or more leases, subleases, installment sale agreements, refunding agreements or other agreements and/or supplements and/or amendments thereto (each and all of the foregoing being referred to herein as the ''Agreement'') with one or more issuing governmental authorities (individually and collectively being referred to herein as the ''Authority''), pursuant to which the Authority may issue one or more series of tax-exempt revenue bonds (''Tax-Exempt Bonds'') in an aggregate principal amount not to exceed $35 million. The net proceeds from the sale of Tax-Exempt Bonds will be deposited by the Authority with the trustee (''Trustee'') under one or more indentures (''Indenture'') and will be applied by the Trustee to reimburse the Company for, or to permanently finance on a tax-exempt basis, the costs of the acquisition, construction, installation or equipping of the Facilities.

MP&L further proposes, under the Agreement, to purchase, acquire, construct and install the Facilities unless the Facilities are already in operation. Pursuant to the Agreement, MP&L will be obligated to make payments sufficient to pay the principal or redemption price of, the premium, if any, and the interest on Tax-Exempt Bonds as the same become due and payable. Under the Agreement, MP&L

will also be obligated to pay certain fees incurred in the transactions.

The price to be paid to the Authority for each series of Tax-Exempt Bonds and the interest rate applicable thereto will be determined at the time of sale. The Agreement and the Indenture will provide for either a fixed interest rate or an adjustable interest rate for each series of Tax-Exempt Bonds. Each series may be subject to optional and mandatory redemption and/or a mandatory cash sinking fund under which stated portions of such series would be retired at stated times.

In order to obtain a more favorable rating and thereby improve the marketability of the Tax-Exempt Bonds, MP&L may (1) Arrange for one or more letters of credit from one or more banks (collectively, ''Bank'') in favor of the Trustee (in connection therewith, MP&L may enter into a Reimbursement Agreement pursuant to which MP&L would agree to reimburse the Bank for amounts drawn under the letters of credit and to pay commitment and/or letter of credit fees), (2) provide an insurance policy for the payment of the principal, premium, if any, interest and purchase obligations in connection with one or more series of Tax-Exempt Bonds, or (3) obtain authentication of one or more new series of Bonds (''Collateral Bonds'') to be issued under MP&L's General and Refunding Mortgage on the basis of unfunded net property additions and/or previously retired First Mortgage Bonds or General and Refunding Mortgage Bonds and delivered and pledged to the Trustee and/or the Bank to evidence and secure MP&L's obligations under the Agreement and/or the Reimbursement Agreement. In addition, MP&L may grant to the Authority, the Bank or the Trustee a lien, subordinate to the liens of MP&L's First Mortgage and General and Refunding Mortgage, on the Facilities.

MP&L also proposes to acquire, through tender offers or otherwise, certain of its outstanding securities, including its outstanding first mortgage bonds, its general and refunding mortgage bonds, its outstanding preferred stock and/or outstanding pollution control revenue bonds issued for MP&L's benefit, at any time, prior to December 31, 2000.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28398 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511 as amended (Public Law 104–13 effective 10/1/95), The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the Federal Register on October 27, 1995.

(Call Reports Clearance Officer on (410) 965–4142 for copies of package.)

OMB Desk Officer: Laura Oliven

SSA Reports Clearance Officer: Charlotte S. Whitenight

1. Psychiatric Review Techniques—0960–0413. The information on form SSA–2506 is used by the Social Security Administration to evaluate the severity of mental impairments in adults who have filed a claim for disability benefits. The affected public consists of State Disability Determination Agencies who are responsible for reviewing the claim from beneficiaries/recipients and who report their findings to SSA.

Number of Respondents: 54
Total Annual Responses: 854,375
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 213,594 hours

2. Questionnaire for Children Claiming SSI Benefits—0960–0499. The form SSA–3881 is used by the Social Security Administration to obtain information which is needed to evaluate disability in children claiming supplemental income payments. The respondents are such claimants whose alleged disability does not meet our medical listings.

Number of Respondents: 177,000
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 59,000 hours

Written comments and recommendations regarding these information collections should be sent within 30 days of the date of this publication. Comments may be directed to OMB and SSA at the following addresses:

(OMB)
Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, Washington, D.C. 20503

(SSA)
Social Security Administration, DCFAM, Attn: Charlotte S. Whitenight, 6401 Security Blvd, 1–A–21 Operations Bldg., Baltimore, MD 21235

Dated: November 8, 1995.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 95–28165 Filed 11–16–95; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

November 8, 1995.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0507.
Form Number: ATF F 5300.26.
Type of Review: Revision.
Title: Federal Firearms and Ammunition Excise Tax Return.
Description: This information is needed to determine how much tax is owed for firearms and ammunition. ATF uses this information to verify that a taxpayer has correctly determined and paid tax liability on the sale or use of firearms of ammunition. Businesses, including small to large, and individuals may be required to use this form.
Respondents: Business or other for-profit, Individuals or households.
Estimated Number of Respondents: 937.
Estimated Burden Hours Per Respondent: 7 hours.
Frequency of Response: Quarterly.
Estimated Total Reporting Burden: 26,236 hours.
Clearance Officer: Robert N. Hogarth, (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–28436 Filed 11–16–95; 8:45 am]

BILLING CODE 4810–31–P

Public Information Collection Requirements Submitted to OMB for Review

November 7, 1995.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Special Request

In order to conduct the survey described below in a timely manner, the Department of the Treasury is requesting Office of Management and Budget (OMB) review and approval of this information collection by November 20, 1995. To obtain a copy of this information collection, please write to the IRS Clearance Officer at the address listed below. Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: PC:V 95–016–G.

Type of Review: Revision.

Title: 1. Information Mapping—Form 8829 Focus Group Interviews.

2. Tax Filing Behavior Focus Group Interviews.

Description: 1. IRS is exploring effective ways to reduce taxpayer burden in preparing tax returns by simplifying forms, instructions, and other technical guidance by using the Information Mapping method developed by Dr. Robert E. Horn. This method provides an organized, analytical approach to writing education and training material. IRS hopes to use the method to increase writing efficiency, organize material better, make important information more accessible to the reader, and eliminate inconsistencies.

2. The IRS recently found that there is a significant increase in the usage of return preparation software within the professional accounting community. The IRS is interested in exploring if similar changes are occurring in individual and small business taxpayers filing behavior and patterns. Information gathered in these focus groups will help IRS adapt their products and services to meet taxpayers changing needs.

Respondents:

1. Individuals or households.

2. Business or other for-profit.

Estimated Number of Respondents: 90.

Estimated Burden Hours Per Respondent:

Focus Group Interviews—2 hours.

Travel Time—1 hour.

Frequency of Response: Other.

Estimated Total Reporting Burden: 324 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–28437 Filed 11–16–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

November 7, 1995.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Special Request

In order to conduct the survey described below in a timely manner, the Department of the Treasury is requesting Office of Management and Budget (OMB) review and approval of this information collection by November 20, 1995. To obtain a copy of this information collection, please write to the IRS Clearance Officer at the address listed below. Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: PC:V 95–018–G.

Type of Review: Revision.

Title: Helena Customer Satisfaction and Employee Evaluation Survey.

Description: The Internal Revenue Service is committed to providing its customers (taxpayers), employees, and other stakeholders the opportunity to participate in and contribute to improving our systems and achieving customer satisfaction. In an effort to accomplish this, IRS' Helena District proposes to actively solicit taxpayers opinions through the utilization of a district-wide customer satisfaction/employee evaluation survey to measure the level of customer satisfaction and establish baselines for acceptable employee performance.

Respondents: Individuals or households.

Estimated Number of Respondents: 6,441.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 322 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–28439 Filed 11–16–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

November 7, 1995.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below in a timely manner, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approval of this information collection by November 20, 1995. To obtain a copy of this

information collection, please write to the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: PC:V 95–017–G.

Type of Review: Revision.

Title: Notice Redesign Focus Group Interviews.

Description: Focus group interviews will be conducted to obtain taxpayers' perceptions and attitudes regarding the clarity of current and redesignated notices, with emphasis placed on reducing burden and taxpayer contact as well as compliance and customer satisfaction. The results will be used to identify problem areas and guide editorial improvements.

Respondents: Individuals or households.

Estimated Number of Respondents: 72.

Estimated Burden Hours Per Respondent:

Focus Group Interviews—2 hours.

Travel Time—1 hour.

Frequency of Response: Other.

Estimated Total Reporting Burden: 260 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–28438 Filed 11–16–95; 8:45 am]

BILLING CODE 4830–01–M

Office of Thrift Supervision

[AC–57; OTS No. 4259]

Ashland Federal Savings & Loan Association of Ashland, Ashland, Kentucky; Approval of Conversion Application

Notice is hereby given that on November 9, 1995, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Ashland Federal Savings and Loan Association of Ashland, Ashland, Kentucky, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street NW., Washington, DC. 20552, and the Central Northeast Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: November 13, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 95–28371 Filed 11–16–95; 8:45 am]

BILLING CODE 6720–01–P

[AC–56; OTS No. 1820 and H–1926]

First Savings Capital, M.H.C., Lakewood, Colorado; Approval of Conversion Application

Notice is hereby given that on November 6, 1995, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Savings Capital, M.H.C., Lakewood, Colorado, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street NW., Washington, DC. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Dallas, Texas 75039–2010.

Dated: November 13, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 95–28370 Filed 11–16–95; 8:45 am]

BILLING CODE 6720–01–P

[AC–55; OTS No. 5481]

Little Falls Savings Bank, Little Falls, New Jersey; Approval of Conversion Application

Notice is hereby given that on November 3, 1995, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Little Falls Savings Bank, Little Falls, New Jersey, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street NW., Washington, D.C. 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: November 13, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 95–28369 Filed 11–16–95; 8:45 am]

BILLING CODE 6720–01–P

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H.R. 1905/P.L. 104–46

Energy and Water Development Appropriations Act, 1996 (Nov. 13, 1995; 109 Stat. 402)

H.R. 2589/P.L. 104–47

To extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes. (Nov. 13, 1995; 109 Stat. 423)

Last List November 9, 1995