
Tuesday
December 26, 1995

Federal Register

Briefings on How To Use the Federal Register
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WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- 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:** January 9, 1996 at 9:00 am and January 23, 1996 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



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New Feature in the Reader Aids!

Beginning with the issue of December 4, 1995, a new listing will appear each day in the Reader Aids section of the Federal Register called "Reminders". The Reminders will have two sections: "Rules Going Into Effect Today" and "Comments Due Next Week". Rules Going Into Effect Today will remind readers about Rules documents published in the past which go into effect "today". Comments Due Next Week will remind readers about impending closing dates for comments on Proposed Rules documents published in past issues. Only those documents published in the Rules and Proposed Rules sections of the Federal Register will be eligible for inclusion in the Reminders.

The Reminders feature is intended as a reader aid only. Neither inclusion nor exclusion in the listing has any legal significance.

The Office of the Federal Register has been compiling data for the Reminders since the issue of November 1, 1995. No documents published prior to November 1, 1995 will be listed in Reminders.

Electronic Bulletin Board

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to change the names of the Rural Housing and Community Development Service and the Rural Business and Cooperative Development Service.

EFFECTIVE DATE: December 26, 1995.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Research and Operations Division, Office of the General Counsel, Department of Agriculture, Room 2321-S, Washington, DC 20250, telephone 202-720-6035.

SUPPLEMENTARY INFORMATION: On November 8, 1995, USDA published in the Federal Register (60 FR 56392-56465) a revision of the delegations of authority appearing in 7 CFR part 2 due to a reorganization of the department. The revised delegations effectuated the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, Public Law 103-354. The Act permits the Secretary to reorganize the Department of Agriculture. The Act authorized the establishment of subcabinet positions and the restructuring of agencies and offices of the Department of Agriculture. The Secretary established the Rural Housing and Community Development Service and the Rural Business and Cooperative Development Service. It has been determined that public confusion exists with regard to the two agency names, and that the names are long and cumbersome. Accordingly, the Secretary

has determined to change the agency names from the Rural Housing and Community Development Service to the Rural Housing Service, and the Rural Business and Cooperative Development Service to the Rural Business-Cooperative Service. The functions and responsibilities of the two agencies will remain the same. Accordingly, 7 CFR part 2 is revised as set forth below.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

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

Authority: Sec. 212(a), Pub. L. 103-354, 108 Stat. 3210, 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949-1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. In subpart C, all references to:

- (1) "Rural Housing and Community Development Service" are revised to read "Rural Housing Service";
- (2) "Rural Business and Cooperative Development Service" are revised to read "Rural Business-Cooperative Service";
- (3) "rural housing and community development" are revised to read "rural housing"; and
- (4) "rural business and cooperative development" are revised to read "rural business-cooperative".

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. In subpart D, all references to:

- (1) "Rural Housing and Community Development Service" are revised to read "Rural Housing Service"; and
- (2) "Rural Business and Cooperative Development Service" are revised to read "Rural Business-Cooperative Service".

Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services

3. In subpart F, all references to:

(1) "Rural Housing and Community Development Service" are revised to read "Rural Housing Service"; and

(2) "Rural Business and Cooperative Development Service" are revised to read "Rural Business-Cooperative Service".

Subpart G—Delegations of Authority by the Under Secretary for Rural Economic and Community Development

4. In subpart G, all references to:

(1) "Rural Housing and Community Development Service" are revised to read "Rural Housing Service"; and

(2) "Rural Business and Cooperative Development Service" are revised to read "Rural Business-Cooperative Service".

Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

5. In subpart J, all references to:

(1) "Rural Housing and Community Development Service" are revised to read "Rural Housing Service"; and

(2) "Rural Business and Cooperative Development Service" are revised to read "Rural Business-Cooperative Service".

For subparts C and D:

Dated: December 15, 1995.

Dan Glickman,
Secretary of Agriculture.

For Subpart F:

Dated: December 19, 1995.

Eugene Moos,
Under Secretary for Farm and Foreign Agricultural Services.

For Subpart G:

Dated: December 18, 1995.

Jill Long Thompson,
Under Secretary for Rural Economic and Community Development.

For Subpart J:

Dated: December 19, 1995.

James R. Lyons,
Under Secretary for Natural Resources and Environment
[FR Doc. 95-31267 Filed 12-22-95; 8:45 am]
BILLING CODE 3410-01-M

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision**

12 CFR 505, 506, 510, 512, 516, 543, 544, 545, 550, 552, 556, 563, 563b, 563c, 563d, 565, 566, 567, 571, 574, 575, 583, 584

[No. 95-200]

Technical Amendments; Loans to One Borrower

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Thrift Supervision (OTS) is revising its regulations to incorporate a number of technical and conforming amendments. The amendments include corrections to: Amendments adopted in 1994 that were not codified as OTS intended, cross-references that became outdated due to other regulatory amendments, regulations affected by legislation, regulations containing addresses, office titles, and other titles that are out of date, the table setting forth OMB control numbers assigned to regulations under the Paperwork Reduction Act, and regulations containing typographical errors.

This rulemaking also adopts as final the OTS's interim final rule regarding loans to one borrower (LTOB).

EFFECTIVE DATE: December 26, 1996.

FOR FURTHER INFORMATION CONTACT: For Technical and Conforming Amendment information contact: Mary Gottlieb, Senior Paralegal, (202) 906-7135, Regulations & Legislation Division, Chief Counsel's Office. For Loans to One Borrower information contact: William J. Magrini, Project Manager, Supervision Policy, (202) 906-5744; or Valerie J. Lithotomos, Counsel (Banking and Finance), Regulations and Legislation Division, Chief Counsel's Office, (202) 906-6439, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington DC 20552.

SUPPLEMENTARY INFORMATION:**Technical and Conforming Amendments**

Sections 505.1 through 505.4 are being amended to reflect the reorganization and relocation of the Public Reference Room announced in the Federal Register on September 14, 1995.¹ The former Information Services Division is now part of the

Dissemination Branch and is located at 1700 G Street, NW. on the lower level.

Part 506, concerning the control numbers assigned pursuant to the Paperwork Reduction Act, is being amended to reflect the Paperwork Reduction Act of 1995² and to generally update the regulation reference table.

Section 516.1 is being amended to correct the addresses of OTS's Regional Offices. The definition of "CAMEL Rating" found at § 516.3(c) is being amended to reflect the previous global change from the MACRO to the CAMEL rating system for examinations.³ Section 516.3(c) still refers to the components of the obsolete MACRO system.

The model bylaws for stock associations in the appendix to part 552 are being amended to make them conform with the regulatory change that removed the annual independent audit requirement for small savings associations with composite CAMEL ratings of 1 or 2.⁴ Institutions regulated under the Securities Exchange Act of 1934 ('34 Act) will still have to comply with § 552.10, which requires associations to send an annual report to stockholders containing financial statements that satisfy the requirements of Rule 14a-3 of the '34 Act. Rule 14a-3 allows an institution that does not have an annual audit to include unaudited financial statements in its annual report.

Sections 563b.2(a)(16) and 574.6(a)(4)-(a)(6) were inadvertently removed⁵ and are being reinstated without revision.

This final rule also includes a number of non-substantive technical revisions correcting a variety of erroneous cross-references and eliminating obsolete terminology. The majority of the revisions concern the removal of the term "District Director" and "District Office." The OTS's field offices were converted from district to regional offices several years ago. The regulations have been reviewed to determine, in each individual case, whether references to "District Director" should refer instead to "Regional Director" or "OTS," and whether references to "District Office" should refer instead to "Regional Office" or "OTS."

Loans to One Borrower

On March 28, 1995, the OTS published an interim final rule with request for comment on LTOB.⁶ That

interim final rule reflected changes that the Office of the Comptroller of the Currency (OCC) had recently made to its lending limits regulation. Section 5(u) of the Home Owners' Loan Act requires that savings association lending limits conform to those applicable to national banks.⁷

The comment period for the interim final rule closed on April 27, 1995. The OTS received two comment letters: one from a savings bank and one from a national trade association. Both comment letters raised one issue—whether the removal of the term "monthly or quarterly" (used in describing the periodic reports in which LTOB limits must be computed) prevents savings associations from calculating their LTOB limits on a monthly basis.

The reference to "monthly or quarterly" was removed because the OTS no longer requires institutions to file monthly Thrift Financial Reports (TFRs). TFRs are now filed only at the end of each quarter. Thus, for compliance tracking purposes, an institution's LTOB limits are now normally computed on the basis of its unimpaired capital and unimpaired surplus at the end of each quarter. The purpose for the quarterly computation rule is to reduce the burden associated with frequent recomputation of LTOB limits. The OTS will not object if institutions choose to recompute their LTOB limits more frequently than quarterly, provided that adequate documentation is maintained.

Moreover, we also note that the LTOB rule expressly provides that if an association knows, or has reason to know, that its level of unimpaired capital and unimpaired surplus has changed significantly, either upward or downward, subsequent to a quarter-end computation, the institution must recompute its LTOB limits.⁸

Because the OTS has decided to make no substantive changes to its interim final rule, that rule is adopted as final today, with one technical correction. The words "general valuation" are being removed from the definition of "unimpaired capital and unimpaired surplus" at § 563.93(b)(11)(ii). In its present form, the definition specifies that an association's "general valuation allowances for loan and lease losses not included in supplementary capital under part 567 of this chapter" are to be added to the association's computation of unimpaired capital and unimpaired surplus.⁹ The words "general valuation"

² Pub. L. 104-13 (May 22, 1995).

³ 59 FR 18474 (April 19, 1994).

⁴ 59 FR 60300 (November 23, 1994).

⁵ 59 FR 22725 (May 3, 1994); 59 FR 28468 (June 2, 1994).

⁶ See 60 FR 15861 (March 28, 1995).

⁷ 12 U.S.C. 1464 (u).

⁸ See 12 CFR 563.93(f)(1).

⁹ 60 FR at 15864.

¹ 60 FR 47801 (September 14, 1995).

were inadvertently included in the interim final rule. The words are extraneous.

Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994

The OTS has found good cause to dispense with both prior notice and comment on this final rule and a 30-day delay of its effective date mandated by the Administrative Procedure Act.¹⁰ OTS believes that it is contrary to public interest to delay the effective date of the rule, as it corrects a number of errors that have caused confusion and these corrections will aid the public in using OTS's regulations. Because the technical amendments in the final rule are not substantive, they will not detrimentally affect savings associations by becoming effective immediately; the LTOB rule is already effective.

In addition, this document is exempt from the requirement found in section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994¹¹ that regulations must not take effect before the first day of the quarter following publication, as it imposes no new requirements.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act,¹² it is certified that this technical corrections regulation will not have a significant economic impact on a substantial number of small savings associations, small service corporations, or other small entities.

Executive Order 12866

The Acting Director has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866.

Unfunded Mandates Reform Act of 1995

The OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than \$100 million in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

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12 CFR Part 584

Administrative practice and procedure, Holding companies, Reporting and recordkeeping requirements, Savings associations, Securities.

Accordingly, for the reasons set out in the preamble and under the authority of 12 U.S.C. 1462a, the Office of Thrift Supervision hereby amends chapter V, title 12 of the Code of Federal Regulations and adopts as final the interim rule amending 12 CFR 563.93 published at 60 FR 15861 on March 28, 1995, with one change, as set forth below:

Chapter V [Amended]

1. Chapter V of title 12 is amended by removing the headings for subchapters A through G; and by removing the term "subchapter" wherever it appears, and by adding in lieu thereof the word "chapter".

PART 505—FREEDOM OF INFORMATION ACT

2. The authority citation for part 505 continues to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 1462a, 1463, 1464.

§ 505.1 [Amended]

3. Section 505.1 is amended in paragraph (a) by removing the word "(Office)", and by adding in lieu

¹⁰ 5 U.S.C. 553.

¹¹ Pub. L. No 103-325, 12 U.S.C. 4802.

¹² Pub. L. No 96-354, 5 U.S.C. 601.

thereof the word “(‘OTS’), and by removing the words “the Office as”, and adding in lieu thereof the words “the OTS as”; and in paragraph (b) by removing the word “Office” each place it appears, and by adding in lieu thereof the word “OTS”.

4. Section 505.2 is revised to read as follows:

§ 505.2 Public reference room.

The OTS will make materials available for review on an ad hoc basis when necessary. Contact the Dissemination Branch, Records Management and Information Policy Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, or visit the Public Reference Room at 1700 G Street, NW., lower level, from 9:00 a.m. to 4:00 p.m. on business days.

5. Section 505.3 is revised to read as follows:

§ 505.3 Requests for records.

Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the OTS will be made by the Manager, Dissemination Branch or by an official so designated. Requests may be mailed to: Freedom of Information Act Request, Dissemination Branch, Records Management and Information Policy Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, or marked “FOIA” and delivered in person to the Public Reference Room, Dissemination Branch, Records Management and Information Policy Division, 1700 G Street, NW., Lower Level. Requests may also be sent by facsimile.

6. Section 505.4 is revised to read as follows:

§ 505.4 Administrative appeal of initial determination to deny records.

Appellate determinations under 31 CFR 1.5(h) with respect to records of the OTS will be made by the Executive Director for Administration or the Director, Records Management and Information Policy Division. Appeals by mail should be addressed to: Dissemination Branch, Records Management and Information Policy Division, 1700 G Street, NW., Washington, DC 20552. Appeals may be delivered personally to the Dissemination Branch, Records Management and Information Policy Division, Office of Thrift Supervision, 1700 G Street, NW., Lower Level. Appeals may also be sent by facsimile.

PART 506—INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT

7. The authority citation for part 506 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

8. Section 506.1 is revised to read as follows:

§ 506.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This part collects and displays the control numbers assigned to information collection requirements contained in regulations of the Office of Thrift Supervision by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104–13, 109 Stat. 163, and is adopted in compliance with the requirements of 5 CFR 1320.8.

Information collection requirements that are not mandated by statute must be assigned control numbers by OMB in order to be enforceable.

(b) *Display.*

12 CFR part or section where identified and described	Current OMB control No.
502.3	1550–0053
510	1550–0081
516.1(c)	1550–0056
Part 528	1550–0021
528.1a	1550–0011
533.1	1550–0011
543.1	1550–0018
543.2	1550–0005
543.9	1550–0007
544.2	1550–0017
544.5	1550–0018
545.36(d)	1550–0011
545.74	1550–0013
545.81	1550–0077
545.82	1550–0033
545.92	1550–0006
545.95	1550–0006
545.96(c)	1550–0011
545.121	1550–0047
545.131	1550–0011
546.2	1550–0016
546.4	1550–0066
550.2	1550–0037
550.14	1550–0037
552.2–1	1550–0005
552.2–6	1550–0007
552.4	1550–0017
552.5	1550–0018
552.6	1550–0025
552.7	1550–0025
552.10	1550–0019
552.11	1550–0011
552.13	1550–0016,
	1550–0025
562.1(b)	1550–0011
563.1(b)	1550–0011
563.10	1550–0027
563.22	1550–0016,
	1550–0025
563.34	1550–0011
563.37(c)	1550–0067

12 CFR part or section where identified and described	Current OMB control No.
563.38	1550–0065
563.41(e)	1550–0011
563.42(e)	1550–0011
563.43 (f) through (h)	1550–0075
563.43(i)(3)	1550–0075
563.47(e)	1550–0011
563.48(c)	1550–0011
563.74	1550–0050
563.80	1550–0061
563.81	1550–0030
563.93(f)	1550–0011
563.99–563.101 (Subpart D), Appendix A	1550–0078
563.99e	1550–0011
563.132	1550–0033
563.134	1550–0059
563.170	1550–0011
563.170(c)	1550–0011,
	1550–0083
563.172	1550–0011
563.173(e)	1550–0011
563.174(e)	1550–0011
563.174(f)	1550–0011
563.175(e)	1550–0011
563.175(f)	1550–0011
563.177	1550–0041
563.180	1550–0084
563.180(d)	1550–0003
563.181	1550–0032
563.183	1550–0032
Part 563b	1550–0014
563b.4	1550–0032
563b.20 through 563b.32	1550–0074
Part 563d	1550–0019
Part 563e	1550–0012
Part 563f	1550–0051
Part 563g	1550–0035
Part 564	1550–0011
566.4	1550–0011
Part 568	1550–0062
571.6	1550–0005
574	1550–0032
574.6	1550–0015
Part 575	1550–0071
584.2–1	1550–0063
584.2–2	1550–0063
584.9	1550–0063

PART 510—MISCELLANEOUS ORGANIZATIONAL REGULATIONS

8a. The authority citation for part 510 is revised to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464.

§ 510.2 [Amended]

8b. Section 510.2 is amended in paragraph (a) by removing the phrase “subchapters A, B, C, D, E, F, and G of”.

PART 512—RULES FOR INVESTIGATIVE PROCEEDINGS AND FORMAL EXAMINATION PROCEEDINGS

9. The authority citation for part 512 is revised to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1467, 1467a, 1813; 15 U.S.C. 78 l.

§ 512.4 [Amended]

10. Section 512.4 is amended by removing the phrase "Director or any Deputy Director of Enforcement", and by adding in lieu thereof the phrase "Deputy Chief Counsel for Enforcement or the appropriate Regional Counsel for Enforcement".

§ 512.5 [Amended]

11. Section 512.5 is amended in paragraph (a) by removing the phrase "Director or any Deputy Director of Enforcement", and by adding in lieu thereof the phrase "Deputy Chief Counsel for Enforcement or the appropriate Regional Counsel for Enforcement".

PART 516—APPLICATION PROCESSING GUIDELINES AND PROCEDURES

12. The authority citation for part 516 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1462a, 1463, 1464.

§ 516.1 [Amended]

13. Section 516.1 is amended in paragraph (b)(1) by removing the word "17th" and by adding in lieu thereof the word "18th"; in paragraph (b)(2) by removing the number "30348-5217" and by adding in lieu thereof the number "30309"; in paragraph (b)(3) by removing the phrase "111 East Wacker Drive, suite 800, Chicago, Illinois 60601-4360", and by adding in lieu thereof the phrase "200 West Madison Street, Suite 1300, Chicago, Illinois 60606"; in paragraph (b)(4) by removing the phrase "P.O. Box 619027,"; and in paragraph (b)(5) by removing the word "Center" and by adding in lieu thereof the word "Street".

14. Section 516.3 is amended by revising paragraph (c) to read as follows:

§ 516.3 Definitions.

* * * * *

(c) *CAMEL rating*. A savings association's CAMEL rating is its Capital, Assets, Management, Earnings, and Liquidity rating as of the most recent rating update (as determined either on-site or off-site by the most recent examination) of which the savings association has been notified in writing.

* * * * *

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL MUTUAL ASSOCIATIONS

15. The authority citation for part 543 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901 *et seq.*

16. Section 543.8 is amended in paragraph (a) by removing the phrase "District Director or his or her designee", and by adding in lieu thereof the word "OTS"; and by adding a second sentence to read as follows:

§ 543.8 Conversion of State mutual charter to Federal charter.

(a) * * * Requests for such approval shall be filed in accordance with § 516.1(c) of this chapter.

§ 543.11 [Amended]

17. Section 543.11 is amended in paragraph (c)(1)(iii)(C) by removing the last sentence.

PART 544—CHARTER AND BYLAWS

18. The authority citation for part 544 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901 *et seq.*

§ 544.3 [Amended]

19. Section 544.3 is amended in the petition by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

PART 545—OPERATIONS

20. The authority citation for part 545 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1828.

§ 545.74 [Amended]

21. Section 545.74 is amended in paragraph (c)(4)(iv) by removing the phrase "District Director or his or her designee", and by adding in lieu thereof the phrase "Regional Director"; and by removing the phrase "he or she has", and by adding in lieu thereof the phrase "there are".

§ 545.82 [Amended]

22. Section 545.82 is amended in paragraph (c)(1)(i) by removing the phrase "District Director", and by adding in lieu thereof the phrase "OTS", and by removing the phrase "of the parent Federal savings association"; in paragraph (c)(1)(ii) by removing the phrase "District Director", and by adding in lieu thereof the word "OTS", and by removing the phrase "the Federal savings association's"; and in paragraph (f)(2) by removing the phrase "its District Director", and by adding in lieu thereof the phrase "the OTS".

§ 545.121 [Amended]

23. Section 545.121 is amended in paragraph (c) concluding text by removing the phrase "District Director",

and by adding in lieu thereof the phrase "Regional Director", and by removing the phrase "Director of the Office", and by adding in lieu thereof the word "OTS"; and in the third sentence of paragraph (e) by removing the phrase "it the person", and by adding in lieu thereof the phrase "if the person".

§ 545.131 [Amended]

24. Section 545.131 is amended in paragraph (b)(7) introductory text by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

PART 550—TRUST POWERS OF FEDERAL SAVINGS ASSOCIATIONS

25. The authority citation for part 550 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1735f-7.

§ 550.2 [Amended]

26. Section 550.2 is amended in paragraph (c) introductory text by removing the phrase "District Director's", and by adding in lieu thereof the phrase "Regional Director's"; and in paragraph (c) introductory text, and paragraphs (c)(1), (c)(4), (c)(5), (c)(7), (c)(9), and (d) by removing the phrase "District Director" each place it appears, and by adding in lieu thereof the phrase "Regional Director".

§ 550.3 [Amended]

27. Section 550.3 is amended by removing the phrase "or the District Director", and by adding in lieu thereof the phrase "Regional Director".

§ 550.10 [Amended]

28. Section 550.10 is amended in paragraph (b)(2) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

§ 550.13 [Amended]

29. Section 550.13(b) is amended by removing the phrase "shall also be filed with the District Director and that the Office may review such documents", and by adding in lieu thereof the phrase "shall also be filed in accordance with the filing instructions in § 516.1(c) of this chapter and that the OTS may review such documents".

§ 550.14 [Amended]

30. Section 550.14 is amended in paragraph (a) by removing the phrase "§ 500.32(c)(5)", and by adding in lieu thereof the phrase "§ 516.1(c)"; and in paragraphs (b) and (c) introductory text by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

§ 550.15 [Amended]

31. Section 550.15 is amended in paragraph (a) by removing the phrase "parts 558 and 559 of this title", and by adding in lieu thereof the phrase "part 558 of this chapter".

PART 552—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL STOCK ASSOCIATIONS

32. The authority citation for part 552 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

§ 552.5 [Amended]

33. Section 552.5 is amended in paragraph (a) by removing the phrase "552.6–3, and 552.6–4", and by adding in lieu thereof the phrase "and 552.6–3"; and in paragraph (b)(1)(ii) by removing the phrase "552.6–3 and 552.6–4", and by adding "and 552.6–3" in its place.

34. Article VIII of the appendix to part 552 is revised to read as follows:

Appendix to Part 552—Model Bylaws for Stock Associations

* * * * *

Article VIII—Fiscal Year

The fiscal year of the association shall end on the _____ of _____ of each year. The appointment of accountants shall be subject to annual ratification by the shareholders.

* * * * *

PART 556—STATEMENTS OF POLICY

34a. The authority citation for part 556 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1464, 1701j–3; 15 U.S.C. 1693–1693r.

§ 556.5 [Amended]

34b. Section 556.5 is amended in paragraph (c)(4) by removing the phrases "of chapter C" and "of chapter D".

PART 563—OPERATIONS

35. The authority citation for part 563 continues to read as follows:

Authority: 12 U.S.C. 375b, 1462, 1462a, 1463, 1464, 1467a, 1468, 1817, 1828, 3806; 42 U.S.C. 4106.

§ 563.9 [Amended]

36. Section 563.9 is amended in paragraph (f) by removing the phrase "Notwithstanding the provisions of § 571.25 of this chapter, a", and by adding in lieu thereof the word "A".

§ 563.93 [Amended]

37. Section 563.93 is amended in paragraph (b)(11)(ii) by removing the phrase "general valuation".

§ 563.134 [Amended]

38. Section 563.134 is amended in paragraphs (b)(5) and (c) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

§ 563.160 [Amended]

39. Section 563.160 is amended in paragraphs (c)(2) and (d)(1) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director"; and by removing paragraph (f).

§ 563.170 [Amended]

40. Section 563.170 is amended in paragraph (b)(1) by removing the phrase "District Director" each place it appears, and by adding in lieu thereof the phrase "Regional Director", and by removing the term "District" and by adding in lieu thereof the term "Region"; in paragraph (c)(3)(iii) by removing the phrase "its District Director, or the", and by adding in lieu thereof the phrase "or its"; and in paragraph (e) by removing the phrases "District Director" and "District", and by adding in lieu thereof the phrases "Regional Director" and "Region", respectively.

§ 563.177 [Amended]

40a. Section 563.177 is amended in paragraphs (a) and (b) by removing the phrase "chapter II", and by adding in lieu thereof the phrase "subchapter II".

§ 563.183 [Amended]

41. Section 563.183 is amended in paragraph (c)(1) by removing the phrase "shall be by letter signed by the officer making the report with the original and two copies to the District Director or his or her designee", and by adding in lieu thereof the phrase "shall be done in accordance with § 516.1(c) of this chapter".

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

42. The authority citation for part 563b continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901; 15 U.S.C. 78c, 78l, 78m, 78n, 78w.

43. Section 563b.2 is amended by removing paragraph (a)(15), by redesignating paragraph (a)(16) as paragraph (a)(15) and by adding new paragraph (a)(16) to read as follows:

§ 563b.2 Definitions.

(a) * * *

(16) *Employee*. The term *employee* does not include a director or officer.

* * * * *

§ 563b.3 [Amended]

44. Section 563b.3 is amended in the last sentence of paragraph (c)(8) by removing the phrase "§ 563b.10(c)", and by adding in lieu thereof the phrase "§ 563b.10".

§ 563b.3 [Amended]

44a. Section 563b.3 is amended in the charter provision of paragraph (c)(13) by removing the phrase "chapter D", and by adding in lieu thereof the phrase "Part 563b".

§ 563b.4 [Amended]

45. Section 563b.4 is amended by designating the concluding text of paragraph (b)(1)(i) as paragraph (b)(1)(ii); and by removing the phrase "Corporate and Securities" where it appears in newly designated paragraph (b)(1)(ii) and by adding in lieu thereof the phrase "Business Transactions".

§ 563b.8 [Amended]

46. Section 563b.8 is amended by removing the phrase "Corporate and Securities" where it appears in the first, second, and third sentences of paragraph (e)(1) and adding in lieu thereof the phrase "Business Transactions".

§ 563b.29 [Amended]

47. Section 563b.29 is amended in paragraph (b) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

PART 563c—ACCOUNTING REQUIREMENTS

48. The authority citation for part 563c is revised to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464; 15 U.S.C. 78c(b), 78m, 78n, 78w.

§ 563c.3 [Amended]

49. Section 563c.3 is amended by removing paragraph (b) and the paragraph designation for paragraph (a).

PART 563d—SECURITIES OF SAVINGS ASSOCIATIONS

50. The authority citation for part 563d is revised to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464; 15 U.S.C. 78c(b), 78l, 78m, 78w, 78d–1.

§ 563d.1 [Amended]

51. Section 563d.1 is amended by removing the phrase "Corporate and Securities", and by adding in lieu thereof the phrase "Business Transactions".

§ 563d.2 [Amended]

52. Section 563d.2 is amended by removing the phrase "Corporate and

Securities" where it appears in the first, third, and fourth sentences, and by adding in lieu thereof the phrase "Business Transactions"; and by removing the word "District", and the phrases "District Office", "District Offices", and "District Director" where they appear, and by adding in lieu thereof the word "Region", and the phrases "Regional Office", "Regional Offices", and "Regional Director", respectively.

PART 565—PROMPT CORRECTIVE ACTION

53. The authority citation for part 565 continues to read as follows:

Authority: 12 U.S.C. 1831o.

§ 565.9 [Amended]

54. Section 565.9 is amended by removing the phrase "section 565.8" in paragraph (a) and by adding in lieu thereof the phrase "§ 565.7".

PART 566—LIQUIDITY

55. The authority citation for part 566 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1465, 1467a; 15 U.S.C. 1691, 1691a.

§ 566.2 [Amended]

56. Section 566.2 is amended in paragraph (c) by removing the phrase "§ 566.1, and § 566.3", and by adding in lieu thereof the phrase "and § 566.1".

PART 567—CAPITAL

57. The authority citation for part 567 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

58. Section 567.3 is amended by:

- a. revising paragraph (a);
- b. removing, in paragraph (b)(5), the phrase "§ 563.131 of this chapter or other Office regulations", and by adding in lieu thereof the phrase "other Office regulations or other guidance";
- c. revising paragraph (d)(1);
- d. removing, in paragraphs (d)(2) and (d)(3), the phrases "District Director" and "District Director's" each place they appear, and by adding in lieu thereof the phrases "OTS" and "OTS's", respectively;
- e. revising the fourth and fifth sentences of paragraph (d)(3), and removing the third sentence of paragraph (d)(3); and
- f. revising paragraph (d)(5). The revisions read as follows:

§ 567.3 Individual minimum capital requirements.

(a) *Purpose and scope.* The rules and procedures specified in this section

apply to the establishment of an individual minimum capital requirement for a savings association that varies from the requirement that would otherwise apply to the savings association under § 567.2 of this part. Pursuant to 12 U.S.C. 1464(s), the OTS may establish such individual minimum capital requirements for savings associations as it deems necessary or appropriate on a case-by-case basis in light of the particular circumstances of each savings association.

* * * * *

(d) *Procedures—(1) Notification.* When the OTS determines that a minimum capital requirement different from that set forth in § 567.2 of this part is necessary or appropriate for a particular savings association, it shall notify the savings association in writing of its proposed individual minimum capital requirement; the schedule for compliance with the new requirement; and the specific causes for determining that the higher individual minimum capital requirement is necessary or appropriate for the savings association. The OTS shall forward the notifying letter to the appropriate state supervisor if a state-chartered savings association would be subject to an individual minimum capital requirement.

* * * * *

(3) * * * The OTS shall provide the savings association and the appropriate state supervisor (if a state-chartered savings association is involved) with a written decision on the individual minimum capital requirement, addressing the substantive comments made by the savings association and setting forth the decision and the basis for that decision. Upon receipt of this decision by the savings association, the individual minimum capital requirement becomes effective and binding upon the savings association. *

* *

* * * * *

(5) *Change in circumstances.* If, after a decision is made under paragraph (d)(3) of this section, there is a change in the circumstances affecting the savings association's capital adequacy or its ability to reach its required minimum capital level by the specified date, OTS may amend the individual minimum capital requirement or the savings association's schedule for such compliance. The OTS may decline to consider a savings association's request for such changes that are not based on a significant change in circumstances or that are repetitive or frivolous. Pending the OTS's reexamination of the original decision, that original decision and any compliance schedule established

thereunder shall continue in full force and effect.

59. Section 567.4 is amended by:

- a. removing, in paragraph (a)(1) introductory text, the phrase "after referral of an appropriate case by a District Director and based on a recommendation of the Office's Office of Enforcement developed in coordination with the Deputy Director for Regional Operations";

- b. revising paragraph (a)(2) introductory text;

- c. revising the second and fifth sentences in paragraph (a)(3)(i) introductory text;

- d. removing, in paragraph (a)(3)(i) introductory text the word "Enforcement" each place it appears, and adding in lieu thereof the phrase "the Office"; and in paragraphs (a)(3)(i)(A) and (C), (a)(3)(ii), (a)(4), and (a)(5)(ii), by removing the words "of Enforcement" each place it appears;

- e. removing, in paragraph (a)(4), the phrase "based on a recommendation from the Office developed in coordination with the Deputy Director for Regional Operations,";

- f. revising paragraph (a)(6); and

- g. removing in paragraph (b)(1) the phrase "(such as an application under § 563.131 of this chapter, or an application for approval to exceed its applicable equity risk investment threshold pursuant to § 563.98(g) of this chapter)".

The revisions read as follows:

§ 567.4 Capital directives.

(a) * * *

(2) *Notice of intent to issue capital directive.* The OTS will determine whether to initiate the process of issuing a capital directive. The OTS will notify a savings association in writing by registered mail of its intention to issue a capital directive. If a state-chartered savings association is involved, the OTS will also notify and solicit comment from the appropriate state supervisor. The notice will state:

* * * * *

(3) *Response to notice of intent.* (i) * * * The response should also include any information that the savings association wishes the OTS to consider in deciding whether to issue a capital directive. * * * Such responses shall be submitted in accordance with § 516.1(c) of this chapter. * * *

* * * * *

(6) *Change in circumstances.* Upon a change in circumstances, a savings association may submit a request to the OTS to reconsider the terms of the capital directive or consider changes in the savings association's capital plan

issued under a directive for the savings association to achieve its minimum capital requirement. If the OTS believes such a change is warranted, the OTS may modify the savings association's capital requirement or may refuse to make such modification if it determines that there are not significant changes in circumstances. Pending a decision on reconsideration, the capital directive and capital plan shall continue in full force and effect.

* * * * *

§ 567.10 [Amended]

60. Section 567.10 is amended in paragraphs (a)(3) introductory text and (c) by removing the phrase "its District Director" and by adding in lieu thereof the phrase "the Regional Director".

§ 567.13 [Amended]

61. Section 567.13 is amended in paragraph (c) by removing the phrase "by the District Director".

PART 571—STATEMENTS OF POLICY

62. The authority citation for part 571 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1462a, 1463, 1464.

§ 571.6 [Amended]

63. Section 571.6 is amended in paragraphs (a)(2)(iv), (b)(3)(i), (d)(1), (d)(2), (d)(4)(ii), and (g) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director"; and by redesignating paragraph (b)(3)(i) as paragraph (b)(3).

§ 571.13 [Amended]

64. Section 571.13 is amended in the introductory text of paragraph (a) by removing the phrase "563.90 and"; and in paragraph (a)(1) by removing the phrase "or District Directors".

§ 571.20 [Amended]

65. Section 571.20 is amended in paragraph (a) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

PART 574—ACQUISITION OF CONTROL OF SAVINGS ASSOCIATIONS

66. The authority citation for part 574 continues to read as follows:

Authority: 12 U.S.C. 1467a, 1817, 1831i.

§ 574.2 [Amended]

67. Section 574.2 is amended by removing and reserving paragraph (i).

§ 574.3 [Amended]

68. Section 574.3 is amended in paragraph (c)(2)(v) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

§ 574.4 [Amended]

69. Section 574.4 is amended in paragraph (c)(4)(ii) by removing the phrase "District Director or his or her designee", and by adding in lieu thereof the phrase "Regional Director"; and in paragraph (f)(2) by removing the phrase "§ 574.6(b)(3) of this part", and by adding in lieu thereof the phrase "§ 516.1(c) of this chapter".

70. Section 574.6 is amended by adding paragraphs (a)(4) through (a)(6); by removing in paragraph (c)(3)(ii)(D) the phrase "chapter II", and by adding in lieu thereof the phrase "subchapter II"; and by removing paragraph (c)(3)(iii) to read as follows:

§ 574.6 Procedural requirements.

(a) * * *

(4) *H-(e)3*. This application shall be used for all applications filed under § 574.3(a) of this part:

(i) By a savings and loan holding company for approval of acquisitions by a merger, consolidation, or purchase of assets of a savings association or uninsured institution or a savings and loan holding company; or

(ii) By any company for approval of acquisitions by a merger, consolidation, or purchase of assets of two or more savings associations.

(5) *H-(e)4*. This information filing shall be used to claim that a reorganization is exempt from prior written approval of the OTS under § 574.3(c)(1)(ii) of this part.

(6) *Notice Form 1393, parts A and B*. This form shall be used for all notices filed under § 574.3(b) of this part regarding the acquisition of control of a savings association by any person or persons not constituting a company except as provided in paragraph (a)(3) of this section.

* * * * *

§ 574.7 [Amended]

71. Section 574.7 is amended in paragraphs (a)(2)(iii)(A) and (E) by removing the phrase "Senior Deputy Director for Supervision (Policy)", and by adding in lieu thereof the word "OTS"; in paragraphs (a)(2)(iii)(F)(1) through (4) by removing the phrase "District Director or his or her designee", and by adding in lieu thereof the word "OTS"; and in paragraph (c)(2) introductory text by removing the phrase "(a)(4), and".

PART 575—MUTUAL SAVINGS AND LOAN HOLDING COMPANIES

72. The authority citation for part 575 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828, 2901.

§ 575.2 [Amended]

72a. Section 575.2 is amended in paragraphs (i) and (p) by removing the phrase "of chapter F".

§ 575.10 [Amended]

73. Section 575.10 is amended in paragraphs (a)(1) and (a)(2)(iii) by removing the phrase "and 571.5".

§ 575.11 [Amended]

74. Section 575.11 is amended in paragraph (g) by removing the phrase "§§ 563.39 and 571.5", and by adding in lieu thereof the phrase "§ 563.39".

PART 583—DEFINITIONS

75. The authority citation for part 583 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1468.

§ 583.10 [Removed]

76. Section 583.10 is removed.

PART 584—REGULATED ACTIVITIES

77. The authority citation for part 584 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1468.

§ 584.1 [Amended]

78. Section 584.1 is amended in paragraph (b) by removing the phrase "District Director", and by adding in lieu thereof the phrase "Regional Director".

§ 584.2-2 [Amended]

79. Section 584.2-2 is amended in paragraph (b) by removing the third sentence; and in paragraph (c) by removing the phrase "the District Director or the Director of the Office, as the case may be," and by adding in lieu thereof the phrase "the OTS".

Dated: December 11, 1995.

By the Office of Thrift Supervision.

Jonathan L. Fiechter,

Acting Director.

[FR Doc. 95-30541 Filed 12-22-95; 8:45 am]

BILLING CODE 6720-01-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****14 CFR Parts 200, 217, 234, 241, 247, 248, 249, 250, 291, 298, 374a, 385, 399****RIN 2139-AA03****Technical Amendments; Organizational Change; Miscellaneous Editorial Changes; and Conforming Amendments****AGENCY:** Office of the Secretary, DOT.**ACTION:** Final rule.

SUMMARY: The Bureau of Transportation Statistics under delegated authority 49 CFR 1.71(a) amends the Secretary's regulations in order to reflect recent Departmental organizational changes, correct outdated organizational and statutory references, and eliminate obsolete provisions. It also makes editorial changes to correct addresses and make other technical corrections. This rule makes no substantive changes to current regulations.

EFFECTIVE DATE: This rule is effective on December 26, 1995.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus; Regulations Division, Office of Airline Information, K-25, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4387.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

Responsibility for the Department's aviation information program was transferred from the Administrator of the Research and Special Programs Administration (RSPA) to the Director of the Bureau of Transportation Statistics (BTS) in May 1995. Before RSPA, the function resided in the Civil Aeronautics Board (CAB) until the sunset of the latter. The office that has this responsibility is the Office of Airline Information (OAI). Before the transfer, this office was known as the Office of Airline Statistics (OAS) and, prior to a 1990 reorganization of RSPA, the Office of Aviation Information Management (OAIM). This rule reflects the transfer by revising those portions of the CFR that still refer to RSPA, CAB, OAS, and OAIM with respect to the aviation information program.

The rule also makes editorial changes throughout the 14 CFR chapter II to eliminate obsolete provisions, and to correct addresses, terminology, cross-references, and outdated titles of Department organizations and officials. These changes are necessitated in part by the revision and recodification of the

Federal Aviation Act within subtitle VII of title 49 of the United States Code (Transportation) by action of Public Law 103-272, enacted July 5, 1994. 14 CFR 399.100 is being removed since it is redundant to 14 CFR part 241 section 19-7(d); the policy regarding release of international passenger origin and destination statistics remains unchanged.

Notice and Opportunity for Public Comment Unnecessary

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment are unnecessary. The amendments made in this document are ministerial, removing obsolete and redundant material and making minor technical and terminology changes. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Therefore, this final rule is effective upon publication in the Federal Register.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). As this rule involves internal agency practices and procedures, it will not impose any costs on the public.

Paperwork Reduction Act

This rule contains no reporting or recordkeeping requirements.

Federalism

The Bureau of Transportation Statistics has analyzed this rule under the principles and criteria in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Protection Act

The Bureau of Transportation Statistics has also analyzed the proposed amendments for the purpose of the National Environmental Protection Act. The amendments will not have any impact on the quality of the human environment.

List of Subjects**14 CFR Part 200**

Air transportation.

14 CFR Part 217

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 234

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

14 CFR Part 241

Air carriers, Reporting and recordkeeping requirements, Uniform System of Accounts.

14 CFR Part 247

Air carriers, Airports.

14 CFR Part 248

Air carriers, Reporting and recordkeeping requirements, Uniform System of Accounts.

14 CFR Part 249

Air carriers, Reporting and recordkeeping requirements, Truth in lending, Uniform System of Accounts.

14 CFR Part 250

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

14 CFR Part 291

Administrative practice and procedure, Air carriers, Freight, Reporting and recordkeeping requirements.

14 CFR Part 298

Air taxis, Reporting and recordkeeping requirements.

14 CFR Part 374a

Air carriers, Credit, Political candidates, Reporting and recordkeeping requirements.

14 CFR Part 385

Organization and functions (Government agencies).

14 CFR Part 399

Administrative practice and procedure, Air carriers, Air rates and fares, Air taxis, Consumer protection, Small businesses.

For the reasons set out in the preamble, the Bureau of Transportation Statistics under delegated authority 49 CFR 1.71(a) amends the Secretary's regulations in 14 CFR chapter II as set forth below.

PART 200—DEFINITIONS AND INSTRUCTIONS

1. The authority citation for part 200 continues to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 413, 415, 417, 461.

2. In § 200.1, add new paragraph (h) to read as follows:

§ 200.1 Terms and definitions.

* * * * *

(h) *BTS* means the Bureau of Transportation Statistics, U.S. Department of Transportation.

PART 217—REPORTING TRAFFIC STATISTICS BY FOREIGN AIR CARRIERS IN CIVILIAN SCHEDULED, CHARTER, AND NONSCHEDULED SERVICES

3. The authority citation for part 217 is revised to read as follows:

Authority: 49 U.S.C. 329 and chapters 401, 413, 417.

§§ 217.3, 217.5, 217.6, 217.7, 217.9, 217.10 [Amended]

4. In the list below, for each section indicated in the left column, remove the term indicated in the middle column from wherever it appears in the section, and add the term indicated in the right column:

Section	Remove	Add
217.3(a)	RSPA	BTS.
217.3(e)	Research and Special Programs Administration	Bureau of Transportation Statistics.
217.5(b)(1)	Office of Aviation Information Management	Office of Airline Information.
217.5(b)(1) and (3)	OAIM's	OAI's.
217.5(b)(1), (3), and (6)	OAIM	OAI.
217.6(a)	Office of Aviation Information Management	Office of Airline Information.
217.7	RSPA	BTS.
217.9(a)	Office of Aviation Information Management	Office of Airline Information.
217.10(b)	Office of Aviation Information Management, DAI-1, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.
217.10, appendix (a)(3)	Data Administration Division, DAI-20, Room 4125, Office of Aviation Information Management, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.
217.10, appendix (f) (1) and (2)	OAIM	OAI.
217.10, appendix (f) (2)	RSPA	BTS.
217.10, appendix (g) (1) and (2)	OAIM	OAI.
217.10, appendix (g)(1)(i)	Office of Aviation Information Management	Office of Airline Information.
217.10, appendix (i)(2)	OAIM	OAI.

§ 217.10 [Amended]

5. In § 217.10, the appendix is amended by removing paragraph (h).

PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS

6. The authority citation for part 234 is revised to read as follows:

Authority: 49 U.S.C. 329 and chapters 401, 417.

7. The Note preceding § 234.1 is revised to read as follows:

Note: The reporting requirements contained in this part have been approved by the Office of Management and Budget under control number 2138-0041.

§§ 234.2, 234.4, 234.5, 234.6, 234.8, 234.12 [Amended]

8. In the list below, for each section indicated in the left column, remove the term indicated in the middle column from wherever it appears in the section, and add the term indicated in the right column:

Section	Remove	Add
234.2 "Reportable flight"	Office of Airline Statistics	Office of Airline Information.
234.2 "Reporting carrier"	Section 401 of the Federal Aviation Act of 1958	49 U.S.C. 41102.
234.2 "Reporting carrier"	Office of Airline Statistics	Office of Airline Information.
234.4(a)	RSPA	BTS.
234.4(a)	Office of Airline Statistics	Office of Airline Information.
234.5	Office of Airline Statistics	Office of Airline Information.
234.6	Office of Airline Statistics	Office of Airline Information.
234.8(a)	Office of Airline Statistics	Office of Airline Information.
234.12	Administrator, Research and Special Programs Administration.	Director, Bureau of Transportation Statistics.

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR LARGE CERTIFICATED AIR CARRIERS

9. The authority citation for part 241 is revised to read as follows:

Authority: 49 U.S.C. 329 and chapters 401, 411, 417.

§§ 241.03, 04, 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 2.1, 2-4, 3, 6, 12, 17, 19-1, 19-5, 19-7, 21, 22, 23, 24, 25 [Amended]

10. In the list below, for each section indicated in the left column, remove the

term indicated in the middle column from wherever it appears in the section, and add the term indicated in the right column:

Section	Remove	Add
241 Sec. 03 "Air carrier, charter"	Section 401(d)(3) of the Federal Aviation Act of 1958, as amended.	49 U.S.C. 41102(a)(3).
241 Sec. 03 "Air carrier, large certificated".	Section 401 of the Federal Aviation Act of 1958	49 U.S.C. 41102.
241 Sec. 03 "Certificate of Public Convenience and Necessity".	Section 401, of the Act	49 U.S.C. 41102.
241 Sec. 03 "Person controlling an air carrier".	Section 101 (32) of the Act	49 U.S.C. 40102.
241 Sec. 03, "Section 418 cargo operations".	Section 418	Section 41103.
241 Sec. 03, "Section 418 cargo operations".	Section 418 of the Act	49 U.S.C. 41103.
241 Sec. 03 "Traffic, nonrevenue"	Section 403(b) of the Federal Aviation Act	49 U.S.C. 41511(a).
241 Sec. 03 "Traffic, nonrevenue"	Part 223 of the Board's Economic Regulations	14 CFR part 223.
241 Sec. 03 "Traffic, revenue"	Section 403(b) of the Federal Aviation Act	49 U.S.C. 41511(a).
241 Sec. 03 "Traffic, revenue"	Part 223 of the Board's Economic Regulations	14 CFR part 223.
241 Sec. 04(b)	Office of Airline Statistics	Office of Airline Information.
241 Sec. 1-1	Board	BTS.
241 Sec. 1-1	Civil Aeronautics Board	BTS.
241 Sec. 1-1	407 and 416 of the Federal Aviation Act of 1958, as amended.	49 U.S.C. 41701 and 41708.
241 Sec. 1-2	Civil Aeronautics Board	BTS.
241 Sec. 1-3(a)	Civil Aeronautics Board	BTS.
241 Sec. 1-4(b)	Civil Aeronautics Board	BTS.
241 Sec. 1-4(b)	Board	BTS.
241 Sec. 1-5(c)	Civil Aeronautics Board	DOT.
241 Sec. 1-5(c)	Part 249 of the Economic Regulations of the Civil Aeronautics Board.	14 CFR part 249.
241 Sec. 1-6(a)	Civil Aeronautics Board	BTS.
241 Sec. 1-6(b)	Section 406 subsidy, interchange sales, and mutual aid assistance.	And interchange sales.
241 Sec. 1-7	Office of Aviation Information Management, DAI-1, Research and Special Programs Administration.	Office of Airline Information, K-25, Bureau of Transportation Statistics.
241 Sec. 1-8	Data Administration Division, DAI-20, Office of Aviation Information Management, Room 4125, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C., 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.
241 Sec. 2.1(a)	Office of Aviation Information Management (OAIM) ..	Office of Airline Information (OAI).
241 Sec. 2.1(b)	OAIM	OAI.
241 Sec. 2.1(c)	Office of Aviation Information Management/RSPA, DAI-1, U.S. Department of Transportation, Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.
241 Sec. 2-4(a)	Civil Aeronautics Board	BTS.
241 Sec. 2-4(d)	Civil Aeronautics Board	DOT.
241 Sec. 3, Note at end of Table	CAB	BTS.
241 Sec. 6, 1609	Civil Aeronautics Board	BTS.
241 Sec. 6, 1629, Note	RSPA	BTS.
241 Sec. 6, 1649	Civil Aeronautics Board	BTS.
241 Sec. 6, 1830(a) and (e)	Civil Aeronautics Board	DOT.
241 Sec. 6, 1830(c)	Board	DOT.
241 Sec. 6, 1890(g)	Civil Aeronautics Board	DOT.
241 Sec. 6, 1890(g)	Board	BTS.
241 Sec. 6, 1890(h)	Civil Aeronautics Board	BTS.
241 Sec. 6, 2130(b)	RSPA	BTS.
241 Sec. 12, 01(a)	Section 403(b) of the Federal Aviation Act	49 U.S.C. 41511(a).
241 Sec. 12, 01(a)	Part 223 of the Board's Economic Regulations	14 CFR part 223.
241 Sec. 12, 08	Section 419 of the Federal Aviation Act	49 U.S.C. 41733.
241 Sec. 12, 19(a)	Section 403(b) of the Federal Aviation Act	49 U.S.C. 41511(a).
241 Sec. 12, 19(a)	Part 223 of the Board's Economic Regulations	14 CFR part 223.
241 Sec. 12, 75.6	Civil Aeronautics Board	BTS.
241 Sec. 12, 77(b)	Civil Aeronautics Board	BTS.
241 Sec. 12, 78	Civil Aeronautics Board	BTS.
241 Sec. 12, 79(a)	Civil Aeronautics Board	BTS.
241 Sec. 17, 96	RSPA	BTS.
241 Sec. 19-1(a)	Section 418 of the Act	49 U.S.C. 41103.
241 Sec. 19-1(c)	OAIM	OAI.
241 Sec. 19-5(c)(2)	Office of Aviation Information Management (OAIM) ..	Office of Airline Information (OAI).
241 Sec. 19-5(c)(2)	OAIM's	OAI's.
241 Sec. 19-5(c)(6)	OAIM	OAI.
241 Sec. 19-5(c)(22)	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7(a)	Research and Special Programs Administration (RSPA), Office of Aviation Information Management (OAIM).	Bureau of Transportation Statistics (BTS), Office of Airline Information (OAI).

Section	Remove	Add
241 Sec. 19-7(a)	Office of Aviation Information Management, RSPA, Department of Transportation, DAI-1, 400 Sev- enth Street, SW., Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Sev- enth St., SW., Washington, DC 20590.
241 Sec. 19-7(b)	RSPA	BTS.
241 Sec. 19-7(b) and (c)	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, introduc- tory text.	Robin A. Caldwell, Director, Office of Aviation Infor- mation Management, DAI-1, Research and Special Programs Administration, Room 4125, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Sev- enth St., SW., Washington, DC 20590.
241 Sec. 19-7, Appendix A, IV.C(2)	RSPA	BTS.
241 Sec. 19-7, Appendix A, IV.C(2)	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, IV.E	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, V., foot- notes 4 and 5.	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, V.C(2)	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, VI.B	RSPA	BTS.
241 Sec. 19-7, Appendix A, VII.A	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, VIII.A(2) ..	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, VIII.B	OAIM	OAI.
241 Sec. 19-7, Appendix A, IX., intro- ductory text.	RSPA	BTS.
241 Sec. 19-7, Appendix A, IX.B	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 19-7, Appendix A, IX.B	OAIM	OAI.
241 Sec. 19-7, Appendix A, IX.C	RSPA	BTS.
241 Sec. 21(a), (b) and (d)	CAB	BTS.
241 Sec. 21(a)	Civil Aeronautics Board	BTS.
241 Sec. 21(e)	Office of Airline Statistics	Office of Airline Information.
241 Sec. 21(i)	Board's Comptroller	Office of Airline Information.
241 Sec. 21(k)	Board	BTS.
241 Sec. 22	CAB	BTS.
241 Sec. 22	Civil Aeronautics Board	BTS.
241 Sec. 22(a), Tables	RSPA	BTS.
241 Sec. 22(a), List of Schedules Table, footnotes (1) and (2).	\$10	\$20 .
241 Sec. 22(a), List of Schedules Table, footnote (3).	Section 418	49 U.S.C. 41103.
241 Sec. 22(b), introductory text	CAB	BTS.
241 Sec. 22(b), introductory text	Civil Aeronautics Board	BTS.
241 Sec. 22(e)	<i>Manual of ADP Instructions, Outputs, Codes and Related Material</i> , which is available from the Board's Information Management Division.	Accounting and Reporting Directives, which are available from OAI.
241 Sec. 22, parenthetical phrase at the end.	3024-0013	2138-0013.
241 Sec. 23, Schedule A, (a)	RSPA	BTS.
241 Sec. 23, Schedule B-1.1, (b)	Board's Information Management Division	Office of Airline Information.
241 Sec. 23, Schedule B-43, (b)	No. 137	No. 178.
241 Sec. 23, Schedule B-43, (b)	Office of Airline Statistics	Office of Airline Information.
241 Sec. 24, Schedule P-1.1, (c)	Board's Information Management Division	Office of Airline Information.
241 Sec. 24, Schedule P-1.1, (i)	Section 419 of the Federal Aviation Act	49 U.S.C. 41733.
241 Sec. 24, Schedule P-1(a), (e)	Section 401 of the Act	49 U.S.C. 41102.
241 Sec. 24, Schedule P-2, title	<i>Notes to RSPA Form 41 Report</i>	<i>Notes to BTS Form 41 Report</i> .
241 Sec. 24, Schedule P-5.1, (e)	<i>Manual of ADP Instructions, Outputs, Codes and Related Material</i> .	Accounting and Reporting Directives.
241 Sec. 24, Schedule P-5.2, (c)	<i>Manual of ADP Instructions, Outputs, Codes and Related Material</i> .	Accounting and Reporting Directives.
241 Sec. 24, Schedule P-5.2, (c)	Board's Information Management Division	Office of Airline Information.
241 Sec. 24, Schedule P-5.2, (d)	Board	BTS.
241 Sec. 24, Schedule P-12a, (k), in- troductory text.	Board	BTS.
241 Sec. 24, Schedule P-12a, (k)(1) ...	Board	DOT.
241 Sec. 24, Schedule P-12a, (k)(3) ...	Board	BTS.
241 Sec. 24, parenthetical phrase at the end.	3024-0013	2138-0013.
241 Sec. 25, General Instructions, (b) ..	Office of Aviation Information Management, RSPA ...	Office of Airline Information, BTS.
241 Sec. 25, Schedule T-100(f), (a)	402 permits	Section 41302 permits.
241 Sec. 25, Schedule T-100(f), (b)	Office of Aviation Information Management, DAI-1, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Sev- enth St., SW., Washington, DC 20590.
241 Sec. 25, Appendix, (a)	401	49 U.S.C. 41102.
241 Sec. 25, Appendix, (a)	Section 418 of the Act	49 U.S.C. 41103.
241 Sec. 25, Appendix, (a)	Office of Aviation Information Management (OAIM) ..	Office of Airline Information (OAI).
241 Sec. 25, Appendix, (c)(2)(ii)	OAIM	OAI.

Section	Remove	Add
241 Sec. 25, Appendix, (e)	Data Administration Division, DAI-20, Room 4125, Office of Aviation Information Management, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.	Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.
241 Sec. 25, Appendix, (m)	Office of Aviation Information Management	Office of Airline Information.
241 Sec. 25, Appendix, (m)	OAIM	OAI.
241 Sec. 25, Appendix, (n)	RSPA	BTS.
241 Sec. 25, parenthetical phrase at the end.	3024-0013	2138-0013.

§ 241.03 [Amended]

11. In Part 241 Sec. 03, remove the definition "Board" and add the following definition in appropriate alphabetical order to read as follows:

Section 03—Definitions for Purposes of This System of Accounts and Reports

* * * * *

BTS. The Bureau of Transportation Statistics.

* * * * *

§ 241.2-5 [Amended]

12. In Part 241 Sec. 2-4(c), remove the term "and Pan American" wherever it appears.

§ 241.22 [Amended]

13. In Part 241 Sec. 22(b)(3), remove the term "Board" where it appears seven times, and add, in place of the first, sixth, and seventh occurrences, the term "BTS", and add, in place of the second, third, fourth, and fifth occurrences, the term "DOT".

§ 241.25 [Amended]

14. In Part 241 Sec. 25, Schedule T-8, paragraph (a) is revised to read as follows:

Schedule T-8—Report of All-Cargo Operations

(a) This schedule shall be filed annually by all air carriers that conduct

all-cargo operations under certificates issued under 49 U.S.C. 41103.

* * * * *

15. Part 241 Sec. 25, Schedule T-9 is removed.

PART 247—DIRECT AIRPORT-TO-AIRPORT MILEAGE RECORDS

16. The authority citation at the end of part 247 is revised to read as follows:

Authority: 49 U.S.C. chapter 401.

§ 247.1 [Amended]

17. In § 247.1, remove the term "Office of Airline Statistics" and add "Office of Airline Information" in its place, and remove the term "Research and Special Programs Administration" and add "Bureau of Transportation Statistics" in its place.

PART 248—SUBMISSION OF AUDIT REPORTS

18. The authority citation for part 248 is revised to read as follows:

Authority: 49 U.S.C. 329 and chapters 401, 411, 417.

§ 248.2 [Amended]

19. In § 248.2, remove the term "Board's Office of the Comptroller" and add "Office of Airline Information" in its place.

20. In the parenthetical phrase at the end of § 248.2, remove the term "3024-0004" and add "2138-0004" in its place.

§ 248.4 [Amended]

21. In § 248.4, remove the term "Board's Office of the Comptroller" and add "Office of Airline Information" in its place, and remove the term "CAB" and add "BTS" in its place.

§ 248.5 [Amended]

22. In § 248.5, remove the term "Board" and add "BTS" in its place.

PART 249—PRESERVATION OF AIR CARRIER RECORDS

23. The authority citation for part 249 is revised to read as follows:

Authority: 49 U.S.C. 329 and chapters 401, 411, 413, 417.

24. In the Note preceding Subpart A of part 249, remove the term "3024-0006" and add "2138-0006" in its place.

§§ 249.1, 249.2, 249.3, 249.4, 249.7, 249.8, 249.9, 249.10, 249.20, 249.21, 249.30, 249.31 [Amended]

25. In the list below, for each section indicated in the left column, remove the term indicated in the middle column from wherever it appears in the section, and add the term indicated in the right column:

Section	Remove	Add
249.1(a)	Section 101(3) of the Act	49 U.S.C. 40102.
249.2	Board	DOT.
249.2	Board	DOT.
249.2	Board's	DOT's.
249.2 "Certificated air carrier"	Civil Aeronautics Board	Department of Transportation.
249.2 "Certificated air carrier"	Section 401 of the Act	49 U.S.C. 41102.
249.2 "Certificated air carrier"	Section 418 of the Act	49 U.S.C. 41103.
249.3(a)	Chief, Data Requirements Division, Office of the Comptroller.	Director, Office of Airline Information.
249.3(b)	Board	DOT.
249.4(c)	Board	DOT.
249.7	Board	DOT.
249.7	Chief, Data Requirements Division, Office of the Comptroller.	Director, Office of Airline Information.
249.7(a)	Case arising under section 406 of the Act	Mail rate case.
249.8	Chief, Data Requirements Division, Office of the Comptroller.	Director, Office of Airline Information.
249.9	Board	DOT.

Section	Remove	Add
249.10	Chief, Data Requirements Division, Office of the Comptroller.	Director, Office of Airline Information.
249.10	Chief's	Director's.
249.20, Schedule of Records	CAB	BTS.
249.21	Board	DOT.
249.30	Section 101 of the Federal Aviation Act of 1958	49 U.S.C. 40102.
249.30	Section 402 of the Act	49 U.S.C. 41302.
249.31	Board	DOT.

PART 250—OVERSALES

26. The authority citation for part 250 is revised to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 413, 417.

§ 250.10 [Amended]

27. In § 250.10, remove the term "RSPA" and add "BTS" in its place.

PART 291—CARGO OPERATIONS IN INTERSTATE AIR TRANSPORTATION

28. The authority citation for part 291 continues to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 415, 417.

§ 291.42 [Amended]

29. In § 291.42(a)(2), remove the term "Data Administration Division, DAI-20, room 4125, Office of Airline Statistics, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001" and add "Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590" in its place.

PART 298—EXEMPTIONS FOR AIR TAXI AND COMMUTER AIR CARRIER OPERATIONS

30. The authority citation for part 298 continues to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 417.

§ 298.60 [Amended]

31. In § 298.60, remove the term "RSPA" and add "BTS" in its place.

32. In § 298.60(a), remove the term "Research and Special Programs Administration" and add "Bureau of Transportation Statistics" in its place.

33. In § 298.60(b), remove the term "Office of Airline Statistics" and add "Office of Airline Information" in its place.

34. In § 298.60(c), remove the term "Data Administration Division; DAI-20, Room 4125; Office of Airline Statistics; Research and Special Programs Administration; Department of Transportation; 400 Seventh Street, SW.; Washington, D.C. 20590" and add

"Office of Airline Information, K-25, Room 4125, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590" in its place.

35. In § 298.60(e), remove the term "366-9847" and add "366-9059" in its place.

§ 298.61 [Amended]

36. In § 298.61(a) and (g), remove the term "RSPA" and add "BTS" in its place.

37. In § 298.61(g), remove the term "Office of Airline Statistics" and add "Office of Airline Information" in its place.

§ 298.62 [Amended]

38. In § 298.62(a), remove the term "RSPA" and add "BTS" in its place.

§ 298.63 [Amended]

39. In § 298.63(a), remove the term "RSPA" and add "BTS" in its place.

40. In § 298.63(c), remove the term "Manual of ADP Instructions, Outputs, Codes and Related Material" and add "Accounting and Reporting Directives" in its place.

41. In § 298.63(c), remove the term "RSPA's Office of Airline Statistics" and add "BTS" Office of Airline Information" in its place.

§ 298.64 [Amended]

42. In § 298.64(a), remove the term "RSPA" and add "BTS" in its place.

43. In § 298.64(e), remove the term "RSPA's Office of Airline Statistics" and add "BTS" Office of Airline Information" in its place.

§ 298.65 [Amended]

44. In § 298.65(a), remove the term "RSPA" and add "BTS" in its place, and remove the term "RSPA's Office of Airline Statistics" and add "BTS" Office of Airline Information" in its place.

45. In § 298.65(b), remove the term "Office of Airline Statistics" and add "Office of Airline Information" in its place.

§ 298.66 [Amended]

46. In § 298.66, remove the term "Office of Airline Statistics" and add "Office of Airline Information" in its place.

PART 374a—EXTENSION OF CREDIT BY AIRLINES TO FEDERAL POLITICAL CANDIDATES

47. The authority citation for part 374a is revised to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 415, 417.

§ 374a.6 [Amended]

48. In § 374a.6(a), remove the term "Board" and add "Bureau of Transportation Statistics" in its place.

49. In § 374a.6(b)(2), remove the term "Board's Bureau of Accounts and Statistics" and add "Office of Airline Information" in its place.

50. In § 374a.6(c), remove the term "Board's Bureau of Accounts and Statistics" and add "Office of Airline Information" in its place.

§ 374a.7 [Amended]

51. In § 374a.7(b), remove the term "Board" and add "DOT" in its place.

PART 385—STAFF ASSIGNMENTS AND REVIEW OF ACTION UNDER ASSIGNMENTS

52. The authority citation for part 385 is revised to read as follows:

Authority: 49 U.S.C. chapters 401, 417.

§ 385.1 [Amended]

53. In § 385.1 "Reviewing Official", remove the term "the Administration of the Research, and Special Programs Administration" and add "the Director of the Bureau of Transportation Statistics" in its place.

§ 385.2 [Amended]

54. In § 385.2, remove the term "Administrator, Research and Special Programs Administration (RSPA)" and add "Director, Bureau of Transportation Statistics (BTS)" in its place.

§ 385.27 [Amended]

55. In the section heading for § 385.27, remove the term "Office of Aviation Information Management, Research and Special Programs Administration" and add "Office of Airline Information, Bureau of Transportation Statistics" in its place.

56. In the introductory text to § 385.27, remove the term "Office of

Aviation Information Management, Research and Special Programs Administration (RSPA)" and add "Office of Airline Information, Bureau of Transportation Statistics (BTS)" in its place.

57. In § 385.27(d), remove the term "RSPA" and add "BTS" in its place.

58. In § 385.27(i), remove the term "RSPA" and add "BTS" in its place, and remove the term Administrator, RSPA" and add "Director, BTS" in its place.

59. In § 385.27(m), remove the term "and with the policy set forth in § 399.100 of this chapter".

PART 399—STATEMENTS OF GENERAL POLICY

60. The authority citation for part 399 continues to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 413, 415, 417, 419, 461.

§ 399.50 [Amended]

61. In § 399.50, remove the term "Board" and add "Bureau of Transportation Statistics" in its place, and remove the term "section 901(a) of the Act" and add "49 U.S.C. 46301" in its place.

§ 399.51 [Amended]

62. In § 399.51, remove the term "Board" and add "Bureau of Transportation Statistics" in its place.

§ 399.52 [Amended]

63. In § 399.52, remove the term "Board" and add "DOT" in its place.

§ 399.100 [Removed]

64. Section 399.100 is removed.

Issued in Washington, DC, on December 19, 1995.
T.R. Lakshmanan,
Director, Bureau of Transportation Statistics.
[FR Doc. 95-31188 Filed 12-22-95; 8:45 am]
BILLING CODE 4910-FE-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8642]

RIN 1545-AR48; 1545-AR93

Recognition of Gain or Loss by Contributing Partner on Distribution of Contributed Property or Other Property

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the recognition of

gain or loss on certain distributions of contributed property by a partnership under section 704(c)(1)(B) of the Internal Revenue Code of 1986 (Code). This document also contains final regulations relating to the recognition of gain on certain distributions to a contributing partner under section 737. The final regulations affect partnerships and their partners and are necessary to provide guidance for complying with the applicable tax law.

EFFECTIVE DATE: These regulations are effective for January 9, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen J. Coleman, (202) 622- 3060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The Revenue Reconciliation Act of 1989 added section 704(c)(1)(B) and section 704(c)(2) to the Internal Revenue Code. Section 704(c)(1)(B) provides that, in the case of a distribution of contributed property to another partner within five years of its contribution, the contributing partner must recognize gain or loss in an amount equal to the gain or loss the partner would have been allocated under section 704(c)(1)(A) on a sale of the property by the partnership at its fair market value at the time of the distribution. Section 704(c)(2) provides an exception for distributions of certain like-kind property.

The Energy Policy Act of 1992 added section 737 to the Code. Section 737 requires a partner who contributes appreciated property to recognize gain on a subsequent distribution of other property to the contributing partner to the extent of the lesser of (i) the net precontribution gain on property contributed by the partner, or (ii) the excess of the value of the distributed property over the adjusted basis of the partner's interest in the partnership.

On January 9, 1995, a notice of proposed rulemaking (PS-76-92; PS-51-93) under section 704(c)(1)(B) and section 737 was published in the Federal Register (60 FR 2352). Written comments responding to this notice were received. No public hearing was held because no hearing was requested. After consideration of all comments received, the proposed regulations under section 704(c)(1)(B) and section 737 are adopted as revised by this Treasury decision.

Summary of Significant Comments and Revisions

The significant comments on the proposed regulations and the revisions made in the final regulations are discussed below.

A. Section 704(c)(1)(B)

Determination of Gain and Loss

The proposed regulations provide that section 704(c)(1)(B) applies only to a distribution that is properly characterized as a distribution to a partner acting in the capacity of a partner within the meaning of section 731 and section 737, and not to a transaction or distribution that is subject to provisions other than section 731(a) or section 737. Comments requested that the provision be clarified. The final regulations clarify that section 704(c)(1)(B) applies only to the extent that a transaction is a distribution under section 731. References to transactions and distributions not subject to section 704(c)(1)(B) have been deleted.

One commentator suggested certain clarifying revisions to the proposed regulations' definition of fair market value. The definition in the proposed regulations, however, is identical to the definition of fair market value in the 704(b) regulations, and distributed property should have the same fair market value for purposes of determining gain and loss under section 704(c)(1)(B) and determining capital account adjustments under section 704(b). The final regulations therefore adopt the definition in the proposed regulations without change.

The proposed regulations provide that the amount of gain or loss resulting from a distribution of partnership property is determined as if the distributed property had been sold by the partnership to the distributee partner. As a result, if built-in loss property is distributed to a partner that holds more than a 50 percent interest in partnership capital or profits, the built-in loss that otherwise would be recognized is disallowed under section 707(b)(1)(A). One commentator suggested that section 704(c)(1)(B) was intended to address disguised sales between partners and that, therefore, a loss should be disallowed on a distribution only if it would be disallowed on a direct sale between the partners. Section 704(c)(1)(B), however, respects the form of the transaction as between the partnership and a partner and does not recast the transaction as a disguised sale. See H.R. Rep. No. 247, 101st Cong., 1st Sess. 406 (1989). The final regulations therefore adopt the proposed regulations without change.

Several of the provisions in the proposed regulations refer to distributions that are part of "the same plan or arrangement." Commentators requested clarification of this term. The reference to distributions that are part of the same plan or arrangement was

intended to reflect the fact that distributions of multiple properties to one partner or distributions of different properties to more than one partner over a period of time may be treated as part of the same distribution under general principles of taxation, such as the step transaction doctrine. The final regulations remove the reference to "same plan or arrangement" and refers to distributions that are part of the same distribution. This change is made for simplification only and is not intended as a substantive change to the scope of a distribution for tax purposes. As under current law, distributions do not need to be contemporaneous to be part of the same distribution.

Several comments were received regarding the effect of a partnership termination under section 708(b)(1)(B). One comment suggested that it was not clear whether property that had previously been contributed to the partnership (and was therefore already subject to a five-year period) was subject to a new five-year period after the termination. The final regulations clarify that a new five-year period does not begin to the extent of any pre-termination gain or loss that would have been allocated to a contributing partner under section 704(c)(1)(A) on a sale of contributed property immediately before the termination.

The legislative history of section 704(c)(1)(B) indicates that a constructive termination does not change the application of section 704(c) to pre-contribution gain or loss on property contributed to the partnership before termination. One comment read this legislative history as possibly suggesting that a pro rata distribution is deemed to occur under section 708(b)(1)(B) for section 704(c)(1)(A) purposes, but a different distribution is deemed to occur for section 704(c)(1)(B) purposes. The comment expressed concern about the complexity of such a system. Section 704(c)(1)(B), however, does not require or impose such a "hybrid system." The amount of gain or loss under section 704(c)(1)(B) is determined by reference to the amount of gain or loss that would have been allocated to the partner under section 704(c)(1)(A) if the property had been sold. Thus, property of a partnership that terminates under section 708(b)(1)(B) is deemed to be distributed to the partners in the same manner for both sections.

Another comment suggested it was unclear whether section 704(c)(1)(B) could apply to property that had not been contributed by a partner to the partnership prior to the termination. The final regulations confirm that a new five-year period begins for all property

that is deemed contributed to the new partnership after the termination (which would include property not actually contributed to the partnership), except to the extent that such built-in gain or loss would have been allocated to the contributing partner under section 704(c)(1)(A) on a sale of the contributed property immediately before the termination.

Commentators also requested guidance on the interaction of section 708(b)(1)(B) and section 704(c) in general. The IRS and Treasury recognize the need for additional guidance on this issue, but such guidance is beyond the scope of these regulations. The IRS and Treasury are considering a separate project involving the interaction of section 704(c) and section 708(b)(1)(B) and invite additional comments and suggestions regarding the project.

Exceptions

The proposed regulations provide that section 704(c)(1)(B) does not apply to property contributed to the partnership on or before October 3, 1989. One commentator requested an exception for property required to be contributed under a binding contract entered into on or before October 3, 1989. The statutory effective date provisions, however, do not contain a binding contract exception. Accordingly, the final regulations adopt the proposed regulations without change.

One commentator suggested an additional exception for distributions of an undivided interest in property. The final regulations provide that section 704(c)(1)(B) does not apply to such a distribution to the extent that the distributed interest does not exceed the undivided interest contributed by the distributee partner.

One commentator also requested an additional exception for distributions of fungible property because the partners may not be able to track the specific contributed property. The final regulations do not provide such an exception. Contributed property may be fungible from an economic perspective, but such property is generally not fungible for tax purposes because each contributed property will have its own individual tax basis.

The proposed regulations provide an exception for distributions of section 704(c) property to a noncontributing partner in liquidation of the partnership if the contributing partner receives an interest in the contributed property and the built-in gain or loss in that property is equal to or greater than the built-in gain or loss that would have otherwise been allocated to the contributing partner. One commentator suggested

that the exception more clearly indicate the amount of built-in gain or loss that must be reflected in the property distributed to the contributing partner. The final regulations clarify that the amount of the built-in gain or loss must be equal to the gain or loss that would have been allocated to the contributing partner under section 704(c)(1)(A) if the contributed property had been sold immediately before the distribution.

One commentator also suggested expanding this exception to apply to the extent of the built-in gain or loss in the property distributed to the contributing partner. This comment is not adopted in the final regulations. The exception was intended to apply only in the limited situation in which a partnership liquidates and the value of the contributed property exceeds the contributing partner's capital account. In that situation, the portion of the contributed property in excess of the contributing partner's capital account would have to be distributed to another partner, thereby triggering section 704(c)(1)(B). The exception allows a partner to avoid section 704(c)(1)(B) in this situation, so long as the built-in gain or loss in the property distributed to the contributing partner is at least equal to the gain or loss that would have been allocated to the contributing partner under section 704(c)(1)(A) if the contributed property had been sold immediately before the distribution.

Special Rules

The proposed regulations provide a special rule under section 704(c)(2) for situations in which the partnership distributes like-kind property to a contributing partner within a specified period of the distribution of the property contributed by that partner. Under this rule, the gain or loss that otherwise would have been recognized on the distribution of the contributed property is reduced by the amount of the contributing partner's built-in gain or loss in the distributed like-kind property. One commentator criticized this rule as inconsistent with the statutory provision.

Section 704(c)(2) provides that "[u]nder regulations prescribed by the Secretary, * * * to the extent of the value of the [like-kind property distributed to the contributing partner, the calculation of the contributing partner's gain or loss attributable to the distribution of the contributed property] shall be [determined] as if the contributing partner had contributed to the partnership the [like-kind] property." This provision is generally intended to treat the contributing partner as if the partner had exchanged

the contributed property for like-kind property in a nontaxable exchange outside of the partnership. This allows the contributing partner to avoid recognition of gain or loss under section 704(c)(1)(B) on the distribution of the contributed property to another partner because the contributing partner is treated as having contributed the like-kind property, not the property that is actually distributed to the other partner.

If the contributing partner, however, had engaged in a like-kind exchange outside of the partnership, the partner's built-in gain or loss in the like-kind property received would have been the same as the property that was surrendered. The rule in the proposed regulations reflects this result by limiting the application of section 704(c)(2) to the extent that the built-in gain or loss in the contributed property is not preserved in the like-kind property distributed to the contributing partner. The IRS and Treasury continue to believe that the regulations properly implement Congress' objective with respect to this provision. Therefore, the regulations are finalized without change.

One commentator also suggested a clarification of the interaction of the like-kind exception and the disguised sale rules of 707(a)(2)(B). The proposed regulations provide that the like-kind exception reduces any gain that would have otherwise been recognized under section 704(c)(1)(B). The proposed regulations also provide that section 704(c)(1)(B) applies only to a distribution to a partner within the meaning of section 731. There is no suggestion in section 704(c)(2) or the proposed regulations that the like-kind exception was intended as an exception to the disguised sale provisions. The final regulations confirm that the disguised sale provisions can apply to a distribution, even if the distribution would otherwise have qualified for the section 704(c)(2) like-kind exception.

Anti-Abuse Rule

Commentators made several suggestions for clarifying or modifying the anti-abuse rule in the proposed regulations. In particular, these commentators requested clarification of the relationship between this rule and the general partnership anti-abuse rule in Treas. Reg. section 1.701-2. The general anti-abuse regulation is a rule of general applicability that provides general principles to be applied in interpreting and applying all of the provisions of subchapter K. In certain situations, however, more specific anti-abuse rules are needed to carry out the purpose of a particular provision. The

final regulations therefore adopt the rule in the proposed regulations without modification.

B. Section 737

Determination of Gain

The final regulations are clarified to provide that section 737 applies only to the extent that a transaction is a distribution under section 731. In accordance with section 737(d)(2), the final regulations also provide that section 737 does not apply to the extent that section 751(b) applies to the distribution.

Net Precontribution Gain

The proposed regulations provide that a distributee partner's net precontribution gain is determined without regard to the like-kind exception of section 704(c)(2) in situations in which the contributed property is not actually distributed to another partner. One commentator suggested deleting this provision as superfluous. The final regulations adopt the proposed regulations without change. This provision clarifies that section 737 does not contain a like-kind exception similar to the exception in section 704(c)(2). Section 737 applies even if the property received by the partner is of a like-kind with the contributed property.

Character of Gain

One commentator suggested that the proposed regulations fail to clarify whether there are two groups (ordinary and capital) for purposes of determining the character of a partner's net precontribution gain or whether there may be an additional section 1231 group or section 1245 and section 1250 groups. The final regulations adopt the proposed regulations without change.

The proposed regulations provide that character for purposes of a partner's net precontribution gain is determined as if the contributed property were sold to an unrelated third party. As a result, all of the provisions that are relevant in determining the character of gain or loss on a sale are relevant in determining the character of the net precontribution gain. For example, if the sale of property would have resulted in part capital gain and part ordinary income, the character of the net precontribution gain for that property is part ordinary and part capital. The same approach applies in determining the allocation of any adjustment to the partnership's basis in partnership property as a result of gain recognized by the distributee partner. A basis adjustment attributable to gain treated as capital gain under section

1231 would be allocated to the property that entered into the calculation of the amount of section 1231 gain.

One commentator also suggested that the proposed regulations do not clarify whether character is determined at the partnership or the partner level. This determination may be important in situations such as section 1231 where the character of the gain or loss may depend on the partner's particular tax circumstances. The final regulations clarify that the character of the gain or loss is determined at the partnership level for this purpose.

Exceptions

One commentator suggested adding an exception for certain divisive transactions in which the contributing partner continued to own an indirect interest in the contributed property. The final regulations add a new exception under which section 737 does not apply to a transfer of contributed property by a transferor partnership to a transferee partnership, followed by a distribution of an interest in the transferee partnership (and no other property) to the contributing partner in complete liquidation of the partner's interest.

This exception is added because the distributee partner has simply converted an interest in the transferor partnership into an interest in a transferee partnership that holds the same contributed section 704(c) property. The limitations on this exception ensure that the partner's basis in the transferee partnership attributable to the contributed property is the same as the partner's basis in the transferor partnership attributable to that property. This allows a partnership to engage in a divisive split-up transaction, while preventing any avoidance of section 737 that might occur as a result of the basis allocation rules for non-liquidating distributions.

The proposed regulations provide that section 737 does not apply to an incorporation of a partnership other than an incorporation involving an actual distribution of partnership property to the partners. One commentator suggested that this distinction between methods of incorporation creates an unnecessary trap for the unwary and may have a chilling effect on the conversion of partnerships into S corporations. The final regulations adopt the proposed regulations without change. The form of incorporation chosen by the partners is respected for Federal tax purposes and, as a result, the distribution of property in connection with the incorporation is treated as a distribution for purposes of section 737.

One commentator suggested an additional exception for distributions of an undivided interest in property similar to that described with respect to the regulations under section 704(c)(1)(B). The final regulations provide a comparable rule under section 737.

Anti-Abuse Rule

Commentators made several suggestions regarding the anti-abuse rule in the proposed regulations. These suggestions are essentially the same as the comments regarding the anti-abuse rule in the section 704(c)(1)(B) regulations, and thus the comments are discussed above.

Effective Date

These regulations are effective for distributions by a partnership to a partner on or after January 9, 1995.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

Several persons from the Office of Chief Counsel and the Treasury Department participated in the development of these regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 * * *

Section 1.704-4 also issued under 26 U.S.C. 704(c) * * *

Par. 2. Section 1.704-4 is added to read as follows:

§ 1.704-4 Distribution of contributed property.

(a) *Determination of gain and loss—*
(1) *In general.* A partner that contributes section 704(c) property to a partnership must recognize gain or loss under section 704(c)(1)(B) and this section on the distribution of such property to another partner within five years of its contribution to the partnership in an amount equal to the gain or loss that would have been allocated to such partner under section 704(c)(1)(A) and § 1.704-3 if the distributed property had been sold by the partnership to the distributee partner for its fair market value at the time of the distribution. See § 1.704-3(a)(3)(i) for a definition of section 704(c) property.

(2) *Transactions to which section 704(c)(1)(B) applies.* Section 704(c)(1)(B) and this section apply only to the extent that a distribution by a partnership is a distribution to a partner acting in the capacity of a partner within the meaning of section 731.

(3) *Fair market value of property.* The fair market value of the distributed section 704(c) property is the price at which the property would change hands between a willing buyer and a willing seller at the time of the distribution, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. The fair market value that a partnership assigns to distributed section 704(c) property will be regarded as correct, provided that the value is reasonably agreed to among the partners in an arm's-length negotiation and the partners have sufficiently adverse interests.

(4) *Determination of five-year period—*(i) *General rule.* The five-year period specified in paragraph (a)(1) of this section begins on and includes the date of contribution.

(ii) *Section 708(b)(1)(B) terminations.* A termination of the partnership under section 708(b)(1)(B) begins a new five-year period for each partner with respect to the built-in gain and built-in loss property that the partner is deemed to recontribute to a new partnership following the termination, but only to the extent that the pre-termination built-in gain or loss, if any, on such property would not have been allocated to the contributing partner under section 704(c)(1)(A) and § 1.704-3 on a sale of the contributed property to an unrelated party immediately before the termination. See § 1.704-3(a)(3)(ii) for the definitions of built-in gain and built-in loss on section 704(c) property.

(5) *Examples.* The following examples illustrate the rules of this paragraph (a). Unless otherwise specified, partnership income equals partnership expenses

(other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 704(c)(1)(B), and all partners are unrelated.

Example 1. Recognition of gain. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes \$10,000 cash and Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$4,000. Thus, there is a built-in gain of \$6,000 on Property A at the time of contribution. B contributes \$10,000 cash and Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$10,000. C contributes \$20,000 cash.

(ii) On December 31, 1998, Property A and Property B are distributed to C in complete liquidation of C's interest in the partnership.

(iii) A would have recognized \$6,000 of gain under section 704(c)(1)(A) and § 1.704-3 on the sale of Property A at the time of the distribution (\$10,000 fair market value less \$4,000 adjusted tax basis). As a result, A must recognize \$6,000 of gain on the distribution of Property A to C. B would not have recognized any gain or loss under section 704(c)(1)(A) and § 1.704-3 on the sale of Property B at the time of distribution because Property B was not section 704(c) property. As a result, B does not recognize any gain or loss on the distribution of Property B.

Example 2. Effect of post-contribution depreciation deductions. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A, depreciable property with a fair market value of \$30,000 and an adjusted tax basis of \$20,000. Therefore, there is a built-in gain of \$10,000 on Property A. B and C each contribute \$30,000 cash. ABC uses the traditional method of making section 704(c) allocations described in § 1.704-3(b) with respect to Property A.

(ii) Property A is depreciated using the straight-line method over its remaining 10-year recovery period. The partnership has book depreciation of \$3,000 per year (10 percent of the \$30,000 book basis), and each partner is allocated \$1,000 of book depreciation per year (one-third of the total annual book depreciation of \$3,000). The partnership has a tax depreciation deduction of \$2,000 per year (10 percent of the \$20,000 tax basis in Property A). This \$2,000 tax depreciation deduction is allocated equally between B and C, the noncontributing partners with respect to Property A.

(iii) At the end of the third year, the book value of Property A is \$21,000 (\$30,000 initial book value less \$9,000 aggregate book depreciation) and the adjusted tax basis is \$14,000 (\$20,000 initial tax basis less \$6,000 aggregate tax depreciation). A's remaining section 704(c)(1)(A) built-in gain with respect to Property A is \$7,000 (\$21,000 book value less \$14,000 adjusted tax basis).

(iv) On December 31, 1997, Property A is distributed to B in complete liquidation of B's interest in the partnership. If Property A had been sold for its fair market value at the

time of the distribution, A would have recognized \$7,000 of gain under section 704(c)(1)(A) and § 1.704-3(b). Therefore, A recognizes \$7,000 of gain on the distribution of Property A to B.

Example 3. Effect of remedial method. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A1, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$5,000, and Property A2, nondepreciable real property with a fair market value and adjusted tax basis of \$10,000. B and C each contribute \$20,000 cash. ABC uses the remedial method of making section 704(c) allocations described in § 1.704-3(d) with respect to Property A1.

(ii) On December 31, 1998, when the fair market value of Property A1 has decreased to \$7,000, Property A1 is distributed to C in a current distribution. If Property A1 had been sold by the partnership at the time of the distribution, ABC would have recognized the \$2,000 of remaining built-in gain under section 704(c)(1)(A) on the sale (fair market value of \$7,000 less \$5,000 adjusted tax basis). All of this gain would have been allocated to A. ABC would also have recognized a book loss of \$3,000 (\$10,000 original book value less \$7,000 current fair market value of the property). Book loss in the amount of \$2,000 would have been allocated equally between B and C. Under the remedial method, \$2,000 of tax loss would also have been allocated equally to B and C to match their share of the book loss. As a result, \$2,000 of gain would also have been allocated to A as an offsetting remedial allocation. A would have recognized \$4,000 of total gain under section 704(c)(1)(A) on the sale of Property A1 (\$2,000 of section 704(c) recognized gain plus \$2,000 remedial gain). Therefore, A recognizes \$4,000 of gain on the distribution of Property A1 to C under this section.

(b) Character of gain or loss—(1) General rule. Gain or loss recognized by the contributing partner under section 704(c)(1)(B) and this section has the same character as the gain or loss that would have resulted if the distributed property had been sold by the partnership to the distributee partner at the time of the distribution.

(2) Example. The following example illustrates the rule of this paragraph (b). Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 704(c)(1)(B), and all partners are unrelated.

Example. Character of gain. (i) On January 1, 1995, A and B form partnership AB. A contributes \$10,000 and Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$4,000, in exchange for a 25 percent interest in partnership capital and profits. B

contributes \$60,000 cash for a 75 percent interest in partnership capital and profits.

(ii) On December 31, 1998, Property A is distributed to B in a current distribution. Property A is used in a trade or business of B.

(iii) A would have recognized \$6,000 of gain under section 704(c)(1)(A) on a sale of Property A at the time of the distribution (the difference between the fair market value (\$10,000) and the adjusted tax basis (\$4,000) of the property at that time). Because Property A is not a capital asset in the hands of Partner B and B holds more than 50 percent of partnership capital and profits, the character of the gain on a sale of Property A to B would have been ordinary income under section 707(b)(2). Therefore, the character of the gain to A on the distribution of Property A to B is ordinary income.

(c) Exceptions—(1) Property contributed on or before October 3, 1989. Section 704(c)(1)(B) and this section do not apply to property contributed to the partnership on or before October 3, 1989.

(2) Certain liquidations. Section 704(c)(1)(B) and this section do not apply to a distribution of an interest in section 704(c) property to a partner other than the contributing partner in a liquidation of the partnership if—

(i) The contributing partner receives an interest in the section 704(c) property contributed by that partner (and no other property); and

(ii) The built-in gain or loss in the interest distributed to the contributing partner, determined immediately after the distribution, is equal to or greater than the built-in gain or loss on the property that would have been allocated to the contributing partner under section 704(c)(1)(A) and § 1.704-3 on a sale of the contributed property to an unrelated party immediately before the distribution.

(3) Section 708(b)(1)(B) termination. Section 704(c)(1)(B) and this section do not apply to a deemed distribution of property caused by a termination of the partnership under section 708(b)(1)(B). See paragraph (a)(4)(ii) of this section for a special rule regarding a new five-year period for certain property deemed contributed to a new partnership following a termination of the partnership under section 708(b)(1)(B). See also § 1.737-2(a) for a similar rule in the context of section 737.

(4) Complete transfer to another partnership. Section 704(c)(1)(B) and this section do not apply to a transfer by a partnership (transferor partnership) of all of its assets and liabilities to a second partnership (transferee partnership) in an exchange described in section 721, followed by a distribution of the interest in the transferee partnership in liquidation of

the transferor partnership as part of the same plan or arrangement. A subsequent distribution of section 704(c) property by the transferee partnership to a partner of the transferee partnership is subject to section 704(c)(1)(B) to the same extent that a distribution by the transferor partnership would have been subject to section 704(c)(1)(B). See § 1.737-2(b) for a similar rule in the context of section 737.

(5) Incorporation of a partnership. Section 704(c)(1)(B) and this section do not apply to an incorporation of a partnership by any method of incorporation (other than a method involving an actual distribution of partnership property to the partners followed by a contribution of that property to a corporation), provided that the partnership is liquidated as part of the incorporation transaction. See § 1.737-2(c) for a similar rule in the context of section 737.

(6) Undivided interests. Section 704(c)(1)(B) and this section do not apply to a distribution of an undivided interest in property to the extent that the undivided interest does not exceed the undivided interest, if any, contributed by the distributee partner in the same property. See § 1.737-2(d)(4) for the application of section 737 in a similar context. The portion of the undivided interest in property retained by the partnership after the distribution, if any, that is treated as contributed by the distributee partner, is reduced to the extent of the undivided interest distributed to the distributee partner.

(7) Example. The following example illustrates the rule of paragraph (c)(2) of this section. Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 704(c)(1)(B), and all partners are unrelated.

Example. (i) On January 1, 1995, A and B form partnership AB, as equal partners. A contributes Property A, nondepreciable real property with a fair market value and adjusted tax basis of \$20,000. B contributes Property B, nondepreciable real property with a fair market value of \$20,000 and an adjusted tax basis of \$10,000. Property B therefore has a built-in gain of \$10,000 at the time of contribution.

(ii) On December 31, 1998, the partnership liquidates when the fair market value of Property A has not changed, but the fair market value of Property B has increased to \$40,000.

(iii) In the liquidation, A receives Property A and a 25 percent interest in Property B. This interest in Property B has a fair market

value of \$10,000 to A, reflecting the fact that A was entitled to 50 percent of the \$20,000 post-contribution appreciation in Property B. The partnership distributes to B a 75 percent interest in Property B with a fair market value of \$30,000. B's basis in this portion of Property B is \$10,000 under section 732(b). As a result, B has a built-in gain of \$20,000 in this portion of Property B immediately after the distribution (\$30,000 fair market value less \$10,000 adjusted tax basis). This built-in gain is greater than the \$10,000 of built-in gain in Property B at the time of contribution to the partnership. B therefore does not recognize any gain on the distribution of a portion of Property B to A under this section.

(d) *Special rules*—(1) *Nonrecognition transactions*. Property received by the partnership in exchange for section 704(c) property in a nonrecognition transaction is treated as the section 704(c) property for purposes of section 704(c)(1)(B) and this section to the extent that the property received is treated as section 704(c) property under § 1.704-3(a)(8). See § 1.737-2(d)(3) for a similar rule in the context of section 737.

(2) *Transfers of a partnership interest*. The transferee of all or a portion of the partnership interest of a contributing partner is treated as the contributing partner for purposes of section 704(c)(1)(B) and this section to the extent of the share of built-in gain or loss allocated to the transferee partner. See § 1.704-3(a)(7).

(3) *Distributions of like-kind property*. If section 704(c) property is distributed to a partner other than the contributing partner and like-kind property (within the meaning of section 1031) is distributed to the contributing partner no later than the earlier of (i) 180 days following the date of the distribution to the non-contributing partner, or (ii) the due date (determined with regard to extensions) of the contributing partner's income tax return for the taxable year of the distribution to the noncontributing partner, the amount of gain or loss, if any, that the contributing partner would otherwise have recognized under section 704(c)(1)(B) and this section is reduced by the amount of built-in gain or loss in the distributed like-kind property in the hands of the contributing partner immediately after the distribution. The contributing partner's basis in the distributed like-kind property is determined as if the like-kind property were distributed in an unrelated distribution prior to the distribution of any other property distributed as part of the same distribution and is determined without regard to the increase in the contributing partner's adjusted tax basis in the partnership interest under section

704(c)(1)(B) and this section. See § 1.707-3 for provisions treating the distribution of the like-kind property to the contributing partner as a disguised sale in certain situations.

(4) *Example*. The following example illustrates the rules of this paragraph (d). Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 704(c)(1)(B), and all partners are unrelated.

Example. Distribution of like-kind property. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A, nondepreciable real property with a fair market value of \$20,000 and an adjusted tax basis of \$10,000. B and C each contribute \$20,000 cash. The partnership subsequently buys Property X, nondepreciable real property of a like-kind to Property A with a fair market value and adjusted tax basis of \$8,000. The fair market value of Property X subsequently increases to \$10,000.

(ii) On December 31, 1998, Property A is distributed to B in a current distribution. At the same time, Property X is distributed to A in a current distribution. The distribution of Property X does not result in the contribution of Property A being properly characterized as a disguised sale to the partnership under § 1.707-3. A's basis in Property X is \$8,000 under section 732(a)(1). A therefore has \$2,000 of built-in gain in Property X (\$10,000 fair market value less \$8,000 adjusted tax basis).

(iii) A would generally recognize \$10,000 of gain under section 704(c)(1)(B) on the distribution of Property A, the difference between the fair market value (\$20,000) of the property and its adjusted tax basis (\$10,000). This gain is reduced, however, by the amount of the built-in gain of Property X in the hands of A. As a result, A recognizes only \$8,000 of gain on the distribution of Property A to B under section 704(c)(1)(B) and this section.

(e) *Basis adjustments*—(1) *Contributing partner's basis in the partnership interest*. The basis of the contributing partner's interest in the partnership is increased by the amount of the gain, or decreased by the amount of the loss, recognized by the partner under section 704(c)(1)(B) and this section. This increase or decrease is taken into account in determining (i) the contributing partner's adjusted tax basis under section 732 for any property distributed to the partner in a distribution that is part of the same distribution as the distribution of the contributed property, other than like-kind property described in paragraph (d)(3) of this section (pertaining to the

special rule for distributions of like-kind property), and (ii) the amount of the gain recognized by the contributing partner under section 731 or section 737, if any, on a distribution of money or property to the contributing partner that is part of the same distribution as the distribution of the contributed property. For a determination of basis in a distribution subject to section 737, see § 1.737-3(a).

(2) *Partnership's basis in partnership property*. The partnership's adjusted tax basis in the distributed section 704(c) property is increased or decreased immediately before the distribution by the amount of gain or loss recognized by the contributing partner under section 704(c)(1)(B) and this section. Any increase or decrease in basis is therefore taken into account in determining the distributee partner's adjusted tax basis in the distributed property under section 732. For a determination of basis in a distribution subject to section 737, see § 1.737-3(b).

(3) *Section 754 adjustments*. The basis adjustments to partnership property made pursuant to paragraph (e)(2) of this section are not elective and must be made regardless of whether the partnership has an election in effect under section 754. Any adjustments to the bases of partnership property (including the distributed section 704(c) property) under section 734(b) pursuant to a section 754 election must be made after (and must take into account) the adjustments to basis made under paragraph (e)(2) of this section. See § 1.737-3(c)(4) for a similar rule in the context of section 737.

(4) *Example*. The following example illustrates the rules of this paragraph (e). Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 704(c)(1)(B), and all partners are unrelated.

Example. Basis adjustment. On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes \$10,000 cash and Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$4,000. B and C each contribute \$20,000 cash.

(ii) On December 31, 1998, Property A is distributed to B in a current distribution.

(iii) Under paragraph (a) of this section, A recognizes \$6,000 of gain on the distribution of Property A because that is the amount of gain that would have been allocated to A under section 704(c)(1)(A) and § 1.704-3 on a sale of Property A for its fair market value at the time of the distribution (fair market value of Property A (\$10,000) less its

adjusted tax basis at the time of distribution (\$4,000). The adjusted tax basis of A's partnership interest is increased from \$14,000 to \$20,000 to reflect this gain. The partnership's adjusted tax basis in Property A is increased from \$4,000 to \$10,000 immediately prior to its distribution to B. B's adjusted tax basis in Property A is therefore \$10,000 under section 732(a)(1).

(f) *Anti-abuse rule—(1) In general.* The rules of section 704(c)(1)(B) and this section must be applied in a manner consistent with the purpose of section 704(c)(1)(B). Accordingly, if a principal purpose of a transaction is to achieve a tax result that is inconsistent with the purpose of section 704(c)(1)(B), the Commissioner can recast the transaction for federal tax purposes as appropriate to achieve tax results that are consistent with the purpose of section 704(c)(1)(B) and this section. Whether a tax result is inconsistent with the purpose of section 704(c)(1)(B) and this section must be determined based on all the facts and circumstances. See § 1.737-4 for an anti-abuse rule and examples in the context of section 737.

(2) *Examples.* The following examples illustrate the anti-abuse rule of this paragraph (f). The examples set forth below do not delineate the boundaries of either permissible or impermissible types of transactions. Further, the addition of any facts or circumstances that are not specifically set forth in an example (or the deletion of any facts or circumstances) may alter the outcome of the transaction described in the example. Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 704(c)(1)(B), and all partners are unrelated.

Example 1. Distribution in substance made within five-year period; results inconsistent with the purpose of section 704(c)(1)(B). (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$1,000. B and C each contributes \$10,000 cash.

(ii) On December 31, 1998, the partners desire to distribute Property A to B in complete liquidation of B's interest in the partnership. If Property A were distributed at that time, however, A would recognize \$9,000 of gain under section 704(c)(1)(B), the difference between the \$10,000 fair market value and the \$1,000 adjusted tax basis of Property A, because Property A was contributed to the partnership less than five years before December 31, 1998. On becoming aware of this potential gain recognition, and with a principal purpose of

avoiding such gain, the partners amend the partnership agreement on December 31, 1998, and take any other steps necessary to provide that substantially all of the economic risks and benefits of Property A are borne by B as of December 31, 1998, and that substantially all of the economic risks and benefits of all other partnership property are borne by A and C. The partnership holds Property A until January 5, 2000, at which time it is distributed to B in complete liquidation of B's interest in the partnership.

(iii) The actual distribution of Property A occurred more than five years after the contribution of the property to the partnership. The steps taken by the partnership on December 31, 1998, however, are the functional equivalent of an actual distribution of Property A to B in complete liquidation of B's interest in the partnership as of that date. Section 704(c)(1)(B) requires recognition of gain when contributed section 704(c) property is in substance distributed to another partner within five years of its contribution to the partnership. Allowing a contributing partner to avoid section 704(c)(1)(B) through arrangements such as those in this *Example 1* that have the effect of a distribution of property within five years of the date of its contribution to the partnership would effectively undermine the purpose of section 704(c)(1)(B) and this section. As a result, the steps taken by the partnership on December 31, 1998, are treated as causing a distribution of Property A to B for purposes of section 704(c)(1)(B) on that date, and A recognizes gain of \$9,000 under section 704(c)(1)(B) and this section at that time.

(iv) Alternatively, if on becoming aware of the potential gain recognition to A on a distribution of Property A on December 31, 1998, the partners had instead agreed that B would continue as a partner with no changes to the partnership agreement or to B's economic interest in partnership operations, the distribution of Property A to B on January 5, 2000, would not have been inconsistent with the purpose of section 704(c)(1)(B) and this section. In that situation, Property A would not have been distributed until after the expiration of the five-year period specified in section 704(c)(1)(B) and this section. Deferring the distribution of Property A until the end of the five-year period for a principal purpose of avoiding the recognition of gain under section 704(c)(1)(B) and this section is not inconsistent with the purpose of section 704(c)(1)(B). Therefore, A would not have recognized gain on the distribution of Property A in that case.

Example 2. Suspension of five-year period in manner consistent with the purpose of section 704(c)(1)(B). (i) A, B, and C form partnership ABC on January 1, 1995, to conduct bona fide business activities. A contributes Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$1,000, in exchange for a 49.5 percent interest in partnership capital and profits. B contributes \$10,000 in cash for a 49.5 percent interest in partnership capital and profits. C contributes cash for a 1 percent interest in partnership capital and profits. A and B are wholly owned subsidiaries of the same affiliated

group and continue to control the management of Property A by virtue of their controlling interests in the partnership. The partnership is formed pursuant to a plan a principal purpose of which is to minimize the period of time that A would have to remain a partner with a potential acquirer of Property A.

(ii) On December 31, 1997, D is admitted as a partner to the partnership in exchange for \$10,000 cash.

(iii) On January 5, 2000, Property A is distributed to D in complete liquidation of D's interest in the partnership.

(iv) The distribution of Property A to D occurred more than five years after the contribution of the property to the partnership. On these facts, however, a principal purpose of the transaction was to minimize the period of time that A would have to remain partners with a potential acquirer of Property A, and treating the five-year period of section 704(c)(1)(B) as running during a time when Property A was still effectively owned through the partnership by members of the contributing affiliated group of which A is a member is inconsistent with the purpose of section 704(c)(1)(B). Prior to the admission of D as a partner, the pooling of assets between A and B, on the one hand, and C, on the other hand, although sufficient to constitute ABC as a valid partnership for federal income tax purposes, is not a sufficient pooling of assets for purposes of running the five-year period with respect to the distribution of Property A to D. Allowing a contributing partner to avoid section 704(c)(1)(B) through arrangements such as those in this *Example 2* would have the effect of substantially nullifying the five-year requirement of section 704(c)(1)(B) and this section and elevating the form of the transaction over its substance. As a result, with respect to the distribution of Property A to D, the five-year period of section 704(c)(1)(B) is tolled until the admission of D as a partner on December 31, 1997. Therefore, the distribution of Property A occurred before the end of the five-year period of section 704(c)(1)(B), and A recognizes gain of \$9,000 under section 704(c)(1)(B) on the distribution.

(g) *Effective date.* This section applies to distributions by a partnership to a partner on or after January 9, 1995.

Par. 3. Sections 1.737-1, 1.737-2, 1.737-3, 1.737-4, and 1.737-5 are added to read as follows:

§ 1.737-1 Recognition of precontribution gain.

(a) *Determination of gain—(1) In general.* A partner that receives a distribution of property (other than money) must recognize gain under section 737 and this section in an amount equal to the lesser of the excess distribution (as defined in paragraph (b) of this section) or the partner's net precontribution gain (as defined in paragraph (c) of this section). Gain recognized under section 737 and this section is in addition to any gain recognized under section 731.

(2) *Transactions to which section 737 applies.* Section 737 and this section apply only to the extent that a distribution by a partnership is a distribution to a partner acting in the capacity of a partner within the meaning of section 731, except that section 737 and this section do not apply to the extent that section 751(b) applies to the distribution.

(b) *Excess distribution*—(1) *Definition.* The excess distribution is the amount (if any) by which the fair market value of the distributed property (other than money) exceeds the distributee partner's adjusted tax basis in the partner's partnership interest.

(2) *Fair market value of property.* The fair market value of the distributed property is the price at which the property would change hands between a willing buyer and a willing seller at the time of the distribution, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. The fair market value that a partnership assigns to distributed property will be regarded as correct, provided that the value is reasonably agreed to among the partners in an arm's-length negotiation and the partners have sufficiently adverse interests.

(3) *Distributee partner's adjusted tax basis*—(i) *General rule.* In determining the amount of the excess distribution, the distributee partner's adjusted tax basis in the partnership interest includes any basis adjustment resulting from the distribution that is subject to section 737 (for example, adjustments required under section 752) and from any other distribution or transaction that is part of the same distribution, except for—

(A) The increase required under section 737(c)(1) for the gain recognized by the partner under section 737; and

(B) The decrease required under section 733(2) for any property distributed to the partner other than property previously contributed to the partnership by the distributee partner. See § 1.704-4(e)(1) for a rule in the context of section 704(c)(1)(B). See also § 1.737-3(b)(2) for a special rule for determining a partner's adjusted tax basis in distributed property previously contributed by the partner to the partnership.

(ii) *Advances or drawings.* The distributee partner's adjusted tax basis in the partnership interest is determined as of the last day of the partnership's taxable year if the distribution to which section 737 applies is properly characterized as an advance or drawing against the partner's distributive share of income. See § 1.731-1(a)(1)(ii).

(c) *Net precontribution gain*—(1) *General rule.* The distributee partner's net precontribution gain is the net gain (if any) that would have been recognized by the distributee partner under section 704(c)(1)(B) and § 1.704-4 if all property that had been contributed to the partnership by the distributee partner within five years of the distribution and is held by the partnership immediately before the distribution had been distributed by the partnership to another partner other than a partner who owns, directly or indirectly, more than 50 percent of the capital or profits interest in the partnership. See § 1.704-4 for provisions determining a contributing partner's gain or loss under section 704(c)(1)(B) on an actual distribution of contributed section 704(c) property to another partner.

(2) *Special rules*—(i) *Property contributed on or before October 3, 1989.* Property contributed to the partnership on or before October 3, 1989, is not taken into account in determining a partner's net precontribution gain. See § 1.704-4(c)(1) for a similar rule in the context of section 704(c)(1)(B).

(ii) *Section 734(b)(1)(A) adjustments.* For distributions to a distributee partner of money by a partnership with a section 754 election in effect that are part of the same distribution as the distribution of property subject to section 737, for purposes of paragraph (a) and (c)(1) of this section the distributee partner's net precontribution gain is reduced by the basis adjustments (if any) made to section 704(c) property contributed by the distributee partner under section 734(b)(1)(A). See § 1.737-3(c)(4) for rules regarding basis adjustments for partnerships with a section 754 election in effect.

(iii) *Transfers of a partnership interest.* The transferee of all or a portion of a contributing partner's partnership interest succeeds to the transferor's net precontribution gain, if any, in an amount proportionate to the interest transferred. See § 1.704-3(a)(7) and § 1.704-4(d)(2) for similar provisions in the context of section 704(c)(1)(A) and section 704(c)(1)(B).

(iv) *Section 704(c)(1)(B) gain recognized in related distribution.* A distributee partner's net precontribution gain is determined after taking into account any gain or loss recognized by the partner under section 704(c)(1)(B) and § 1.704-4 (or that would have been recognized by the partner except for the like-kind exception in section 704(c)(2) and § 1.704-4(d)(3)) on an actual distribution to another partner of section 704(c) property contributed by

the distributee partner that is part of the same distribution as the distribution to the distributee partner.

(v) *Section 704(c)(2) disregarded.* A distributee partner's net precontribution gain is determined without regard to the provisions of section 704(c)(2) and § 1.704-4(d)(3) in situations in which the property contributed by the distributee partner is not actually distributed to another partner in a distribution related to the section 737 distribution.

(d) *Character of gain.* The character of the gain recognized by the distributee partner under section 737 and this section is determined by, and is proportionate to, the character of the partner's net precontribution gain. For this purpose, all gains and losses on section 704(c) property taken into account in determining the partner's net precontribution gain are netted according to their character. Character is determined at the partnership level for this purpose, and any character with a net negative amount is disregarded. The character of the partner's gain under section 737 is the same as, and in proportion to, any character with a net positive amount. Character for this purpose is determined as if the section 704(c) property had been sold by the partnership to an unrelated third party at the time of the distribution and includes any item that would have been taken into account separately by the contributing partner under section 702(a) and § 1.702-1(a).

(e) *Examples.* The following examples illustrate the provisions of this section. Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 737, and all partners are unrelated.

Example 1. Calculation of excess distribution and net precontribution gain. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A, depreciable real property with a fair market value of \$30,000 and an adjusted tax basis of \$20,000. B contributes Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$30,000. C contributes \$30,000 cash.

(ii) Property A has 10 years remaining on its cost recovery schedule and is depreciated using the straight-line method. The partnership uses the traditional method for allocating items under section 704(c) described in § 1.704-3(b)(1) for Property A. The partnership has book depreciation of \$3,000 per year (10 percent of the \$30,000 book basis in Property A) and each partner

is allocated \$1,000 of book depreciation per year (one-third of the total annual book depreciation of \$3,000). The partnership also has tax depreciation of \$2,000 per year (10 percent of the \$20,000 adjusted tax basis in Property A). This \$2,000 tax depreciation is allocated equally between B and C, the noncontributing partners with respect to Property A.

(iii) At the end of 1997, the book value of Property A is \$21,000 (\$30,000 initial book value less \$9,000 aggregate book depreciation) and its adjusted tax basis is \$14,000 (\$20,000 initial tax basis less \$6,000 aggregate tax depreciation).

(iv) On December 31, 1997, Property B is distributed to A in complete liquidation of A's partnership interest. The adjusted tax basis of A's partnership interest at that time is \$20,000. The amount of the excess distribution is \$10,000, the difference between the fair market value of the distributed Property B (\$30,000) and A's adjusted tax basis in A's partnership interest (\$20,000). A's net precontribution gain is \$7,000, the difference between the book value of Property A (\$21,000) and its adjusted tax basis at the time of the distribution (\$14,000). A recognizes gain of \$7,000 on the distribution, the lesser of the excess distribution and the net precontribution gain.

Example 2. Determination of distributee partner's basis. (i) On January 1, 1995, A, B, and C form general partnership ABC as equal partners. A contributes Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$4,000. B and C each contributes \$10,000 cash.

(ii) The partnership purchases Property B, nondepreciable real property with a fair market value of \$9,000, subject to a \$9,000 nonrecourse liability. This nonrecourse liability is allocated equally among the partners under section 752, increasing A's adjusted tax basis in A's partnership interest from \$4,000 to \$7,000.

(iii) On December 31, 1998, A receives \$2,000 cash and Property B, subject to the \$9,000 liability, in a current distribution.

(iv) In determining the amount of the excess distribution, the adjusted tax basis of A's partnership interest is adjusted to take into account the distribution of money and the shift in liabilities. A's adjusted tax basis is therefore increased to \$11,000 for this purpose (\$7,000 initial adjusted tax basis, less \$2,000 distribution of money, less \$3,000 (decrease in A's share of the \$9,000 partnership liability), plus \$9,000 (increase in A's individual liabilities)). As a result of this basis adjustment, the adjusted tax basis of A's partnership interest (\$11,000) is greater than the fair market value of the distributed property (\$9,000) and therefore, there is no excess distribution. A recognizes no gain under section 737.

Example 3. Net precontribution gain reduced for gain recognized under section 704(c)(1)(B). (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Properties A1 and A2, nondepreciable real properties located in the United States each with a fair market value of \$10,000 and an adjusted tax basis of

\$6,000. B contributes Property B, nondepreciable real property located outside the United States, with a fair market value and adjusted tax basis of \$20,000. C contributes \$20,000 cash.

(ii) On December 31, 1998, Property B is distributed to A in complete liquidation of A's interest and, as part of the same distribution, Property A1 is distributed to B in a current distribution.

(iii) A's net precontribution gain before the distribution is \$8,000 (\$20,000 fair market value of Properties A1 and A2 less \$12,000 adjusted tax basis of such properties). A recognizes \$4,000 of gain under section 704(c)(1)(B) and § 1.704-4 on the distribution of Property A1 to B (\$10,000 fair market value of Property A1 less \$6,000 adjusted tax basis of Property A1). This gain is taken into account in determining A's excess distribution and net precontribution gain. As a result, A's net precontribution gain is reduced from \$8,000 to \$4,000, and the adjusted tax basis in A's partnership interest is increased by \$4,000 to \$16,000.

(iv) A recognizes gain of \$4,000 on the receipt of Property B under section 737, an amount equal to the lesser of the excess distribution of \$4,000 (\$20,000 fair market value of Property B less \$16,000 adjusted tax basis of A's interest in the partnership) and A's remaining net precontribution gain of \$4,000.

Example 4. Character of gain. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes the following nondepreciable property to the partnership:

	Fair market value	Adjusted tax basis
Property A1	\$30,000	\$20,000
Property A2	30,000	38,000
Property A3	10,000	9,000

(ii) The character of gain or loss on Property A1 and Property A2 is long-term, U.S.-source capital gain or loss. The character of gain on Property A3 is long-term, foreign-source capital gain. B contributes Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$70,000. C contributes \$70,000 cash.

(iii) On December 31, 1998, Property B is distributed to A in complete liquidation of A's interest in the partnership. A recognizes \$3,000 of gain under section 737, an amount equal to the excess distribution of \$3,000 (\$70,000 fair market value of Property B less \$67,000 adjusted tax basis in A's partnership interest) and A's net precontribution gain of \$3,000 (\$70,000 aggregate fair market value of properties contributed by A less \$67,000 aggregate adjusted tax basis of such properties).

(iv) In determining the character of A's gain, all gains and losses on property taken into account in determining A's net precontribution gain are netted according to their character and allocated to A's recognized gain under section 737 based on the relative proportions of the net positive amounts. U.S.-source and foreign-source gains must be netted separately because A would have been required to take such gains

into account separately under section 702. As a result, A's net precontribution gain of \$3,000 consists of \$2,000 of net long-term, U.S.-source capital gain (\$10,000 gain on Property A1 and \$8,000 loss on Property A2) and \$1,000 of net long-term, foreign-source capital gain (\$1,000 gain on Property A3).

(v) The character of A's gain under paragraph (d) of this section is therefore \$2,000 long-term, U.S.-source capital gain (\$3,000 gain recognized under section 737 × \$2,000 net long-term, U.S.-source capital gain/\$3,000 total net precontribution gain) and \$1,000 long-term, foreign-source capital gain (\$3,000 gain recognized under section 737 × \$1,000 net long-term, foreign-source capital gain/\$3,000 total net precontribution gain).

§ 1.737-2 Exceptions and special rules.

(a) **Section 708(b)(1)(B) terminations.** Section 737 and this section do not apply to a deemed distribution of property caused by a termination of the partnership under section 708(b)(1)(B). See § 1.704-4(c)(3) for a similar rule in the context of section 704(c)(1)(B).

(b) **Transfers to another partnership—**(1) **Complete transfer.** Section 737 and this section do not apply to a transfer by a partnership (transferor partnership) of all of its assets and liabilities to a second partnership (transferee partnership) in an exchange described in section 721, followed by a distribution of the interest in the transferee partnership in liquidation of the transferor partnership as part of the same plan or arrangement. See § 1.704-4(c)(4) for a similar rule in the context of section 704(c)(1)(B).

(2) **Certain divisive transactions.** Section 737 and this section do not apply to a transfer by a partnership (transferor partnership) of all of the section 704(c) property contributed by a partner to a second partnership (transferee partnership) in an exchange described in section 721, followed by a distribution as part of the same plan or arrangement of an interest in the transferee partnership (and no other property) in complete liquidation of the interest of the partner that originally contributed the section 704(c) property to the transferor partnership.

(3) **Subsequent distributions.** A subsequent distribution of property by the transferee partnership to a partner of the transferee partnership that was formerly a partner of the transferor partnership is subject to section 737 to the same extent that a distribution from the transferor partnership would have been subject to section 737.

(c) **Incorporation of a partnership.** Section 737 and this section do not apply to an incorporation of a partnership by any method of incorporation (other than a method involving an actual distribution of

partnership property to the partners followed by a contribution of that property to a corporation), provided that the partnership is liquidated as part of the incorporation transaction. See § 1.704-4(c)(5) for a similar rule in the context of section 704(c)(1)(B).

(d) *Distribution of previously contributed property*—(1) *General rule.* Any portion of the distributed property that consists of property previously contributed by the distributee partner (including property treated as contributed by the partner in connection with a termination of the partnership under section 708(b)(1)(B)) (previously contributed property) is not taken into account in determining the amount of the excess distribution or the partner's net precontribution gain. See § 1.737-3(b)(2) for a special rule for determining the basis of previously contributed property in the hands of a distributee partner who contributed the property to the partnership.

(2) *Limitation for distribution of previously contributed interest in an entity.* An interest in an entity previously contributed to the partnership is not treated as previously contributed property to the extent that the value of the interest is attributable to property contributed to the entity after the interest was contributed to the partnership. The preceding sentence does not apply to the extent that the property contributed to the entity was contributed to the partnership by the partner that also contributed the interest in the entity to the partnership.

(3) *Nonrecognition transactions.* Property received by the partnership in exchange for contributed section 704(c) property in a nonrecognition transaction is treated as the contributed property with regard to the contributing partner for purposes of section 737 to the extent that the property received is treated as section 704(c) property under § 1.704-3(a)(8). See § 1.704-4(d)(1) for a similar rule in the context of section 704(c)(1)(B).

(4) *Undivided interests.* The distribution of an undivided interest in property is treated as the distribution of previously contributed property to the extent that the undivided interest does not exceed the undivided interest, if any, contributed by the distributee partner in the same property. See § 1.704-4(c)(6) for the application of section 704(c)(1)(B) in a similar context. The portion of the undivided interest in property retained by the partnership after the distribution, if any, that is treated as contributed by the distributee partner, is reduced to the extent of the undivided interest distributed to the distributee partner.

(e) *Examples.* The following examples illustrate the rules of this section. Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 737, and all partners are unrelated.

Example 1. Distribution of previously contributed property. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes the following nondepreciable real property to the partnership:

	Fair market value	Adjusted tax basis
Property A1	\$20,000	\$10,000
Property A2	10,000	6,000

(ii) A's total net precontribution gain on the contributed property is \$14,000 (\$10,000 on Property A1 plus \$4,000 on Property A2). B contributes \$10,000 cash and Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$20,000. C contributes \$30,000 cash.

(iii) On December 31, 1998, Property A2 and Property B are distributed to A in complete liquidation of A's interest in the partnership. Property A2 was previously contributed by A and is therefore not taken into account in determining the amount of the excess distribution or A's net precontribution gain. The adjusted tax basis of Property A2 in the hands of A is also determined under section 732 as if that property were the only property distributed to A.

(iv) As a result of excluding Property A2 from these determinations, the amount of the excess distribution is \$10,000 (\$20,000 fair market value of distributed Property B less \$10,000 adjusted tax basis in A's partnership interest). A's net precontribution gain is also \$10,000 (\$14,000 total net precontribution gain less \$4,000 gain with respect to previously contributed Property A2). A therefore recognizes \$10,000 of gain on the distribution, the lesser of the excess distribution and the net precontribution gain.

Example 2. Distribution of a previously contributed interest in an entity. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$5,000, and all of the stock of Corporation X with a fair market value and adjusted tax basis of \$500. B contributes \$500 cash and Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$10,000. Partner C contributes \$10,500 cash. On December 31, 1996, ABC contributes Property B to Corporation X in a nonrecognition transaction under section 351.

(ii) On December 31, 1998, all of the stock of Corporation X is distributed to A in complete liquidation of A's interest in the

partnership. The stock is treated as previously contributed property with respect to A only to the extent of the \$500 fair market value of the Corporation X stock contributed by A. The fair market value of the distributed stock for purposes of determining the amount of the excess distribution is therefore \$10,000 (\$10,500 total fair market value of Corporation X stock less \$500 portion treated as previously contributed property). The \$500 fair market value and adjusted tax basis of the Corporation X stock is also not taken into account in determining the amount of the excess distribution and the net precontribution gain.

(iii) A recognizes \$5,000 of gain under section 737, the amount of the excess distribution (\$10,000 fair market value of distributed property less \$5,000 adjusted tax basis in A's partnership interest) and A's net precontribution gain (\$10,000 fair market value of Property A less \$5,000 adjusted tax basis in Property A).

Example 3. Distribution of undivided interest in property. (i) On January 1, 1995, A and B form partnership AB as equal partners. A contributes \$500 cash and an undivided one-half interest in Property X. B contributes \$500 cash and an undivided one-half interest in Property X.

(ii) On December 31, 1998, an undivided one-half interest in Property X is distributed to A in a current distribution. The distribution of the undivided one-half interest in Property X is treated as a distribution of previously contributed property because A contributed an undivided one-half interest in Property X. As a result, A does not recognize any gain under section 737 on the distribution.

§ 1.737-3 Basis adjustments; Recovery rules.

(a) *Distributee partner's adjusted tax basis in the partnership interest.* The distributee partner's adjusted tax basis in the partnership interest is increased by the amount of gain recognized by the distributee partner under section 737 and this section. This increase is not taken into account in determining the amount of gain recognized by the partner under section 737(a)(1) and this section or in determining the amount of gain recognized by the partner under section 731(a) on the distribution of money in the same distribution or any related distribution. See § 1.704-4(e)(1) for a determination of the distributee partner's adjusted tax basis in a distribution subject to section 704(c)(1)(B).

(b) *Distributee partner's adjusted tax basis in distributed property*—(1) *In general.* The distributee partner's adjusted tax basis in the distributed property is determined under section 732 (a) or (b) as applicable. The increase in the distributee partner's adjusted tax basis in the partnership interest under paragraph (a) of this section is taken into account in determining the distributee partner's adjusted tax basis

in the distributed property other than property previously contributed by the partner. See § 1.704-4(e)(2) for a determination of basis in a distribution subject to section 704(c)(1)(B).

(2) *Previously contributed property.* The distributee partner's adjusted tax basis in distributed property that the partner previously contributed to the partnership is determined as if it were distributed in a separate and independent distribution prior to the distribution that is subject to section 737 and § 1.737-1.

(c) *Partnership's adjusted tax basis in partnership property*—(1) *Increase in basis.* The partnership's adjusted tax basis in eligible property is increased by the amount of gain recognized by the distributee partner under section 737.

(2) *Eligible property.* Eligible property is property that—

(i) Entered into the calculation of the distributee partner's net precontribution gain;

(ii) Has an adjusted tax basis to the partnership less than the property's fair market value at the time of the distribution;

(iii) Would have the same character of gain on a sale by the partnership to an unrelated party as the character of any of the gain recognized by the distributee partner under section 737; and

(iv) Was not distributed to another partner in a distribution subject to section 704(c)(1)(B) and § 1.704-4 that was part of the same distribution as the distribution subject to section 737.

(3) *Method of adjustment.* For the purpose of allocating the basis increase under paragraph (c)(2) of this section among the eligible property, all eligible property of the same character is treated as a single group. Character for this purpose is determined in the same manner as the character of the recognized gain is determined under § 1.737-1(d). The basis increase is allocated among the separate groups of eligible property in proportion to the character of the gain recognized under section 737. The basis increase is then allocated among property within each group in the order in which the property was contributed to the partnership by the partner, starting with the property contributed first, in an amount equal to the difference between the property's fair market value and its adjusted tax basis to the partnership at the time of the distribution. For property that has the same character and was contributed in the same (or a related) transaction, the basis increase is allocated based on the respective amounts of unrealized appreciation in such properties at the time of the distribution.

(4) *Section 754 adjustments.* The basis adjustments to partnership property made pursuant to paragraph (c)(1) of this section are not elective and must be made regardless of whether the partnership has an election in effect under section 754. Any adjustments to the bases of partnership property (including eligible property as defined in paragraph (c)(2) of this section) under section 734(b) pursuant to a section 754 election (other than basis adjustments under section 734(b)(1)(A) described in the following sentence) must be made after (and must take into account) the adjustments to basis made under paragraph (a) and paragraph (c)(1) of this section. Basis adjustments under section 734(b)(1)(A) that are attributable to distributions of money to the distributee partner that are part of the same distribution as the distribution of property subject to section 737 are made before the adjustments to basis under paragraph (a) and paragraph (c)(1) of this section. See § 1.737-1(c)(2)(ii) for the effect, if any, of basis adjustments under section 734(b)(1)(A) on a partner's net precontribution gain. See also § 1.704-4(e)(3) for a similar rule regarding basis adjustments pursuant to a section 754 election in the context of section 704(c)(1)(B).

(d) *Recovery of increase to adjusted tax basis.* Any increase to the adjusted tax basis of partnership property under paragraph (c)(1) of this section is recovered using any applicable recovery period and depreciation (or other cost recovery) method (including first-year conventions) available to the partnership for newly purchased property (of the type adjusted) placed in service at the time of the distribution.

(e) *Examples.* The following examples illustrate the rules of this section. Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 737, and all partners are unrelated.

(e) *Example 1. Partner's basis in distributed property.* (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$5,000. B contributes Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$10,000. C contributes \$10,000 cash.

(ii) On December 31, 1998, Property B is distributed to A in complete liquidation of A's interest in the partnership. A recognizes \$5,000 of gain under section 737, an amount equal to the excess distribution of \$5,000

(\$10,000 fair market value of Property B less \$5,000 adjusted tax basis in A's partnership interest) and A's net precontribution gain of \$5,000 (\$10,000 fair market value of Property A less \$5,000 adjusted tax basis of such property).

(iii) A's adjusted tax basis in A's partnership interest is increased by the \$5,000 of gain recognized under section 737. This increase is taken into account in determining A's basis in the distributed property. Therefore, A's adjusted tax basis in distributed Property B is \$10,000 under section 732(b).

Example 2. Partner's basis in distributed property in connection with gain recognized under section 704(c)(1)(B). (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes the following nondepreciable real property to the partnership:

	Fair market value	Adjusted tax basis
Property A1	\$10,000	5,000
Property A2	10,000	2,000

(ii) B contributes \$10,000 cash and Property B, nondepreciable real property, with a fair market value and adjusted tax basis of \$10,000. C contributes \$20,000 cash.

(iii) On December 31, 1998, Property B is distributed to A in a current distribution and Property A1 is distributed to B in a current distribution. A recognizes \$5,000 of gain under section 704(c)(1)(B) and § 1.704-4 on the distribution of Property A1 to B, the difference between the fair market value of such property (\$10,000) and the adjusted tax basis in distributed Property A1 (\$5,000). The adjusted tax basis of A's partnership interest is increased by this \$5,000 of gain under section 704(c)(1)(B) and § 1.704-4(e)(1).

(iv) The increase in the adjusted tax basis of A's partnership interest is taken into account in determining the amount of the excess distribution. As a result, there is no excess distribution because the fair market value of Property B (\$10,000) is less than the adjusted tax basis of A's interest in the partnership at the time of distribution (\$12,000). A therefore recognizes no gain under section 737 on the receipt of Property B. A's adjusted tax basis in Property B is \$10,000 under section 732(a)(1). The adjusted tax basis of A's partnership interest is reduced from \$12,000 to \$2,000 under section 733. See *Example 3* of § 1.737-1(e).

Example 3. Partnership's basis in partnership property after a distribution with section 737 gain. (i) On January 31, 1995, A, B, and C form partnership ABC as equal partners. A contributes the following nondepreciable property to the partnership:

	Fair market value	Adjusted tax basis
Property A1	\$1,000	\$500
Property A2	4,000	1,500
Property A3	4,000	6,000
Property A4	6,000	4,000

(ii) The character of gain or loss on Properties A1, A2, and A3 is long-term, U.S.-

source capital gain or loss. The character of gain on Property A4 is long-term, foreign-source capital gain. B contributes Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$15,000. C contributes \$15,000 cash.

(iii) On December 31, 1998, Property B is distributed to A in complete liquidation of A's interest in the partnership. A recognizes gain of \$3,000 under section 737, an amount equal to the excess distribution of \$3,000 (\$15,000 fair market value of Property B less \$12,000 adjusted tax basis in A's partnership interest) and A's net precontribution gain of \$3,000 (\$15,000 aggregate fair market value of the property contributed by A less \$12,000 aggregate adjusted tax basis of such property).

(iv) \$2,000 of A's gain is long-term, foreign-source capital gain (\$3,000 total gain under section 737 x \$2,000 net long-term, foreign-source capital gain/\$3,000 total net precontribution gain). \$1,000 of A's gain is long-term, U.S.-source capital gain (\$3,000 total gain under section 737 x \$1,000 net long-term, U.S.-source capital gain/\$3,000 total net precontribution gain).

(v) The partnership must increase the adjusted tax basis of the property contributed by A by \$3,000. All property contributed by A is eligible property. Properties A1, A2, and A3 have the same character and are grouped into a single group for purposes of allocating this basis increase. Property A4 is in a separate character group.

(vi) \$2,000 of the basis increase must be allocated to long-term, foreign-source capital assets because \$2,000 of the gain recognized by A was long-term, foreign-source capital gain. The adjusted tax basis of Property A4 is therefore increased from \$4,000 to \$6,000. \$1,000 of the increase must be allocated to Properties A1 and A2 because \$1,000 of the gain recognized by A is long-term, U.S.-source capital gain. No basis increase is allocated to Property A3 because its fair market value is less than its adjusted tax basis. The \$1,000 basis increase is allocated between Properties A1 and A2 based on the unrealized appreciation in each asset before such basis adjustment. As a result, the adjusted tax basis of Property A1 is increased by \$167 (\$1,000 x \$500/\$3,000) and the adjusted tax basis of Property A2 is increased by \$833 (\$1,000 x \$2,500/\$3,000).

§ 1.737-4 Anti-abuse rule.

(a) *In general.* The rules of section 737 and §§ 1.737-1, 1.737-2, and 1.737-3 must be applied in a manner consistent with the purpose of section 737.

Accordingly, if a principal purpose of a transaction is to achieve a tax result that is inconsistent with the purpose of section 737, the Commissioner can recast the transaction for federal tax purposes as appropriate to achieve tax results that are consistent with the purpose of section 737. Whether a tax result is inconsistent with the purpose of section 737 must be determined based on all the facts and circumstances. See § 1.704-4(f) for an anti-abuse rule and examples in the

context of section 704(c)(1)(B). The anti-abuse rule and examples under section 704(c)(1)(B) and § 1.704-4(f) are relevant to section 737 and §§ 1.737-1, 1.737-2, and 1.737-3 to the extent that the net precontribution gain for purposes of section 737 is determined by reference to section 704(c)(1)(B).

(b) *Examples.* The following examples illustrate the rules of this section. The examples set forth below do not delineate the boundaries of either permissible or impermissible types of transactions. Further, the addition of any facts or circumstances that are not specifically set forth in an example (or the deletion of any facts or circumstances) may alter the outcome of the transaction described in the example. Unless otherwise specified, partnership income equals partnership expenses (other than depreciation deductions for contributed property) for each year of the partnership, the fair market value of partnership property does not change, all distributions by the partnership are subject to section 737, and all partners are unrelated.

Example 1. Increase in distributee partner's basis by temporary contribution; results inconsistent with the purpose of section 737. (i) On January 1, 1995, A, B, and C form partnership ABC as equal partners. A contributes Property A1, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$1,000. B contributes Property B, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$10,000. C contributes \$10,000 cash.

(ii) On January 1, 1999, pursuant to a plan a principal purpose of which is to avoid gain under section 737, A transfers to the partnership Property A2, nondepreciable real property with a fair market value and adjusted tax basis of \$9,000. A treats the transfer as a contribution to the partnership pursuant to section 721 and increases the adjusted tax basis of A's partnership interest from \$1,000 to \$10,000. On January 1, 1999, the partnership agreement is amended and all other necessary steps are taken so that substantially all of the economic risks and benefits of Property A2 are retained by A. On February 1, 1999, Property B is distributed to A in a current distribution. If the contribution of Property A2 is treated as a contribution to the partnership for purposes of section 737, there is no excess distribution because the fair market value of distributed Property B (\$10,000) does not exceed the adjusted tax basis of A's interest in the partnership (\$10,000), and therefore section 737 does not apply. A's adjusted tax basis in distributed Property B is \$10,000 under section 732(a)(1) and the adjusted tax basis of A's partnership interest is reduced to zero under section 733.

(iii) On March 1, 2000, A receives Property A2 from the partnership in complete liquidation of A's interest in the partnership. A recognizes no gain on the distribution of Property A2 because the property was

previously contributed property. See § 1.737-2(d).

(iv) Although A has treated the transfer of Property A2 as a contribution to the partnership that increased the adjusted tax basis of A's interest in the partnership, it would be inconsistent with the purpose of section 737 to recognize the transfer as a contribution to the partnership. Section 737 requires recognition of gain when the value of distributed property exceeds the distributee partner's adjusted tax basis in the partnership interest. Section 737 assumes that any contribution or other transaction that affects a partner's adjusted tax basis in the partnership interest is a contribution or transaction in substance and is not engaged in with a principal purpose of avoiding recognition of gain under section 737. Because the transfer of Property A2 to the partnership was not a contribution in substance and was made with a principal purpose of avoiding recognition of gain under section 737, the Commissioner can disregard the contribution of Property A2 for this purpose. As a result, A recognizes gain of \$9,000 under section 737 on the receipt of Property B, an amount equal to the lesser of the excess distribution of \$9,000 (\$10,000 fair market value of distributed Property B less the \$1,000 adjusted tax basis of A's partnership interest, determined without regard to the transitory contribution of Property A2) or A's net precontribution gain of \$9,000 on Property A1.

Example 2. Increase in distributee partner's basis; section 752 liability shift; results consistent with the purpose of section 737. (i) On January 1, 1995, A and B form general partnership AB as equal partners. A contributes Property A, nondepreciable real property with a fair market value of \$10,000 and an adjusted tax basis of \$1,000. B contributes Property B, nondepreciable real property with a fair market value and adjusted tax basis of \$10,000. The partnership also borrows \$10,000 on a recourse basis and purchases Property C. The \$10,000 liability is allocated equally between A and B under section 752, thereby increasing the adjusted tax basis in A's partnership interest to \$6,000.

(ii) On December 31, 1998, the partners agree that A is to receive Property B in a current distribution. If A were to receive Property B at that time, A would recognize \$4,000 of gain under section 737, an amount equal to the lesser of the excess distribution of \$4,000 (\$10,000 fair market value of Property B less \$6,000 adjusted tax basis in A's partnership interest) or A's net precontribution gain of \$9,000 (\$10,000 fair market value of Property A less \$1,000 adjusted tax basis of Property A).

(iii) With a principal purpose of avoiding such gain, A and B agree that A will be solely liable for the repayment of the \$10,000 partnership liability and take the steps necessary so that the entire amount of the liability is allocated to A under section 752. The adjusted tax basis in A's partnership interest is thereby increased from \$6,000 to \$11,000 to reflect A's share of the \$5,000 of liability previously allocated to B. As a result of this increase in A's adjusted tax basis, there is no excess distribution because the

fair market value of distributed Property B (\$10,000) is less than the adjusted tax basis of A's partnership interest. Recognizing A's increased adjusted tax basis as a result of the shift in liabilities is consistent with the purpose of section 737 and this section. Section 737 requires recognition of gain only when the value of the distributed property exceeds the distributee partner's adjusted tax basis in the partnership interest. The \$10,000 recourse liability is a bona fide liability of the partnership that was undertaken for a substantial business purpose and A's and B's agreement that A will assume responsibility for repayment of that debt has substance. Therefore, the increase in A's adjusted tax basis in A's interest in the partnership due to the shift in partnership liabilities under section 752 is respected, and A recognizes no gain under section 737.

§ 1.737-5 Effective date.

Sections 1.737-1, 1.737-2, 1.737-3, and 1.737-4 apply to distributions by a partnership to a partner on or after January 9, 1995.

Dated: December 13, 1995.

Margaret Milner Richardson,
Commissioner of Internal Revenue.

Approved:

Leslie Samuels,

Assistant Secretary of the Treasury.

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26 CFR Parts 1 and 602

[TD 8638]

RIN 1545-AT44

Certain Transfers of Domestic Stock or Securities by U.S. Persons to Foreign Corporations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations.

SUMMARY: These temporary regulations provide the public with guidance necessary to comply with the Tax Reform Act of 1984. These regulations amend the Income Tax Regulations with respect to certain transfers of stock or securities of domestic corporations by United States persons to foreign corporations pursuant to the corporate organization, reorganization, or liquidation provisions of the Internal Revenue Code. This Treasury decision also removes certain of the existing temporary regulations regarding transfers by U.S. persons of stock or securities of both domestic and foreign corporations. This action is necessary to update the existing temporary regulations and to reflect certain of the changes announced by Notice 87-85 (1987-2 C.B. 395) (with respect to

transfers of both domestic and foreign stock or securities) and by Notice 94-46 (1994-1 C.B. 356) (with respect to transfers of stock or securities of a domestic corporation). The text of these temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the Federal Register. When finalized, the regulations under section 367(a) relating to the transfer of stock or securities will integrate the regulations herein with the 1991 proposed regulations relating to transfers of stock or securities (see Proposed Rule §§ 1.367(a)-3 and 1.367(a)-8, published at 56 FR 41993, August 26, 1991).

EFFECTIVE DATE: April 17, 1994. For further information, see the Applicability and Effective Dates section under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Philip L. Tretiak at (202) 622-3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Applicability and Effective Dates

These regulations are generally applicable to transfers occurring after April 17, 1994, the effective date of Notice 94-46. However, the active trade or business requirement (described in § 1.367(a)-3T(c)(1)(iii) of the temporary regulations herein), which was not contained in Notice 94-46, is effective for transfers occurring January 25, 1996. Moreover, these regulations remove as "deadwood" paragraphs (c)(1) through (c)(4), (d), (e), (f), (g)(1)(iii) and (h)(1) of § 1.367(a)-3T of the existing temporary regulations with respect to transfers occurring after December 16, 1987, the effective date of Notice 87-85.

Paperwork Reduction Act

These regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in these regulations has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget under control number 1545-1478. Responses to this collection of information are required in order for U.S. shareholders that transfer stock or securities in section 367(a) exchanges to qualify for an exception to the general rule of taxation under section 367(a)(1).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless the collection of information displays a valid control number.

For further information concerning this collection of information, and where to submit comments on the collection of information and the accuracy of the estimated burden, and suggestions for reducing this burden, please refer to the preamble to the cross-referencing notice of proposed rulemaking published in the Proposed Rules section of this issue of the Federal Register. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

On May 16, 1986, temporary and proposed regulations under sections 367(a) and (d) and section 6038B were published in the Federal Register (51 FR 17936). These regulations were published to provide the public with guidance necessary to comply with changes made to the Internal Revenue Code by the Tax Reform Act of 1984. Included in the 1986 temporary regulations was § 1.367(a)-3T, concerning transfers of stock or securities of domestic or foreign corporations by U.S. persons to foreign corporations. Subsequently, the IRS and the Treasury Department issued Notice 87-85 (1987-2 C.B. 395), which set forth substantial changes to be made to § 1.367(a)-3T, effective with respect to transfers occurring after December 16, 1987. A further notice of proposed rulemaking, containing rules under section 367(a), as well as under section 367(b), was published in the Federal Register on August 26, 1991 (56 FR 41993). The 1991 proposed section 367(a) regulations were generally based upon the positions announced in Notice 87-85, but the regulations made certain modifications to Notice 87-85, particularly with respect to transfers of stock or securities of foreign corporations.

Most recently, the IRS and the Treasury Department issued Notice 94-46 (1994-1 C.B. 356), announcing modifications to the positions set forth in Notice 87-85 (and the 1991 proposed regulations) with respect to transfers of stock or securities of domestic corporations occurring after April 17, 1994. The temporary regulations set forth herein generally incorporate the modifications announced in Notice 94-46. The notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the Federal

Register supplements and, where inconsistent with, supersedes, the 1991 proposed regulations with respect to transfers of domestic stock or securities occurring after April 17, 1994.

Notice 94-46 announced that the regulations under section 367(a) would be amended to deny nonrecognition treatment to the transfer of stock or securities of a domestic corporation by a U.S. person to a foreign corporation if all U.S. transferors owned in the aggregate 50 percent or more of either the total voting power or the total value of the stock of the transferee foreign corporation immediately after the exchange. (Under the approach taken in Notice 87-85, transfers of domestic stock or securities occurring prior to April 18, 1994 (and after December 16, 1987) were generally denied nonrecognition treatment only in the case of a single U.S. transferor that owned more than 50 percent of the total voting power or the total value of the stock of the transferee foreign corporation immediately after the transfer or of a U.S. transferor that held at least 5 percent (but no more than 50 percent) of the total voting power or the total value of the stock of the transferee foreign corporation immediately after the transfer and that failed to enter into a gain recognition agreement.)

In Notice 94-46, the IRS and the Treasury Department invited comments on possible exceptions to the general rule set forth in the Notice, specifically with respect to cases where (i) a domestic corporation is acquired by a foreign corporation that is engaged in an active trade or business and that, prior to the transaction, is unrelated to the acquired corporation or its shareholders, or (ii) the transferee foreign corporation is a controlled foreign corporation (within the meaning of section 957) after the transfer. After consideration of the comments received, the IRS and the Treasury Department have concluded that no exceptions to the general rule are warranted.

In the Notice, the IRS and the Treasury Department also invited specific comment on whether special rules should be provided to determine the ownership of the transferee foreign corporation in cases where the corporation is publicly traded. As described below, in response to comments received, the "cross-ownership" rules of Notice 94-46 have been modified in a way that will ameliorate the burdens of identifying shareholders of publicly traded (or widely-held) corporations and that should reduce the impact of the general rule on business combinations involving unrelated U.S. and foreign corporations

that are engaged in the active conduct of a trade or business.

Need for Temporary Regulations

The rules contained in this Treasury decision provide taxpayers with guidance necessary to comply with Notice 94-46, which was effective with respect to transfers of stock or securities of domestic corporations to foreign corporations occurring after April 17, 1994. The provisions of Notice 94-46 were made immediately effective to forestall certain tax-avoidance transfers by U.S. persons of the stock of U.S.-based multinationals to foreign corporations. Because of the Notice's immediate effective date, there is a need for implementing regulations on which both taxpayers and the Service may rely with respect to current transfers.

Based on these considerations, it is determined that immediate regulatory guidance will ensure the efficient administration of the tax laws and that it would be impracticable and contrary to the public interest to issue this Treasury decision with prior notice under section 553(b) or subject to the effective date limitation of section 553(d) of title 5 of the United States Code.

Explanation of Provisions

Section 367(a)(1) generally treats a transfer of property (including stock or securities) by a U.S. person to a foreign corporation in connection with an exchange described in section 332, 351, 354, 356 or 361 as a taxable exchange unless the transfer qualifies for an exception to this general rule. Temporary regulations published on May, 16, 1986 (TD 8087) provided exceptions in the case of certain transfers of stock or securities of domestic and foreign corporations (see § 1.367(a)-3T). Notice 87-85 announced modifications to those exceptions for transfers of domestic or foreign stock or securities occurring after December 16, 1987. Proposed regulations issued on August 26, 1991 largely incorporated the positions set forth in Notice 87-85, and expanded the application of section 367(a) with respect to certain transfers of stock or securities of foreign corporations. Notice 94-46 announced modifications to the exceptions originally announced in Notice 87-85, effective with respect to certain transfers of stock or securities of domestic corporations occurring after April 17, 1994.

Both the temporary regulations herein and the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the Federal Register generally incorporate the

positions taken in Notice 94-46, with modifications as described below. As indicated previously, Notice 94-46 did not modify the positions taken in Notice 87-85 governing the transfer of stock or securities of a foreign corporation. Until the 1991 proposed regulations are finalized, the positions originally announced in Notice 87-85 will continue to govern the availability of section 367(a) exceptions for transfers of stock or securities of foreign corporations.

In addition to implementing the positions announced in Notice 94-46, this Treasury decision removes those portions of § 1.367(a)-3T of the 1986 temporary regulations that Notice 87-85 announced would no longer be applicable with respect to stock transfers occurring after December 16, 1987. This includes removal of the exceptions in paragraphs (c) (1) through (4) (providing exceptions for certain transfers of domestic stock or securities); of paragraph (d) (providing exceptions for certain transfers of foreign stock or securities, including an exception for transfers to a foreign corporation organized in the same foreign country as the corporation the stock of which is being transferred); of paragraph (e) (involving exceptions where stock is an operating asset or where there is a consolidation of an integrated business); and of paragraph (f) (exceptions where U.S. transferors obtain a limited interest in the transferee foreign corporation).

The temporary regulations herein also incorporate (in paragraph (a)) the 1991 proposed regulations' restatement of the general rule applicable to outbound stock transfers (see Prop. Reg. § 1.367(a)-3(a)). This restatement revises the general rule contained in the 1986 temporary regulations to reflect changes to section 367 made by Congress after promulgation of those regulations. For example, the 1986 temporary regulations' statement of the general rule included transfers of stock or securities in section 332 liquidations as one of the transactions covered by section 367(a) (see § 1.367(a)-3T(a)). The restatement of the general rule in the temporary regulations herein removes the reference to section 332 because an outbound transfer of stock or securities pursuant to a section 332 liquidation is now covered by section 367(e)(2) and the regulations under § 1.367(e)-2T. Even though the temporary regulations under § 1.367(e)-2T have sunset (because they were promulgated as temporary regulations on January 12, 1990 (TD 8280) and were not finalized within three years of that date), the Service announced its

intention to follow the principles of those regulations in the preamble to the final regulations under section 367(e)(1) (see the preamble to the final section 367(e)(1) regulations in TD 8472, adopted January 15, 1993).

The revised statement of the general rule herein refers explicitly to transfers that may be indirect or constructive. Thus, transactions that are recharacterized as indirect or constructive stock transfers will be subject to the section 367(a) stock transfer regulations and will be taxable unless an exception applies.

The restatement of the general rule herein is not intended to change the 1986 temporary regulations' treatment of a case in which stock or securities of a foreign corporation are transferred pursuant to a reorganization described in section 368(a)(1)(B), including a transaction that is described in both section 368(a)(1)(B) and section 351. It is anticipated, however, that the final regulations issued with respect to an outbound transfer of foreign stock or securities will incorporate the principles of the 1991 proposed regulations, and thus, for example, a transaction described in both section 368(a)(1)(B) and section 351 will be subject to section 367(a).

Notice 87-85 and the 1991 Proposed Regulations

Under Notice 87-85 and the 1991 proposed regulations, a U.S. transferor of stock or securities that owns five percent or more of either the total voting power or the total value of the transferee foreign corporation immediately after the transfer generally is not subject to current taxation under section 367(a)(1) if that transferor enters into a gain recognition agreement (GRA). The term of the GRA is five years if all U.S. transferors, in the aggregate, own less than 50 percent of both the total voting power and the total value of the stock of the transferee foreign corporation immediately after the transfer, or ten years if the U.S. transferors, in the aggregate, own 50 percent or more of either the total voting power or the total value of the stock of the transferee foreign corporation immediately after the transfer. U.S. transferors that own an interest of less than 5 percent in the transferee foreign corporation immediately after the transfer are not taxable under section 367(a)(1) and are not required to enter into a GRA. If a single U.S. transferor transfers stock or securities of a domestic corporation and owns directly or by attribution more than 50 percent of either the total voting power or the total value of the stock of the transferee foreign corporation

immediately after the transfer, gain is recognized on the exchange.

The determination whether (i) a U.S. transferor owns five percent or more of the transferee foreign corporation immediately after the transfer, (ii) U.S. transferors own in the aggregate 50 percent or more of the transferee foreign corporation (and, thus, whether a 10-year GRA is required), or (iii) a single U.S. transferor owns more than 50 percent of the transferee foreign corporation (and, thus, whether gain is recognized) takes into account both stock of the transferee foreign corporation received by the U.S. transferor(s) in the exchange and stock in the transferee foreign corporation owned by the U.S. transferor(s) independent of the exchange (referred to as cross-ownership).

Notice 87-85 and the 1991 proposed regulations presume that U.S. transferors own in the aggregate 50 percent or more of the total voting power or the total value of the transferee foreign corporation immediately after the transfer (and thus a ten-year GRA is required), unless U.S. transferors can demonstrate otherwise (referred to as the ownership presumption). The ownership presumption contained in both the Notice and the 1991 proposed regulations actually consists of two rebuttable presumptions, one relating to ownership of stock in the U.S. corporation the stock or securities of which are transferred (referred to as the U.S. target company) and the other relating to ownership of stock in the transferee foreign corporation.

Under the first presumption, all persons that exchange U.S. target company stock (or other property) for stock of the transferee foreign corporation in the exchange are presumed to be U.S. persons. Thus, if shareholders of the U.S. target company receive 50 percent or more of the stock of the transferee foreign corporation in the exchange, U.S. transferors are presumed to own 50 percent or more of the stock of the transferee foreign corporation immediately after the transfer. Even if application of this first presumption does not result in U.S. transferors being deemed to own at least 50 percent of the total voting power or the total value of the transferee foreign corporation immediately after the transfer, the second presumption may do so. The second presumption is that U.S. transferors also own stock of the transferee foreign corporation independent of the exchange in an amount sufficient to bring their total ownership immediately after the exchange up to 50 percent. This second component of the ownership

presumption is referred to as the cross-ownership presumption.

Notice 94-46

Notice 94-46 modified the exceptions set forth in Notice 87-85 with respect to post-April 17, 1994 transfers of stock or securities of domestic corporations. The purpose of Notice 94-46 was to forestall outbound transfers that are structured to avoid or that lay a foundation for future avoidance of the Internal Revenue Code anti-deferral regimes by imposing a shareholder-level tax on such transfers. Notice 94-46 stated that regulations would provide that the transfer of stock or securities of a domestic corporation by a U.S. person to a foreign corporation described in section 367(a) would be taxable if all U.S. transferors owned, in the aggregate, 50 percent or more of either the total voting power or the total value of the stock of the transferee corporation immediately after the exchange. All U.S. transferors, regardless of their level of ownership, would be subject to tax in such a case.

The rules of Notice 94-46 incorporated the ownership presumption of Notice 87-85. As a result of the cross-ownership aspect of that presumption, even if U.S. shareholders receive significantly less than 50 percent of the stock of a transferee foreign corporation in an exchange described in section 367(a), the transaction could still be taxable. If, for example, U.S. shareholders of a U.S. target company received 30 percent of the stock of a transferee foreign corporation in an exchange described in section 367(a)(1), those shareholders would be presumed to own independently at least an additional 20 percent of the stock of the transferee foreign corporation immediately after the transfer, with the result that the exchange would be taxable (unless the cross-ownership presumption were rebutted). Commentators argued that where a U.S. target company and a foreign acquirer were publicly traded or widely-held, taxpayers' ability to rebut the cross-ownership aspect of the ownership presumption was limited. As a result, Notice 94-46 potentially had the effect of forestalling acquisitions of U.S. public companies by larger foreign corporations in cases where they were unrelated and both engaged in the active conduct of a trade or business.

In response to comments received from taxpayers, and in particular with respect to the difficulties of rebutting the cross-ownership presumption, these temporary regulations modify positions taken in Notice 94-46 in two significant ways. First, the regulations shift the ownership threshold from "50 percent

or more" to "more than 50 percent" so that a U.S. transferor may qualify for an exception to section 367(a) in cases where U.S. transferors, in the aggregate, receive exactly 50 percent of the stock of the transferee foreign corporation in the exchange. The relaxation of the ownership threshold was intended to give 50–50 joint ventures involving unrelated U.S. and foreign corporations that are engaged in active businesses the option of using a foreign transferee corporation. Where a foreign corporation is smaller than a U.S. corporation that it acquires, the transaction will still generally be taxable; it would not be taxable if the U.S. participant were the acquiring corporation in the transaction (or if another U.S. holding company were the acquiring corporation). Second, although the regulation retains the presumption that shareholders of the U.S. target company are U.S. persons, it does not, in general, retain the cross-ownership presumption and no longer, as a general matter, takes cross-ownership into account. The regulation counts cross-ownership only in the limited circumstance where U.S. officers, directors, and 5-percent or greater shareholders of the U.S. target company own, in the aggregate, more than 50 percent of the total voting power or the total value of the transferee foreign corporation immediately after the transfer (a control group case). In such a case, the exchange is taxable to all U.S. transferors. The regulation allows taxpayers to rely on Schedule 13–D or 13–G filings made under the Securities Exchange Act of 1934 (15 U.S.C. 78m) to identify 5-percent shareholders of public companies for this purpose.

Although cross-ownership does not count toward the 50 percent ownership threshold (unless the control group case applies), it is still relevant in determining whether a U.S. transferor owns five percent or more of the transferee foreign corporation under the rules originally announced in Notice 87–85. Moreover, cross-ownership continues to be relevant for determining whether a 5-year or 10-year GRA is required under the rules originally announced in 87–85, and, for these purposes, there continues to be a rebuttable presumption.

In addition to the two modifications described above that were made in response to comments received with respect to Notice 94–46, these regulations contain a new active trade or business requirement not contained in Notice 94–46, which taxpayers must meet in order to qualify for an exception to the general rule of taxation under

section 367(a). The IRS and the Treasury Department added the active trade or business requirement to address abuse potential, in particular, in a case in which a U.S. target company is smaller than a foreign acquirer that was formed and capitalized with a view to enabling the smaller U.S. company to move offshore. The IRS and the Treasury Department believe that this type of transaction presents an inappropriate opportunity for avoiding the anti-deferral regime without payment of the tax envisioned by Notice 94–46. The IRS and the Treasury Department believe that an exception to taxation is proper only in cases where a combination of two active businesses is contemplated and that the opportunity for tax avoidance is ameliorated when such businesses have been conducted for a period of at least 36 months prior to the exchange. Under the requirement contained in the regulations, no exception to taxation is available unless either the transferee foreign corporation or an affiliate of that corporation was engaged in the active conduct of a trade or business for the entire 36-month period prior to the exchange, and unless such business is substantial in relation to the business conducted by the U.S. target company. For this purpose, an affiliate is generally defined by reference to the rules in section 1504(a) (without the exclusion of foreign corporations), and generally includes a parent, subsidiary or brother-sister corporation of the transferee foreign corporation.

To summarize, under the temporary regulations, a U.S. person that exchanges stock or securities in a U.S. corporation for stock of a foreign corporation in an exchange described in section 367(a) will be taxable in cases where:

- (i) The 50 percent ownership threshold is exceeded;
- (ii) The control group case applies;
- (iii) The active trade or business requirement is not met; or
- (iv) The exchanging U.S. shareholder owns five percent or more of the stock of the transferee foreign corporation and fails to enter into a GRA and/or satisfy the requirements of section 6038B.

The duration of the GRA in case (iv) is 5 years if the transferor can demonstrate that all U.S. transferors in the aggregate own less than 50 percent of the total voting power or the total value of the stock of the transferee foreign corporation immediately after the transfer or 10 years if U.S. transferors own exactly 50 percent (or more than 50 percent as a result of cross-ownership) of the transferee foreign corporation immediately after

the transfer. In all cases other than those enumerated in (i) through (iv) above, a U.S. person that transfers stock or securities of a domestic corporation in exchange for stock of a transferee foreign corporation will not be taxable under section 367(a) if certain reporting requirements described in the regulations are met.

Final regulations under section 367(a) are expected to address the transfer of stock or securities of foreign corporations and other matters contained in the 1991 proposed regulations that are not addressed herein.

Special Analyses

It has been determined that this temporary regulation is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that this regulation does not have a significant impact on a substantial number of small entities. Thus, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, a copy of these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Philip L. Tretiak of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and Recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

Part 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.367(a)-3T is amended by revising paragraphs (a), (c), (d), (e), (f), (g)(1) and (h)(1) to read as follows:

§ 1.367(a)-3T Treatment of transfers of stock or securities to foreign corporations (temporary).

(a) *In general.* This section provides rules concerning the transfer of stock or securities by a U.S. person to a foreign corporation in an exchange described in section 367(a). In general, a transfer of stock or securities by a U.S. person (directly, indirectly or constructively) to a foreign corporation that is described in section 351, 354 (pursuant to a reorganization described in section 368(a)(1)(B)) or section 361(a) or (b) is subject to section 367(a)(1) and, therefore, is treated as a taxable exchange, unless one of the exceptions set forth in paragraph (b), (c) or (d) of this section applies. For additional rules relating to an exchange involving a foreign corporation in connection with which there is a transfer of stock, see section 367(b) and the regulations under that section. For additional rules regarding a transfer of stock or securities in an exchange described in section 361(a) or (b), see section 367(a)(5) and any regulations under that section.

* * * * *

(c) *Transfers by U.S. persons of stock or securities of domestic corporations to foreign corporations—(1) In general.* Except as provided in section 367(a)(5), a transfer of stock or securities of a domestic corporation by a U.S. person to a foreign corporation that would otherwise be subject to section 367(a)(1) under paragraph (a) of this section shall not be subject to section 367(a)(1) if the domestic corporation the stock or securities of which are transferred (referred to as the U.S. target company) complies with the reporting requirements in paragraph (c)(4) of this section and if each of the following four conditions is met:

(i) Fifty percent or less of both the total voting power and the total value of the stock of the transferee foreign corporation is received in the transaction, in the aggregate, by U.S. transferors (i.e., the amount of stock received does not exceed the 50 percent threshold).

(ii) No more than 50 percent of each of the total voting power and the total value of the stock of the transferee foreign corporation is owned, in the aggregate, immediately after the transfer by U.S. persons who are either officers or directors of the U.S. target company or who are five-percent target shareholders (as defined in paragraph (c)(6)(iii) of this section) (i.e., there is no

control group). For purposes of this paragraph (c)(1)(ii), any stock of the transferee foreign corporation owned by U.S. persons immediately after the transfer will be taken into account, whether or not it was received in the exchange for stock or securities of the U.S. target company.

(iii) In the case of a transfer occurring after January 25, 1996, the transferee foreign corporation or an affiliate of the transferee foreign corporation has been engaged in the active conduct of a trade or business, within the meaning of § 1.367(a)-2T(b)(2) and (3), that is substantial in comparison to the trade or business of the U.S. target company, for the entire 36-month period immediately preceding the date of the transfer.

(iv) Either—

(A) The U.S. person is not a five-percent transferee shareholder (as defined in paragraph (c)(6)(ii) of this section); or

(B) The U.S. person is a five-percent transferee shareholder and enters into an agreement to recognize gain with respect to the U.S. target company stock or securities it exchanged in the form provided in paragraph (g) of this section, as modified by paragraph (c)(3) of this section (setting the duration of the gain recognition agreement).

(2) *Ownership Presumption.* For purposes of paragraph (c)(1) of this section, persons who transfer stock or securities of the U.S. target company or other property in exchange for stock of the transferee foreign corporation are presumed to be U.S. persons. This presumption may be rebutted in accordance with paragraph (c)(4)(ii) of this section.

(3) *Term of the gain recognition agreement.* If, immediately after the transfer described in section 367(a)(1), all U.S. transferors own in the aggregate less than fifty percent of both the total voting power and the total value of the stock of the transferee foreign corporation (counting both stock of the transferee foreign corporation owned as a result of the exchange as well as stock of the transferee foreign corporation owned independently by such U.S. transferors), the agreement to recognize gain shall be in the form specified in paragraph (g)(3) of this section. The term of the agreement shall be ten years, rather than the five years specified in paragraph (g)(3) of this section, the waiver described in paragraph (g)(4) of this section shall extend the period for assessment of tax for an additional five years, and the certification and waiver described in paragraph (g)(5) of this section must be filed for an additional five years if—

(i) The five-percent transferee shareholder cannot determine whether the condition in the preceding sentence is satisfied; or

(ii) Immediately after the transfer, all U.S. transferors own in the aggregate fifty percent or more of either the total voting power or the total value of the stock of the transferee foreign corporation (counting both stock of the transferee foreign corporation owned as a result of the exchange, as well as stock of the transferee foreign corporation owned independently by such U.S. transferors).

(4) *Reporting requirements of U.S. target company.* (i) In order for a U.S. person that transfers stock or securities of a domestic corporation to qualify for the exception to the general rule under section 367(a)(1) provided by this paragraph (c), the U.S. target company must comply with the reporting requirements contained in this paragraph (c)(4). The U.S. target company must attach to its timely filed U.S. income tax return (or a subsequent, timely filed amended return) for the taxable year in which the transfer occurs a statement titled "Section 367(a)—Reporting of Cross-Border Transfer Under Reg. § 1.367(a)-3T(c)(4)," signed under penalties of perjury by an officer of the corporation, disclosing the following information—

(A) A description of the transaction in which a U.S. person or persons transferred stock or securities in the U.S. target company to the transferee foreign corporation in a transfer otherwise subject to section 367(a)(1);

(B) The amount (specified as to the percentage of the total voting power and the total value) of stock of the transferee foreign corporation received in the transaction, in the aggregate, by persons who transferred stock or securities of the U.S. target company or other property. For additional information that may be required to rebut the ownership presumption of paragraph (c)(2) of this section in cases where more than 50 percent of either the total voting power or the total value of the stock of the transferee foreign corporation is received in the transaction, in the aggregate, by persons who transferred stock or securities of the U.S. target company or other property, see paragraph (c)(4)(ii) of this section;

(C) The amount (if any) of transferee foreign corporation stock owned directly or indirectly (applying the attribution rules of sections 267(c)(1) and (5)) immediately after the exchange by the U.S. target company;

(D) A statement that there is no control group within the meaning of paragraph (c)(1)(ii) of this section;

(E) A list of U.S. persons who are officers, directors or five-percent target shareholders and the percentage of the total voting power and the total value of the stock of the transferee foreign corporation owned by such persons both immediately before and immediately after the transaction; and

(F) A statement that the active trade or business test described in paragraph (c)(1)(iii) of this section is satisfied by the transferee foreign corporation or an affiliate and a description of such business.

(ii) To rebut the ownership presumption of paragraph (c)(2) of this section, the U.S. target company must obtain ownership statements (described in paragraph (c)(6)(i) of this section) from a sufficient number of persons that transfer U.S. target company stock or securities (or other property) in the transaction that are not U.S. persons to demonstrate that the 50 percent threshold is not exceeded. In addition, the U.S. target company must attach to its timely filed U.S. income tax return (or a subsequent, timely filed amended return) for the taxable year in which the transfer occurs a statement, titled "Section 367(a)—Compilation of Ownership Statements under Reg. § 1.367(a)-3T(c)," signed under penalties of perjury by an officer of the corporation, disclosing the following information:

(A) The amount (specified as to the percentage of the total voting power and the total value) of stock of the transferee foreign corporation received, in the aggregate, by U.S. transferors;

(B) The amount (specified as to the percentage of total voting power and total value) of stock of the transferee foreign corporation received, in the aggregate, by foreign persons that filed ownership statements;

(C) A summary of the information tabulated from the ownership statements, including—

(1) The names of the persons that filed ownership statements stating that they are not U.S. persons;

(2) The countries of residence and citizenship of such persons; and

(3) The ownership of such persons (by voting power and by value) in the U.S. target company prior to the exchange and the amount of stock of the transferee foreign corporation (by voting power and value) received by such persons in the exchange.

(iii) For purposes of paragraph (c)(4), an income tax return (including an amended return) will be considered timely filed if it is filed prior to the time

that the Internal Revenue Service discovers that the reporting requirements of this paragraph have not been satisfied.

(5) *Special Rules*—(i) *Treatment of partnerships*. For purposes of paragraph (c), if a partnership (whether domestic or foreign) owns or transfers stock or securities or other property in an exchange described in section 367(a), each partner in the partnership, and not the partnership itself, is treated as owning and as having transferred a proportionate share of the stock or securities or other property. See § 1.367(a)-1T(c)(3).

(ii) *Treatment of options*. For purposes of paragraph (c) of this section, one or more options (or an interest similar to an option) will be treated as exercised and thus will be counted as stock for purposes of determining whether the 50 percent threshold is exceeded or whether a control group exists if a principal purpose of the issuance or the acquisition of the option (or other interest) was the avoidance of the general rule contained in section 367(a).

(iii) *U.S. target has a vestigial ownership interest in transferee foreign corporation*. In cases where, immediately after the transfer, the U.S. target company owns, directly or indirectly (applying the attribution rules of sections 267(c)(1) and (5)) stock of the transferee foreign corporation, that stock will not in any way be taken into account (and, thus, will not be treated as outstanding) in determining whether the 50 percent threshold under paragraph (c)(1)(i) of this section is exceeded or whether a control group under paragraph (c)(1)(ii) of this section exists.

(iv) *Attribution rule*. The rules of section 958 shall apply for purposes of determining the ownership of stock, securities or other property under this paragraph (c).

(6) *Definitions*—(i) *Ownership statement*. An ownership statement is a statement, signed under penalties of perjury, stating—

(A) The identity and taxpayer identification number, if any, of the person making the statement;

(B) That the person making the statement is not a U.S. person (as defined in paragraph (c)(6)(iv) of this section);

(C) That the person making the statement is not related to any U.S. person to whom the stock or securities owned by the person making the statement are attributable under the rules of section 958, or, if stock or securities are so attributable, the

identity and taxpayer identification number of the relevant U.S. person;

(D) The citizenship, permanent residence, home address, and U.S. address, if any, of the person making the statement; and

(E) The ownership such person has (by voting power and by value) in the U.S. target company prior to the exchange and the amount of stock of the transferee foreign corporation (by voting power and value) received by such person in the exchange.

(ii) *Five-percent transferee shareholder*. A five-percent transferee shareholder is a person that owns at least five percent of either the total voting power or the total value of the stock of the transferee foreign corporation immediately after the transfer described in section 367(a)(1). For special rules involving cases in which stock is held by a partnership, see paragraph (c)(5)(i) of this section.

(iii) *Five-percent target shareholder*. A five-percent target shareholder is a person that owns at least five percent of either the total voting power or the total value of the stock of the U.S. target company immediately prior to the transfer described in section 367(a)(1). If the stock of the U.S. target company is described in Rule 13d-1(d) of Regulation 13D (17 CFR 240.13d-1(d)) (or any rule or regulation to generally the same effect), promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 USC 78m), the existence or absence of filings of Schedule 13-D or 13-G (or any similar schedules) may be relied upon for purposes of identifying five-percent target shareholders. For special rules involving cases in which U.S. target company stock is held by a partnership, see paragraph (c)(5)(i) of this section.

(iv) *U.S. Person*. For purposes of this section, a U.S. person is defined by reference to § 1.367(a)-1T(d)(1). For application of the rules of this section to stock or securities owned or transferred by a partnership that is a U.S. person, however, see paragraph (c)(5)(i) of this section.

(v) *U.S. Transferor*. A U.S. transferor is a U.S. person (as defined in paragraph (c)(6)(iv) of this section) who transfers directly, indirectly or constructively stock or securities of the U.S. target company or other property in exchange for stock of the transferee foreign corporation in an exchange described in section 367.

(vi) *Transferee foreign corporation*. A transferee foreign corporation is the foreign corporation whose stock is received in the exchange by U.S. persons.

(vii) *Affiliate*. An affiliate is a corporation that is a member of the same affiliated group (as defined in section 1504(a), without regard to section 1504(b)(3)) as the transferee foreign corporation.

(7) *Certain transfers in connection with performance of services*. Section 367(a)(1) shall not apply to a domestic corporation's transfer of its own stock or securities in connection with the performance of services, if the transfer is considered to be to a foreign corporation solely by reason of § 1.83-6(d)(1).

(8) *Examples*. This paragraph (c) may be illustrated by the following examples:

Example 1. Ownership presumption. (i) FC, a foreign corporation, issues 51 percent of its stock to the shareholders of S, a domestic corporation, in exchange for their S stock, in a transaction described in section 367(a)(1).

(ii) Under paragraph (c)(2) of this section, all shareholders of S who receive stock of FC in the exchange are presumed to be U.S. persons. Unless this ownership presumption is rebutted, the condition set forth in paragraph (c)(1)(i) of this section will not be satisfied, and the exception in paragraph (c)(1) of this section will not be available. As a result, all U.S. persons that transferred S stock will recognize gain on the exchange. To rebut the ownership presumption, S must comply with the reporting requirements contained in paragraph (c)(4)(ii) of this section, obtaining ownership statements (described in paragraph (c)(6)(i) of this section) from a sufficient number of non-U.S. persons who received FC stock in the exchange to demonstrate that the amount of FC stock received by U.S. persons in the exchange does not exceed 50 percent.

Example 2. Filing of Gain Recognition Agreement. (i) The facts are the same as in *Example 1*, except that FC issues only 40 percent of its stock to the shareholders of S in the exchange. FC satisfies the active trade or business test (described in paragraph (c)(1)(iii) of this section). A, a U.S. person, owns 10 percent of S's stock immediately before the transfer. All other shareholders of S own less than five percent of its stock. None of S's officers or directors owns any stock in FC immediately after the transfer. A will own 15 percent of the stock of FC immediately after the transfer, 4 percent received in the exchange, and the balance being stock in FC that A owned prior to and independent of the transaction. No S shareholder besides A owns five percent or more of FC immediately after the transfer. The reporting requirements

under paragraph (c)(4)(i) of this section are satisfied.

(ii) The condition set forth in paragraph (c)(1)(i) of this section is satisfied because, even after application of the presumption in paragraph (c)(2) of this section, U.S. transferors could not receive more than 50 percent of FC's stock in the transaction. There is no control group because five-percent target shareholders and officers and directors of S do not, in the aggregate, own more than 50 percent of the stock of FC immediately after the transfer (A, the sole five-percent target shareholder, owns 15 percent of the stock of FC immediately after the transfer, and no officers or directors of S own any stock of FC immediately after the transfer). Therefore, the condition set forth in paragraph (c)(1)(ii) of this section is satisfied (and A's cross-ownership of FC stock is not taken into account). The facts assume that the condition set forth in paragraph (c)(1)(iii) of this section is satisfied. Thus, U.S. persons that are not five-percent transferee shareholders will not recognize gain on the exchange of S shares for FC shares. A, a five-percent transferee shareholder, will not be required to include in income any gain realized on the exchange in the year of the transfer if he files a gain recognition agreement (GRA) and complies with section 6038B. The duration of the GRA is five years if all U.S. transferors own in the aggregate less than 50 percent of the total voting power and the total value of FC immediately after the transfer, and ten years if this condition is not satisfied. If A lacks the information to determine whether he is eligible to file a five-year GRA (because the determination includes a cross-ownership inquiry for all U.S. transferors), he is required to file a ten-year GRA.

Example 3. Control Group. (i) The facts are the same as in *Example 2*, except that B, another U.S. person, is a 5-percent target shareholder, owning 25 percent of S's stock immediately before the transfer. B owns 40 percent of the stock of FC immediately after the transfer, 10 percent received in the exchange, and the balance being stock in FC that B owned prior to and independent of the transaction.

(ii) A control group exists because A and B, each a five-percent target shareholder within the meaning of paragraph (c)(6)(iii) of this section, together own more than 50 percent of FC immediately after the transfer (counting both stock received in the exchange and stock owned prior to and independent of the exchange). As a result, the condition set forth in paragraph (c)(1)(ii) of this section is not satisfied, and all U.S. persons (not merely A and B) who transferred S stock will recognize gain on the exchange.

Example 4. Partnerships. (i) The facts are the same as in *Example 3*, except that B is a partnership (domestic or foreign) that has five equal partners, only two of whom, X and Y, are U.S. persons. X and Y are treated as the owners and transferors of 5 percent each

of the S stock owned and transferred by B and as owners of 8 percent each of the FC stock owned by B immediately after the transfer. Five-percent target shareholders thus own a total of 31 percent of the stock of FC immediately after the transfer (A's 15 percent, plus X's 8 percent, plus Y's 8 percent).

(ii) Because no control group exists, the condition in paragraph (c)(1)(ii) of this section is satisfied. The conditions in paragraphs (c)(1)(i) and (iii) of this section also are satisfied. Thus, U.S. persons that are not five-percent transferee shareholders will not recognize gain on the exchange of S shares for FC shares. A, X, and Y, each a five-percent transferee shareholder, will not be required to include in income in the year of the transfer any gain realized on the exchange if they file GRAs and comply with section 6038B. The duration of the GRA is five years if all U.S. transferors own in the aggregate less than 50 percent of the total voting power and the total value of FC immediately after the transfer, and ten years if this condition is not satisfied. If A, X, and Y lack the information to determine whether they are eligible to file five-year GRAs (because the determination includes a cross-ownership inquiry for all U.S. transferors), they are required to file ten-year GRAs.

(9) *Effective date*. This paragraph (c) applies to transfers occurring after April 17, 1994. However, paragraph (c)(1)(iii) of this section applies only to transfers occurring after January 25, 1996. For transfers occurring before December 17, 1987, see § 1.367(a)-3T(c) (1) through (4) as contained in 26 CFR Part 1 revised April 1, 1995.

(d) *Transfers of stock or securities of foreign corporations*. For guidance, see Notice 87-85 (1987-2 C.B. 395). See § 601.601(d)(2) of this chapter.

(e) [Reserved.] For transfers occurring before December 17, 1987, see § 1.367(a)-3T(e) as contained in 26 CFR Part 1 revised April 1, 1995.

(f) [Reserved.] For transfers occurring before December 17, 1987, see § 1.367(a)-3T(f) as contained in 26 CFR Part 1 revised April 1, 1995.

(g) *Transferor's agreement to recognize gain upon later disposition by transferee*—(1) *In general*. A transfer of stock or securities shall not be subject to section 367(a)(1) if—

(i) The transferor complies with the reporting requirements of section 6038B and any regulations thereunder; and

(ii) The transferor files a binding agreement to recognize gain upon the transferee corporation's later disposition of the transferred stock or securities, in

accordance with the rules of this section.

* * * * *

(h) *Anti-abuse rules.*

(1) [Reserved.] For transfers occurring before December 17, 1987, see § 1.367(a)-3T(h)(1) as contained in 26 CFR Part 1 revised April 1, 1995.

* * * * *

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 3. The authority for citation for part 602 continues to read as follows: Authority: 26 U.S.C. 7805.

Par. 4. In § 602.101, paragraph (c) is amended by revising the entry in the table for "1.367(a)-3T" to read as follows:

"1.367(a)-3T	0026 1478".
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Dated: December 13, 1995.
Margaret Milner Richardson,
Commissioner of Internal Revenue.

Approved:
Leslie Samuels,
Assistant Secretary of the Treasury.
[FR Doc. 95-30829 Filed 12-22-95; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-94-85]

RIN 2115-AE47

Drawbridge Operation Regulations; Okeechobee Waterway, FL

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: The Coast Guard is changing regulations governing the operation of the Florida East Coast railroad bridge, at mile 38.0, at Port Mayaca, Florida, by removing the authorization for automatic operation and returning the draw to manual operation. This action should accommodate the needs of railroad traffic, while still providing for the reasonable needs of navigation.
EFFECTIVE DATE: January 25, 1996.

ADDRESSES: Documents in this preamble are available for inspection and copying at 909 SE 1st Ave, room 406 between 7 am and 4 pm Monday through Friday, except federal holidays. The telephone number is (305) 536-4103.

FOR FURTHER INFORMATION CONTACT:

Walter Paskowsky, Project Manager,
Bridge Section at (305) 536-4103.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Walter Paskowsky, Project Manager, and LCDR Robert Wilkins, Project Counsel.

Regulatory History

On August 17, 1995 the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operations Regulations, Okeechobee Waterway, Florida in the Federal Register (FR 60 42827). No adverse comments were received. A public hearing was not requested and was not held.

Background and Purpose

The bridge is normally in the fully open position displaying flashing green lights to indicate that vessels may pass. When a train approaches the bridge, the lights go to flashing red and a horn sounds four blasts, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while all circuits are occupied. After the train has cleared, the draw opens and the lights return to flashing green. Because of declining usage of the rail line, the bridgeowner, Florida East Coast Railroad, has requested permission to operate the span manually.

Discussion of Comments and Changes

Three comments were received in response to the Notice of Proposed Rulemaking. The US Army Corps of Engineers stated the proposed rule change would not impact navigational interests using the waterway and, therefore, had no objection to the proposed change. The Florida State Historic Preservation Office indicated the proposed change would have no effect on any sites listed or eligible for listing in the National Register. The US National Marine Fisheries Service anticipates the change will have no impact to resources for which they have stewardship responsibility. No objections were received, therefore the final rule is unchanged from the Notice of Proposed Rulemaking.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the

regulatory policies and procedures of the Department of Transportation (DOT) (44FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979 is unnecessary. We conclude this because only a few trains cross the bridge weekly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because only a few trains cross the bridge weekly, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. § 117.317 is amended by revising paragraph (f) to read as follows:

§ 117.317 Okeechobee Waterway

* * * * *

(f) Florida East Coast Railroad bridge, mile 38.0, at Port Mayaca.

(1) The bridge is not constantly tended.

(2) The draw is normally in the fully open position displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge it will stop and a crewmember will observe the waterway for approaching vessels, which will be allowed to pass. Upon manual signal, the bridge lights will go to flashing red, and the horn will sound four blasts, pause, then repeat four blasts, then the draw will lower and lock, providing scanning equipment reveals nothing under the span.

(4) After the train has cleared, the draw will open, and the lights will return to flashing green.

* * * * *

Dated: December 11, 1995.

Roger T. Rufe, Jr.,

*Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.*

[FR Doc. 95-31218 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[TN-134-1-6769a; FRL-5316-9]

**Approval and Promulgation of
Implementation Plans; Tennessee:
Revisions to Knox County Regulations
for Appeals, Violations, Monitoring,
Recording, and Reporting**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Knox County portion of the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on June 28, 1994. This submittal included revisions to the current regulations concerning appeals, judicial review, and violations of the air pollution regulations in Knox County. This submittal also included revisions

which added requirements for enhanced monitoring compliance certification and enforcement. However, no action is being taken on these revisions at this time, due to the preliminary nature of the proposed federal requirements for enhanced monitoring and compliance assurance monitoring.

DATES: This final rule will be effective February 26, 1996, unless adverse or critical comments are received by January 25, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Karen Borel at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531

Knox County Department of Air Pollution Control, City-County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee, 37902.

FOR FURTHER INFORMATION CONTACT:

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4197. Reference file TN134-01-6769.

SUPPLEMENTARY INFORMATION: On June 28, 1994, the State of Tennessee through the Tennessee Department of Environment and Conservation submitted a revision to the Knox County portion of its SIP incorporating changes to regulations for appeals, judicial review, violations, and monitoring, recording and reporting. The SIP

revision consists of changes to sections 29.1.B, 29.3, 30.1.A, and 30.1.D, and the addition of section 26.6. EPA is not taking action on the addition of section 26.6 at this time, due to the preliminary nature of the proposed federal regulations for enhanced monitoring and compliance assurance monitoring. The revisions which are being approved are summarized as follows.

1. Section 29.1.B has been revised. This paragraph has been amended to change the phrase "citizen of Knox County" to the word "person" early in the first sentence, and to add the word "a" just prior to "public hearing" at the end of this paragraph.

2. Section 29.3 has been revised. This paragraph has been amended such that any ruling of the Air Pollution Control Board is now subject to judicial review in the State court, rather than in the Knox County Circuit Court.

3. Section 30.1.A has been revised. This paragraph now refers to "violations" rather than the singular "violation." It also calls for punishment of violations in accordance with Tennessee law, rather than the Tennessee Code Annotated.

4. Section 30.1.D has been deleted and replaced. The previous language described actual penalties for violations, such as fines or imprisonment. The replacement language states that civil penalties will be assessed as provided by Tennessee law.

Final Action

EPA is approving the aforementioned revisions contained in the State's June 28, 1994, submittal. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective February 26 1996, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective February 26, 1996.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 26, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607(b)(2).)

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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

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

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA

forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2) and 7410(k)(3).

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: October 2, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(132) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(132) Revisions to the Knox County Air Pollution Control Regulations

submitted by the Tennessee Department of Environment and Conservation on June 28, 1994. These consist of revisions to appeals, judicial review, and violations of the air pollution regulations in Knox County.

(i) Incorporation by reference.

Knox County Air Pollution Control Regulations, Sections 29.1.B, 29.3, 30.1.A, and 30.1.D adopted May 25, 1994.

[FR Doc. 95-31036 Filed 12-22-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[ME26-1-7263a; FRL-5345-9]

Approval and Promulgation of Implementation Plans; Maine; NO_x Exemption Request for Northern Maine and NO_x Control Approval

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving, in final, a limited exemption request from the requirements contained in section 182(f) of the Clean Air Act (Act) for the Northern Maine area (specifically, Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties). These 9 counties, as with the rest of the State of Maine, are part of the Ozone Transport Region (OTR) as provided for in section 184(a) of the Clean Air Act. Section 182(f) in combination with section 184 (relating to ozone transport regions) of the Act requires States in the OTR, such as Maine, to adopt reasonably available control technology (RACT) rules for major stationary sources of nitrogen oxides (NO_x) and to provide for nonattainment area new source review (NSR) for new sources and modifications that are major for NO_x. This exemption request, submitted by the State of Maine on September 7, 1995, is based on a demonstration that NO_x emissions in this 9 county area are not impacting Maine's moderate nonattainment areas or other nonattainment areas in the Ozone Transport Region (OTR) during times when elevated ozone levels are monitored in those areas. As such, additional reductions in NO_x emissions from these 9 counties beyond what the state regulation would provide for are not necessary for attainment in these areas currently in nonattainment, and, because they do not contribute to the ozone problem anywhere in the OTR are also not necessary for purposes of showing future attainment for any other

area in the OTR. Thus, as provided for in section 182(f)(2), additional NO_x reductions in these areas would constitute excess reductions that can be waived under the Clean Air Act. EPA believes the State's demonstration is appropriate and meets the requirements of section 182(f)(2). Maine has requested that EPA combine its approval of this NO_x exemption with its approval of NO_x controls for existing sources in Northern Maine that were submitted to EPA on August 5, 1994 for purposes of meeting the Act's NO_x RACT requirements. Consequently, this action approves a full exemption from nonattainment NSR requirements for NO_x, but only a limited exemption from NO_x control measures for existing sources that would go beyond what the State regulations provide for.

DATES: This action will become effective February 26, 1996, unless notice is received by January 25, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, Environmental Engineer, Air Quality Planning (ATS), United States Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. (617) 565-4874.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning requirements for the reduction of NO_x emissions are set out in section 182(f) of the Act. Section 182(f) of the Act requires States with areas designated and classified as moderate nonattainment and above for ozone, or in ozone transport regions, to impose the same control requirements for major stationary sources of NO_x as apply to major stationary sources of volatile organic compounds (VOC). These requirements include the adoption of RACT rules for major stationary sources and nonattainment area NSR for major new sources and

major modifications. Section 182(f) provides further that these requirements do not apply for areas inside an ozone transport region if EPA determines that reductions of NO_x from such areas would not contribute to net ozone benefits in the OTR. In addition, implementation of NO_x controls may be limited if EPA determines it is necessary to avoid achieving excess reductions. Also, NO_x-related general conformity provisions (see 58 FR 63214) would not apply in an area that is granted a section 182(f) exemption. For marginal and below ozone nonattainment areas such as those addressed by today's action, a section 182(f) exemption relieves the transportation conformity requirements of 40 CFR 51.436-51.440 and 40 CFR 93.122-93.124 for NO_x (see 60 FR 44795).

The counties that are the subject of this action, Piscataquis, Penobscot, Washington, and Aroostook counties and the northern portions of Oxford, Franklin, and Somerset counties, are designated attainment for the National Ambient Air Quality Standard (NAAQS) for ozone. The southern portions of Oxford, Franklin, and Somerset counties are presently designated nonattainment but have never recorded exceedances of the ozone NAAQS and are not classified under the Clean Air Act. The Hancock and Waldo County Area is classified as marginal nonattainment under the Clean Air Act but presently has air quality better than the NAAQS for ozone. However, each of the counties for which Maine is seeking an exemption is within the OTR. For areas within the OTR, the application of NO_x requirements under the Clean Air Act may be limited if it is shown that additional NO_x reductions are excess to attainment needs throughout the region. EPA believes, in the case of these counties at the northern extremity of the OTR, that NO_x requirements can be waived because the State has submitted an acceptable demonstration that additional reductions beyond what the State regulations provide for are not necessary for nonattainment areas in the State to attain, and because emissions from these areas are not contributing to the ozone nonattainment problem for any other area in the OTR, are also not necessary for purposes of showing future attainment anywhere in the OTR. Maine has made this showing through extensive air modeling trajectory analyses.

Scope of Exemptions

If the EPA Administrator determines, under Section 182(f) of the Act, that additional reductions of NO_x are excess, the area at issue shall automatically (i.e.,

a State would not need to submit an exemption request for each requirement) be exempt from the following requirements (as applicable): the NO_x-related general conformity provisions, the NO_x-related transportation conformity provisions in 40 CFR 51.436-51.440 and 40 CFR 93.122-93.124 ("build/ no-build test"), NO_x RACT, and nonattainment area NSR for new sources and modifications that are major for NO_x. Additionally, NO_x emission reductions would not be required of an enhanced automobile inspection and maintenance (I/M) program. Because I/M is not required by the Act in Northern Maine, EPA's action on this request has no impact on I/M requirements.

Transportation Conformity

The transportation conformity rule, entitled "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," was published in the November 24, 1993 Federal Register (58 FR 62188). The rule was promulgated under section 176(c)(4) of the Act.

The transportation conformity rule requires emissions analysis of motor vehicle NO_x emissions for ozone nonattainment and maintenance areas in order to determine the conformity of transportation plans and programs to state implementation plan requirements. This analysis must demonstrate that the NO_x emissions which would result from the transportation system if the proposed transportation plan and program were implemented are within the total allowable level of NO_x emissions from highway and transit motor vehicles as identified in a submitted or approved attainment demonstration or maintenance plan.

Until an attainment demonstration, fifteen-percent rate-of-progress plan (if applicable), or maintenance plan is approved by EPA, the emissions analysis of the transportation system must also satisfy the "build/no-build" test. That is, the analysis must demonstrate that emissions from the transportation system, if the proposed transportation plan and program were implemented, would be less than the emissions from the transportation system if only the previous applicable transportation plan and program were implemented. Furthermore, the regional emissions analysis must show that emissions from the transportation system, if the transportation plan or program were implemented, would be lower than 1990 levels.

The transportation conformity rules provide for an exemption from these so called "build/no build" requirements with respect to NO_x if the Administrator determines that additional reductions of NO_x would not contribute to attainment of the ozone NAAQS. However, all other NO_x provisions in the transportation conformity rule would apply, including the requirement for consistency with the NO_x motor vehicle emissions budget in a submitted control strategy state implementation plan, or an approved maintenance plan.

The areas addressed in today's action are not required to submit a control strategy implementation plan revision (i.e., an attainment demonstration or 15% RFP plan). Further, only a portion of these areas are required to satisfy the "build/ no-build test." A section 182(f) exemption would relieve this requirement for NO_x for these areas, but once any maintenance plan is approved by EPA, consistency with the NO_x budget would be required.

General Conformity

The general conformity rule, entitled "Determining Conformity of General Federal Actions to State or Federal Implementation Plans," was published in the Federal Register on November 30, 1993 (58 FR 63214). The rule was promulgated under section 176(c)(4) of the Act. The general conformity rule provides for an exemption from NO_x requirements if the area has been exempted under section 182(f) of the Act.

II. Criteria for Evaluation of Section 182(f) Exemption Requests

The criteria established for the evaluation of an exemption request from the Section 182(f) requirements are set forth in 2 memoranda from John S. Seitz, Director, Office of Air Quality Planning and Standards, dated May 27, 1994 and February 8, 1995, both entitled "Section 182(f) Nitrogen Oxides (NO_x) Exemptions—Revised Process and Criteria." Additional guidance is provided in a document entitled "Guideline for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f)," dated December 1993, from EPA, Office of Air Quality Planning and Standards, Air Quality Management Division.

III. State Submittal

On September 7, 1995, the State of Maine submitted an exemption request from the requirements contained in Section 182(f) of the Clean Air Act (Act) for the Northern Maine area (specifically, Oxford, Franklin, Somerset, Piscataquis, Penobscot,

Washington, Aroostook, Hancock and Waldo Counties). This exemption request is based on a demonstration that nitrogen oxides (NO_x) emissions in this area are not impacting Maine's moderate nonattainment areas or other nonattainment areas in the Ozone Transport Region (OTR) during times when elevated ozone levels are monitored in those areas. As such, additional reductions in NO_x emissions from these 9 counties, that is, NO_x reductions beyond what the state regulations contemplate providing for, as explained further below, are not necessary for nonattainment areas in the State to attain, and, are also not necessary for attainment purposes anywhere in the OTR. Under these circumstances, as section 182(f)(2) provides, such additional reductions may be waived as excess reductions. While Maine generally is requesting an exemption from applicable NO_x requirements for this 9 county area, it has requested a limited exemption from NO_x control measure requirements that apply for existing stationary sources in these areas. Maine has requested that EPA combine its approval of the exemption request with its approval of NO_x controls for existing stationary sources in the Northern Maine area previously submitted to EPA on August 5, 1994. In approving this NO_x exemption request, EPA considered the impact of the limited exemption from NO_x requirements for existing sources. EPA is approving this action because, under section 182(f)(2), EPA has determined that additional NO_x reductions from these areas would be excess.

IV. Analysis of State Submittal and Supporting Material

EPA has reviewed the material submitted by the State of Maine in support of this request. As mentioned above, these areas are presently monitoring attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. For ozone, an area is considered to be monitoring attainment of the NAAQS if there are no violations, as determined in accordance with 40 CFR Part 50.9, based on quality assured monitoring data from three complete consecutive calendar years. A violation of the ozone NAAQS occurs when the expected number exceedances per year (over a three year period) is greater than 1.0. An exceedance occurs when the daily maximum hourly ozone concentration equals or exceeds 0.125 parts per million (ppm). Only Hancock and Waldo Counties, which is a marginal nonattainment area, were classified under the Clean Air Act, as

amended in 1990. This area has only measured a single exceedance of the standard since 1992.

Thus, the annual average expected exceedances in the latest three year period is less than 1.0 and the entire area is meeting the air quality standard for ozone. In order for the Hancock and Waldo Counties area to be redesignated to attainment, EPA will need to take action on a redesignation request, including a maintenance plan.

A more detailed summary of the ozone monitoring data for both areas is provided in the EPA technical support document prepared for this action.

V. Air Trajectory Analyses

Maine prepared trajectory analyses for each day when the ozone standard was exceeded in either New Hampshire or Maine. Additionally, Maine prepared detailed statistical trajectory analyses for many days based on ozone monitors just southwest of this 9 county area. Hundreds of data points were analyzed, and this effort will be described in more detail below.

Modeling

EPA has performed extensive air quality modeling throughout the Northeast for the past several years utilizing the regional oxidant model (ROM). This modeling domain covers virtually all of northern Maine. Essentially, all ROM analyses have shown no actual or predicted exceedances in this 9 county area, which is northeast of the remainder of the OTR. (It should be noted that exceedances were predicted in the coastal portions of Waldo, Hancock, and Washington Counties in 1987 and 1988, and, during this timeframe, exceedances were actually measured in Hancock and Waldo Counties forming the basis for their designation as marginal ozone nonattainment areas. No exceedances were measured in Washington County. However, since 1992, only Hancock County has measured a single exceedance of the standard. Given these analyses, and the direction of the ozone "plume," it is reasonable to expect negligible contribution from these areas to the overall ozone nonattainment situation in the OTR.)

However, ROM modeling analyses are not intended to actually predict attainment or nonattainment. EPA guidance requires more extensive modeling using photochemical grid modeling in most areas. While this more sophisticated modeling is technically not required anywhere in Maine, in concert with Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, extensive analyses

are being performed utilizing the urban airshed model (UAM). The EPA UAM modeling guideline requires that modeling domains be sufficiently large to analyze the effects of ozone and ozone precursors throughout the entire area of concern. Based on extensive analyses, including ROM results, EPA agreed that the UAM modeling domain would not even cover the vast majority of this 9 county area (it does include a portion of Oxford county based simply on the geographical shape of the county and the size of the domain).

Consequently, the UAM modeling does not reflect the effects of ozone and ozone precursors from the northern Maine area. On the other hand, the determination that the northern Maine area could be excluded from the modeling domain reflects the degree of certitude that ozone precursor reductions from this area would not play a significant role in the process of attaining the ozone standard in the OTR.

The "Back Trajectory Analyses" and the "Receptor Oriented Analyses" include the most substantive technical portion of the September 7, 1995 NO_x exemption request and are described below.

Back Trajectory Analyses

Trajectories are the path of an air mass over time; back trajectories trace the path of an air mass back in time to determine the origin of that air mass. The trajectory analyses, which use the HY-SPLIT trajectory model, show that for the ozone monitoring sites chosen, (Port Clyde, ME; Rye, NH; Bennington, VT; and Bridgeport, CT) the back trajectories do not pass over northern Maine and demonstrate that northern Maine cannot be a source region for ozone on days with elevated ozone levels. (Sites were chosen to represent a variety of locations throughout New England.) Trajectories were performed for every day that the monitor of interest exceeded 0.10 ppm (at 3:00 pm) between 1989 and 1993. Occasionally, some of these back trajectories (i.e., those based on Port Clyde monitored readings) pass over extreme western Maine, specifically Oxford County. Based on the small amount of emissions emitted from Oxford County, it is unlikely that Oxford County plays any measurable role in the ozone found in Port Clyde on days that Port Clyde exceeded 0.12 ppm.

Furthermore, EPA feels that the HY-SPLIT model, in this application in Maine, has a slight westerly bias in its back trajectory approach over what the true low-level/surface back trajectory is on days with high ozone potential. Given this, it is probable that Oxford

County emissions do not even pass over Port Clyde on the days in question. This westerly bias is caused by HY-SPLIT's reliance on the Nested Grid Model (NGM) winds which are almost exclusively upper-air winds, not surface winds. The technical support for this effort describes this phenomenon in more detail, and can be found in the docket for this action. Nevertheless, the back trajectory work Maine has performed does show that a NO_x exemption for the 9 counties is justified.

Receptor Oriented Analyses

The receptor analyses, also part of Maine's technical support, is just a different way of looking at back trajectories from the HY-SPLIT model. The NO_x exemption request states: "Residence time analysis performed for these ozone monitoring sites involves taking a large number of individual back-trajectories from a site and examining the statistical relationship between the ozone monitored at the site and the location along each back-trajectory." The analysis goes on to state that although the technique has been shown to work with non-chemically reactive air pollutants, it may not perform as well with ozone. Nevertheless, the exemption request provides that: "the technique does indicate the primary directional biases from which regional scale air mass transport may be suspected."

The receptor oriented analysis also shows that the 9 county NO_x exemption area contributes much less "ozone" to southern and coastal Maine (Gardiner and Port Clyde) than do other areas to the west and south. First, Maine performed analyses which show the upwind locations of air masses 3-7 hours prior to ozone concentrations exceeding 0.040 ppm at either Gardiner or Port Clyde, Maine from 1989 to 1993. Next, they ran 25 hour back trajectories for every day in which an air mass passed over different portions of New England from 1989 to 1993. Analysis of these graphical depictions supports Maine's contention that these northern counties do not contribute to elevated ozone levels in Maine, or elsewhere in the OTR. These two types of meteorological analyses support Maine's exemption request essentially by demonstrating that emissions from these areas do not generally pass over any other part of the OTR on days when even moderate levels of ozone are measured.

VI. Maine's NO_x Rules

On August 5, 1994, the Maine Department of Environmental Protection (DEP) submitted to EPA, Chapter 138 of

the Maine DEP's regulations, "Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides," for inclusion into the State Implementation Plan (SIP). On September 7, 1995, the Maine DEP submitted a request to the EPA to grant a limited exemption from the requirements of NO_x RACT for facilities located in the non-moderate areas of the State (these 9 counties). In its NO_x exemption request, Maine requested that EPA approve the appropriate portions of Chapter 138 in combination with approving the exemption. At this time, EPA's action on the NO_x control rule submittal is solely for the 9 county area. Thus, EPA is approving Chapter 138 only as it applies to the 9 county area in Maine.

Although EPA agrees that Chapter 138 sets enforceable conditions which will achieve a level of NO_x control, EPA is not evaluating these standards set in Chapter 138 as to whether or not they represent RACT for all of the emission units located in these 9 counties. EPA is also not evaluating this rule in regard to the requirements for the remaining 7 counties in Maine. While EPA's preliminary analysis suggests that this level of control does not represent RACT for these 9 counties, EPA will be taking formal action on the rule as it pertains to the remaining 7 counties at a later date. Based on the analysis prepared as part of the limited exemption request, EPA has determined that NO_x reductions, beyond what is required by Chapter 138 for facilities in the non-moderate areas, are not necessary for purposes of showing future attainment in the Maine moderate nonattainment areas or any areas in the OTR. In EPA's NO_x Supplement to the General Preamble for implementing nonattainment requirements, EPA noted that states remain free to reduce NO_x emissions for a variety of reasons. 57 Fed. Reg. 55621, 55627 (Nov. 25, 1992). As long as EPA determines that these NO_x reductions are not counterproductive or will not delay ozone attainment, EPA will approve them into the SIP. There is no evidence that the NO_x reductions from Chapter 138 are counterproductive, and the conclusion of the demonstration supporting the exemption request is that additional NO_x reductions from this area are not necessary for purposes of attainment anywhere in the OTR. Therefore, although EPA is making no formal judgement as to whether this level of control is RACT, EPA believes that the controls required by Chapter 138 in the 9 non-moderate counties will strengthen the SIP.

As stated above, the analysis contained in the State's limited exemption request assumes that reductions beyond those required by Chapter 138 in the non-moderate areas are not necessary for purposes of attainment for either the moderate nonattainment areas or other states in the OTR. Therefore, emission reductions achieved from units operating at rates below the limitations of Chapter 138 in this 9 county area cannot be considered creditable for the purpose of facilities complying with either New Source Review offsetting or NO_x RACT requirements at facilities located in the moderate nonattainment areas (see the TSD prepared for this action for additional details).

VII. New Source Review

EPA is not taking action on Maine's New Source Review rule in this rulemaking. However, in a separate action, EPA is proposing to approve revisions to Maine's New Source Review rules. These revisions include an exemption provision for major new sources or major modifications of NO_x. This provision states that lowest achievable emission rate (LAER) and offsets for NO_x shall not apply in those areas that have received an exemption from the EPA under Section 182(f) of the CAA.

VIII. Withdrawal of the Exemptions

Continuation of the Section 182(f) exemptions granted herein is based on the demonstration that NO_x emissions in this area are not impacting Maine's moderate nonattainment areas or other nonattainment areas in the Ozone Transport Region (OTR) during times when elevated ozone levels are monitored in those areas. If future air quality analyses demonstrate that additional NO_x controls are necessary and the exemption should no longer apply, EPA will provide notice to the public in the Federal Register. A determination that the NO_x exemption no longer applies would mean that the NO_x NSR and the NO_x-related general conformity provisions (see 58 FR 63214) would immediately be applicable. For the marginal and below ozone nonattainment areas addressed by today's action, rescinding this section 182(f) exemption would no longer relieve the transportation conformity requirements of 40 CFR 51.436–51.440 and 40 CFR 93.122–93.124 for NO_x (see 60 FR 44795). The requirement for NO_x RACT would also be applicable, with a reasonable time provided as necessary to allow major stationary sources subject to the RACT requirements to purchase, install and operate the required

controls. The EPA believes that the State may provide sources a reasonable time period after the EPA determination to actually meet the RACT emission limits. The EPA expects such time period to be as expeditious as practicable, but in no case longer than 24 months.

IX. Miscellaneous Topics

Comments From Parties Interested in Previous NO_x Exemptions

An adverse comment letter has been previously submitted by three environmental groups and contained generic comments objecting to the EPA's general policy on NO_x exemptions. The three environmental groups who submitted the generic comments requested that these comments be included in each EPA rulemaking action on NO_x exemption requests. While some of the comments are not entirely relevant to this action, we have responded to them in an effort to be complete. EPA is treating these comments as part of the administrative record for this action, and they may serve as the basis for a challenge to this final action without being resubmitted to the Agency in response to the proposed rule.

Comment

In the past, commenters argued that NO_x exemptions are provided for in two separate parts of the Act, in sections 182(b)(1) and 182(f). Because the NO_x exemption tests in sections 182(b)(1) and 182(f)(1) include language indicating that action on such requests should take place "when [EPA] approves a plan or plan revision," these commenters conclude that all NO_x exemption determinations by the EPA, including exemption actions taken under the petition process established by section 182(f)(3), must occur during consideration of an approvable attainment or maintenance plan, unless the area has been redesignated as attainment. The commenters also argue that even if the petition procedures of section 182(f)(3) may be used to relieve areas of certain NO_x requirements, exemptions from the NO_x conformity requirements must follow the process provided in section 182(b)(1), since this is the only provision explicitly referenced by section 176(c), the Act's conformity provisions.

Response

Section 182(f) contains very few details regarding the administrative procedures for acting on NO_x exemption requests. The absence of specific guidelines by Congress leaves the EPA with discretion to establish

reasonable procedures consistent with the requirements of the Administrative Procedure Act (APA).

The EPA disagrees with the commenters regarding the process for considering NO_x exemption requests under section 182(f), and instead believes that sections 182(f)(1) and 182(f)(3) provide independent procedures by which the EPA may act on NO_x exemption requests. The language in section 182(f)(1), which indicates that the EPA should act on NO_x exemptions in conjunction with action on a plan or a plan revision, does not appear in section 182(f)(3). While section 182(f)(3) references section 182(f)(1), the EPA believes that this reference encompasses only the substantive tests in paragraph (1) [and by extension, paragraph (2)], not the procedural requirement that the EPA act on exemptions only when acting on State Implementation Plans (SIPs). Additionally, section 182(f)(3) provides that "person[s]" [which section 302(e) of the Act defines to include States] may petition for NO_x exemptions "at any time," and requires the EPA to make its determination within six months of the petition's submission. These key differences lead EPA to believe that Congress intended the exemption petition process of paragraph (3) to be distinct and more expeditious than the longer plan revision process intended under paragraph (1).

With respect to major stationary sources, section 182(f) requires States to adopt NO_x RACT and NSR rules, unless exempted. These rules were generally due to be submitted to the EPA by November 15, 1992. Thus, in order to avoid the CAA sanctions, areas seeking a NO_x exemption would have needed to submit this exemption request for EPA review and rulemaking action several months before November 15, 1992. In contrast, the CAA specifies that the attainment demonstrations were not due until November 1993 or 1994 (and EPA may take 12 to 18 months to approve or disapprove the demonstrations). For marginal ozone nonattainment areas (subject to NO_x NSR), no attainment demonstrations are called for in the CAA. For areas seeking redesignation to attainment of the ozone NAAQS, the CAA does not specify a deadline for submittal of maintenance demonstrations (in reality, EPA would generally consider redesignation requests without accompanying maintenance plans to be unacceptable). Clearly, the CAA envisions the submittal of and EPA action on NO_x exemption requests, in some cases, prior to submittal of attainment or maintenance demonstrations. It is

important to note that none of these areas in Maine even needed to submit attainment demonstrations.

With respect to the comment that section 182(b)(1) is the appropriate authority for granting interim-period transportation conformity NO_x exemptions, EPA agrees with the commenters and has published an interim final rule that changes the transportation conformity rule's reference from section 182(f) to section 182(b)(1) as the correct authority under the Act for waiving the NO_x build/no-build and less-than-1990 emissions tests for certain areas. (see 60 FR 44795) However, EPA also notes that section 182(b)(1), by its terms, only applies to moderate and above ozone nonattainment areas. Consequently, EPA believes that the interim-reductions requirements of section 176(c)(3)(A)(iii), and hence the authority provided in section 182(b)(1) to grant relief from those interim-reduction requirements, apply only with respect to those areas that are subject to section 182(b)(1). EPA intends to continue to apply the transportation conformity rule's build/no-build and less-than-1990 emissions tests for purposes of implementing the requirements of section 176(c)(1), and EPA intends to continue to provide relief from those requirements under section 182(f). In addition, because general federal actions are not subject to section 176(c)(3)(A)(iii), which explicitly references section 182(b)(1), EPA will also continue to offer relief under section 182(f)(3) from the applicable NO_x requirements of the general conformity rule.

In order to demonstrate conformity, transportation-related federal actions that are taken in ozone nonattainment areas not subject to section 182(b)(1) and, hence, not subject to section 176(c)(3)(A)(iii) must still be consistent with the criteria specified under section 176(c)(1). Specifically, these actions must not, with respect to any standard, cause or contribute to new violations, increase the frequency or severity of existing violations, or delay attainment. In addition, such actions must comply with the relevant requirements and milestones contained in the applicable state implementation plan, such as reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstrations, numerical emission limits, or prohibitions. EPA believes that the build/no-build and less-than-1990 emissions tests provide an appropriate basis for such areas to demonstrate compliance with the above criteria.

As noted earlier, EPA intends to continue to offer relief under section

182(f) from the interim NO_x requirements of the conformity rules that would apply under section 176(c)(1) for the areas not subject to section 182(b)(1) in the manner described above. EPA believes this approach is consistent both with the way NO_x requirements in ozone nonattainment areas are treated under the Act generally, and under section 182(f) in particular. The basic approach of the Act is that NO_x reductions should apply when beneficial to an area's attainment goals, and should not apply when unhelpful or counterproductive. Section 182(f) reflects this approach but also includes specific substantive tests which provide a basis for EPA to determine when NO_x requirements should not apply. There is no substantive difference between the technical analysis required to make an assessment of NO_x impacts on attainment in a particular area whether undertaken with respect to mobile source or stationary source NO_x emissions. Moreover, where EPA has determined that NO_x reductions will not benefit attainment or would be counterproductive in an area, the EPA believes it would be unreasonable to insist on NO_x reductions for purposes of meeting reasonable further progress or other milestone requirements. Thus, even as to the conformity requirements of section 176(c)(1), EPA believes it is reasonable and appropriate, first, to offer relief from the applicable NO_x requirements of the general and transportation conformity rules in areas where such reductions would not be beneficial and, second, to rely in doing so based on the exemption tests provided in section 182(f).

Comment

Commenters argue that waiver of NO_x control requirements is unlawful if such a waiver would impede attainment and maintenance of the ozone standard in downwind areas.

Response

These areas in Maine are generally considered downwind of the remainder of the United States. Maine's technical demonstration showed clearly that the waiver of these controls will not impede attainment or maintenance of the NAAQS for ozone standard anywhere.

Comment

Comments were received regarding the scope of exemption of areas from the NO_x requirements of the conformity rules. The commenters argue that such exemptions waive only the requirements of section 182(b)(1) to contribute to specific annual reductions;

not the requirement that conformity SIPs contain information showing the maximum amount of motor vehicle NO_x emissions allowed under the transportation conformity rules and, similarly, the maximum allowable amounts of any such NO_x emissions under the general conformity rules. The commenters admit that, in prior guidance, EPA has acknowledged the need to amend a drafting error in the existing transportation conformity rules to ensure consistency with motor vehicle emissions budgets for NO_x, but want EPA, in actions on NO_x exemptions, to explicitly affirm this obligation and to also avoid granting waivers until a budget controlling future NO_x increases is in place.

Response

EPA has recently addressed this issue through rulemaking and this rulemaking appropriately reflects EPA's position on this issue. (see 60 FR 57179)

Comment

Commenters argue that the Act does not authorize any waiver of the NO_x reduction requirements until conclusive evidence exists that such reductions are counterproductive.

Response

EPA does not agree with this comment since it ignores the Congressional intent as evidenced by the plain language of section 182(f), the structure of the Title I ozone subpart as a whole, and relevant legislative history. By contrast, in developing and implementing its NO_x exemption policies, EPA has sought an approach that reasonably accords with that intent. Section 182(f), in addition to imposing control requirements on major stationary sources of NO_x similar to those that apply for sources of VOC, also provides for an exemption (or limitation) from application of these requirements if, under one of several tests, EPA determines that in certain areas NO_x reductions would generally not be beneficial towards attainment of the ozone standard. In section 182(f)(1), Congress explicitly conditioned action on NO_x exemptions on the results of an ozone precursor study required under section 185B of the Act. Because of the possibility that reducing NO_x in an area may either not contribute to ozone attainment or may cause the ozone problem to worsen, Congress included attenuating language, not just in section 182(f), but throughout Title I of the Act, to avoid requiring NO_x reductions where such would not be beneficial or would be counterproductive. In describing these various ozone

provisions, including section 182(f), the House Conference Committee Report states in the pertinent part: "[T]he Committee included a separate NO_x/VOC study provision in section [185B] to serve as the basis for the various findings contemplated in the NO_x provisions. The Committee does not intend NO_x reduction for reduction's sake, but rather as a measure scaled to the value of NO_x reductions for achieving attainment in the particular ozone nonattainment area." H.R. Rep. No. 490, 101st Cong., 2d Sess. 257-258 (1990).

As noted in response to an earlier comment, the command in section 182(f)(1) that EPA "shall consider" the 185B report taken together with the timeframe the Act provides for completion of the report and for acting on NO_x exemption petitions clearly demonstrate that Congress believed the information in the completed section 185B report would provide a sufficient basis for EPA to act on NO_x exemption requests, even absent the additional information that would be included in affected areas' attainment or maintenance demonstrations. While there is no specific requirement in the Act that EPA actions granting NO_x exemption requests must await "conclusive evidence," as the commenters argue, there is also nothing in the Act to prevent EPA from revisiting an approved NO_x exemption if warranted by additional, current information.

In addition, the EPA believes, as described in EPA's December 1993 guidance, that section 182(f)(1) of the Act provides that the new NO_x requirements shall not apply (or may be limited to the extent necessary to avoid excess reductions) if the Administrator determines that any one of the following tests is met:

(1) In any area, the net air quality benefits are greater in the absence of NO_x reductions from the sources concerned;

(2) In nonattainment areas not within an ozone transport region, additional NO_x reductions would not contribute to ozone attainment in the area; or

(3) In nonattainment areas within an ozone transport region, additional NO_x reductions would not produce net ozone air quality benefits in the transport region.

Based on the plain language of section 182(f), EPA believes that each test provides an independent basis for a full or limited NO_x exemption.

Only the first test listed above is based on a showing that NO_x reductions are "counter productive." If one of the tests is met (even if another test is failed

or not applied), the section 182(f) NO_x requirements would not apply or, under the excess reductions provision, a portion of these requirements would not apply.

Processing NO_x Exemptions

As stated above, section 182(f) contains very few details regarding the administrative procedure for EPA action on NO_x exemption requests. The absence of specific guidelines by Congress leaves EPA with discretion to establish reasonable procedures, consistent with the requirements of the Administrative Procedure Act (APA).

Although a section 182(f) petition may determine the applicability of SIP requirements pertaining to NO_x emission reductions and controls, this petition itself is not a SIP, nor must it be a revision to a SIP. Therefore, a petition is not required to undergo a public hearing, nor must a petition be submitted by a Governor of a State or his designee. This submission was made by the Maine Commissioner of the Department of Environmental Protection. A public hearing was not held on the September 7, 1995 NO_x exemption request.

X. Final Action

The EPA is approving the exemption request for the Northern Maine area from the Section 182(f) NO_x requirements based upon the evidence provided by the State and the State's compliance with the requirements outlined in the applicable EPA guidance. This action exempts the Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo counties from the requirements to implement NO_x control measures for existing stationary sources (other than those controls specified herein), nonattainment area NSR for new sources and modifications that are major for NO_x, the NO_x-related general conformity provisions, and the NO_x-related transportation conformity provisions in 40 CFR 51.436-51.440 and 40 CFR 93.122-93.124 ("build/no-build test"). If EPA determines based on future air quality analyses that NO_x controls in these areas are necessary, rulemaking may be initiated which may mean that this NO_x exemption no longer applies. As stated before, the State of Maine requested only a limited exemption from NO_x control requirements for existing stationary sources. EPA is approving this level of control as strengthening the existing SIP.

XI. Procedural Background

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

XII. Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. Today's exemption does not create any new requirements, but allows suspension of the indicated requirements for the life of the exemption. Therefore, because the approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. This action also approves certain controls already in effect at the State level, and, as such, imposes no additional regulatory burden on these facilities.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 26, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen oxides, Ozone, Volatile organic compounds, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 4201-7671q.

Note: Incorporation by reference of the State Implementation Plan for the State of Maine was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 1, 1995.

Carol M. Browner,
Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(41) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(41) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 5, 1994 related to

NO_x controls in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties.

(i) Incorporation by reference.

(A) A Letter from the Maine Department of Environmental Protection dated August 5, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 138 of the Maine DEP's regulations, "Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides" for sources only in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties (excepted portions include Sections 1.A.1. and 3.B.). This rule was effective August 3, 1994.

3. In § 52.1031, Table 52.1031 is amended by adding state citation 138 in numerical order to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
138 ...	* Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides.	* 8/3/94	* December 26, 1995	* 60 FR	* (c)(41)	* Affects sources only in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties (excepted portions of rule include Sections 1.A.1. and 3.B.).

4. Section 52.1023 is amended by adding paragraph (c) to read as follows:

§ 52.1023 Control strategy: Ozone.

* * * * *

(c) *Approval.* EPA is approving an exemption request submitted by the Maine Department of Environmental Protection on September 7, 1995, for the Northern Maine area from the NO_x requirements contained in Section 182(f) of the Clean Air Act. This approval exempts Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties from the requirements to implement controls beyond those approved in § 52.1020(c)(41) for major sources of nitrogen oxides (NO_x), nonattainment area new source review (NSR) for new sources and modifications that are major for NO_x, and the applicable NO_x-related

requirements of the general and transportation conformity provisions.

[FR Doc. 95-31034 Filed 12-22-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 677

[Docket No. 950822211-5291-02; I.D. 080395A]

RIN 0648-AD80

North Pacific Fisheries Research Plan; Amendment 1

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

ACTION: Final rule; technical amendments.

SUMMARY: NMFS issues a final rule to implement Amendment 1 to the North Pacific Fisheries Research Plan (Research Plan). Regulations implementing Amendment 1 delay full implementation of the Research Plan until 1997 and establish 1996 observer coverage requirements for the Research Plan fisheries. This delay is necessary to provide the North Pacific Fishery Management Council (Council) additional time to address certain issues presented by implementation of the Research Plan. Two technical amendments also are implemented to clarify provisions for refunding excess payments of 1995 Research Plan fee assessments and to clarify 1996 observer coverage requirements for groundfish vessels.

EFFECTIVE DATE: January 1, 1996.

ADDRESSES: Copies of the Observer Plan may be obtained from the Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori J. Gravel.

Copies of the Research Plan as revised by Amendment 1, the environmental assessment/regulatory impact review prepared for the Research Plan, and the final report "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Susan Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the Research Plan became effective October 6, 1994 (59 FR 46126, September 6, 1994). Since then, these regulations have been amended three times. The first regulatory amendment was published in the Federal Register on January 9, 1995 (60 FR 2344), to clarify 1995 observer coverage requirements and revise the definition of certain terms set out under § 677.2. A second regulatory amendment was published on July 5, 1995 (60 FR 34904), to require vessels and shoreside processors to facilitate transmission of observer data. The third regulatory amendment was published on August 16, 1995 (60 FR 42470), to revise 1995 observer coverage requirements for crab catcher vessels and exempt certain crab catcher vessels required to obtain observer coverage from paying 1995 Research Plan fees.

The Council requested that full implementation of the Research Plan be delayed for a 1-year period to provide additional time to reconsider certain elements of the Research Plan that were previously adopted by the Council. This Council action was developed during the Council's April and June 1995 meetings, as well as during a May 16, 1995, teleconference. The Council also expressed its intent to continue the fee collection program implemented for 1995 for the remainder of the year, so that adequate start-up funds may be collected for full implementation of the Research Plan in 1997.

A proposed rule to delay full implementation of the Research Plan was published in the Federal Register on September 11, 1995 (60 FR 47142). Comments on the proposed rule were invited through November 6, 1995. No written comments were received within the comment period. NMFS received oral comment on the proposed delay of

the Research Plan during a September 18, 1995, public hearing by teleconference. The public hearing teleconference provided opportunity for public participation in Anchorage, AK, Juneau, AK, Seattle, WA, and Newport, OR. Members of the public participating in the public hearing either provided no comment or endorsed the proposed delay of the Research Plan.

Section 313(c)(3) of the Magnuson Act requires that, within 45 days of the close of the public comment period, NMFS, in consultation with the Council, analyze the public comment received and publish final regulations for implementing an amendment to the Research Plan. Consultation with the Council was initiated at the Council's September 1995 meeting. Oral comment received by NMFS and the Council indicated widespread industry support for the proposed delay of the Research Plan. NMFS received no further comment subsequent to the September Council meeting that would require further consultation with the Council.

NMFS has approved a 1-year delay of the full implementation of the Research Plan under section 313(c) of the Magnuson Act. Upon reviewing the Council's reasons for this delay and comments by the industry endorsing this action, NMFS has determined that this final rule is consistent with the Magnuson Act. The reasons for this delay are discussed further in the proposed rule (60 FR 47142, September 11, 1995).

Consistent with the Council's expressed intent, NMFS will continue to assess fees through early 1996 for fish harvested and retained in the Research Plan fisheries during 1995. Lacking future regulatory action to the contrary, collected funds will be held in an interest-bearing account and will be used to award contracts to provide observers under the Research Plan starting in 1997. Adequate start-up funds will be collected during 1995; as a result, Research Plan fees will not be assessed for fish caught in 1996.

The Council intends that 1996 observer coverage levels remain unchanged from 1995 levels. These observer coverage requirements for the groundfish and crab fisheries are set out at § 677.10(a). As in 1995, participants in the groundfish and crab Research Plan fisheries will be responsible for making their own arrangements and paying for required observer coverage.

The Council's intent to maintain 1995 observer coverage levels through 1996 applies to mothership processor vessel and shoreside processor observer coverage requirements set out in regulations implementing Amendment

35 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Final regulations implementing Amendment 35 are codified at 50 CFR 675.25(b) and are effective through December 31, 1995. In keeping with the Council's intent to maintain 1995 observer coverage levels in 1996, NMFS is extending the effective date of observer coverage requirements implemented under Amendment 35 through December 31, 1996, and including these requirements in the 1996 Research Plan observer coverage requirements at § 677.10(a).

NMFS notes that regulations at § 677.10(g) set out vessel safety requirements applicable in 1996 and beyond. No substantive changes to these requirements are implemented; however, the regulatory text is revised to clarify that these requirements apply to vessels required to carry observers in 1996 under § 677.10(a).

NMFS further notes that the following sections of the Observer Plan still will be in effect until full implementation of the Research Plan in 1997: (1) Standards of observer conduct; and (2) description, specifications, and work statement for certified domestic observer contractors, including conflict of interest standards for NMFS-certified observers and contractors and conditions for contractor and observer certification revocation. Copies of the Observer Plan dated May 1994 are available from NMFS (see **ADDRESSES**).

Technical Amendments

Two technical amendments are implemented to clarify NMFS's intent for the Research Plan in 1996. The first technical amendment is necessary to allow groundfish and crab processors that participate in the 1996 Research Plan fisheries to receive a refund for costs of 1995 observer coverage up to an amount equal to the sum of the fee assessments paid by the processor for retained catch during 1995.

Section 677.6(d)(3)(ii)(C) authorizes NMFS to refund excess payments of 1995 Research Plan fee assessments to processors that do not intend to participate in the Research Plan fisheries during the first half of 1996. This provision assumes that a fee assessment program would be ongoing in 1996 and that processors participating in the 1996 Research Plan fisheries could be credited for any excess payments of their 1995 fee assessments on their 1996 bills. However, the final rule to delay full implementation of the Research Plan does not authorize a fee assessment program during 1996. As a result,

regulatory language at § 677.6(d)(3)(ii)(C) must be removed so that all processors who are owed a refund from the 1995 fee assessment program can be issued a refund regardless of whether they participate in a Research Plan fishery during the first half of 1996 or not.

The second technical amendment is necessary to clarify 1996 observer coverage requirements for groundfish vessels that are set out at § 677.10(a)(1). Under the general provisions, a catcher/processor or catcher vessel equal to or greater than 60 ft (18.3 m) length overall (LOA) but less than 125 ft (38.1 m) LOA that is used to participate for more than 3 fishing days in a directed fishery for groundfish during a calendar quarter must carry a NMFS-certified observer during at least 30 percent of its fishing days during that calendar quarter. This means that if a vessel equal to or greater than 60 ft (18.3 m) LOA but less than 125 ft (38.1 m) LOA retrieves fishing gear and retains amounts of any groundfish species in excess of the maximum retainable bycatch amounts specified in §§ 672.20(g) or 675.20(h) during more than 3 days of a calendar quarter, that vessel must carry a NMFS-certified observer for at least 30 percent of all fishing days within that calendar quarter. A fishing day is defined at § 677.2 as "a 24-hour period, from 0001 Alaska local time (A.L.T.) through 2400 A.L.T., in which fishing gear is retrieved and groundfish, halibut, or king or Tanner crab are retained. Days during which a vessel only delivers unsorted codends to a processor are not "fishing days." This final rule does not change these general provisions.

In addition, § 677.10(a)(1)(i) contains specific requirements that provide that, in addition to the general provisions, a vessel must carry a NMFS-certified observer during at least one fishing trip during the calendar quarter for each of six separate groundfish categories in which the vessel participates. These six categories are defined at § 677.10(a)(1)(ii); the groundfish categories are: the pollock fishery, the Pacific cod fishery, the sablefish fishery, the rockfish fishery, the flatfish fishery, and the other species fishery. Under current regulations, participation in one of these fisheries is based on whether the retained catch in that fishery, during any fishing trip, constitutes the predominant catch of all of the groundfish categories retained by the vessel. These specific categories were developed to ensure more complete observer coverage of directed fishing operations for groundfish and were not intended to include fishing operations that retained only bycatch amounts of

groundfish. This provision was intended to apply only to directed fishing operations for groundfish. Nonetheless, the actual language of the regulation, plus recent regulatory action, increased confusion concerning the meaning of this provision. It could be argued that the regulations implementing the individual fishing quota (IFQ) program for halibut inadvertently changed the requirements for observer coverage by increasing the probability that a person fishing for halibut would trigger a "fishing day" for groundfish. The IFQ regulations require IFQ card holders to retain all Pacific cod and rockfish, consistent with the maximum bycatch amounts specified for these species. All sablefish must be retained on board if a sablefish IFQ card holder is on board the vessel.

NMFS is implementing this technical amendment to § 677.10(a)(1)(ii) to clarify that the groundfish fishery categories subject to the separate observer coverage requirements apply only with respect to fishing operations that constitute "directed fishing" for groundfish as defined at §§ 672.2 and 675.2. This change is consistent with the original intent of the separate observer coverage requirement, past practice and the common understanding of the how the separate observer coverage requirements are supposed to be applied. It removes a possible unintended effect of the IFQ regulations. To the extent that this action has any substantive effect, it will relieve an unintended burden for additional observer coverage that otherwise might be imposed on fishermen participating in the IFQ program.

Classification

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 this rule would not have a significant economic impact on a substantial number of small entities. The reasons for this certification were summarized in the preamble to the proposed rule.

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

A delay of full implementation of the Research Plan until 1997 results in a 1-year hiatus of the fee assessment program authorized under the Research Plan. As such, this final rule relieves a restriction and, pursuant to authority at 5 U.S.C. 553(d)(1), the requirement for a 30-day delay in effective date is inapplicable. However, NMFS has determined to make this rule effective

on January 1, 1996, to coincide with the start of the 1996 fishing year.

One of the technical amendments implemented under this action clarifies NMFS' intent with respect to issuing refunds of excess payments of the 1995 Research Plan fee assessment. Without this amendment, processors participating in a Research Plan fishery during the first part of 1996 would not be eligible to receive a refund until 1997, when the Research Plan fee assessment program would be reinitiated and refund amounts could be credited against 1997 billed fees assessments.

The second technical amendment clarifies 1996 groundfish observer coverage requirements to exempt from observer coverage those vessels participating in a nongroundfish fishery and retaining bycatch amounts of groundfish. In that the first technical amendment ensures that an action that would have occurred under authority of a regulation issued through notice and comment rulemaking but for the delay in full implementation of the Research plan does in fact occur and that the second technical amendment simply clarifies NMFS intent in an existing regulation, good cause exists, pursuant to authority at 5 U.S.C. 553(b)(B), to waive prior notice and opportunity to comment on the technical amendments as such procedure is unnecessary. Because the technical amendments relieve restrictions, a delay in the effective date is not necessary under U.S.C. 553(d)(1).

List of Subjects in 50 CFR Part 677

Fisheries, Reporting and recordkeeping requirements.

Dated: December 15, 1995.

Gary Matlock,
Program Management Officer, National
Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 677 is amended as follows:

PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN

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

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

2. In § 677.6, paragraph (d)(3)(ii)(C) is removed, paragraph (b)(2) is redesignated as paragraph (b)(3), paragraph (d)(3)(ii)(D) is redesignated as paragraph (d)(3)(ii)(C), new paragraph (b)(2) is added, and the heading to newly redesignated paragraph (b)(3) is revised to read as follows:

§ 677.6 Research Plan fee.

* * * * *

(b) * * *

(2) *Fee assessments during 1996.*

Processors of Research Plan fisheries will not be assessed fees based on catch from Research Plan fisheries that is retained during the 1996 calendar year.

(3) *Fee assessments applicable after December 31, 1996.* * * *

* * * * *

3. In § 677.10, the headings for paragraphs (a) and (b), the introductory text to paragraph (g), and paragraphs (a)(1)(ii)(A) through (F) are revised, paragraphs (a)(1)(i)(C) through (a)(1)(i)(F) are redesignated as paragraphs (a)(1)(i)(D) through (a)(1)(i)(G), respectively, and paragraphs (a)(1)(i)(C) and (a)(2)(iii) are added to read as follows:

§ 677.10 General requirements.(a) *Observer requirements applicable through December 31, 1996—(1)* * * *

(i) * * *

(C) Each mothership processor vessel that receives pollock harvested by catcher vessels in the catcher vessel operational area, defined at § 675.22(g) of this chapter, during the second pollock season that starts on August 15 under § 675.23(e) of this chapter, is required to have a second NMFS-certified observer aboard, in addition to the observer required under paragraphs (a)(1)(i)(A) and (B) of this section, for each day of the second pollock season until the chum salmon savings area is closed under § 675.22(h)(2) of this chapter, or October 15, 1996, whichever occurs first.

* * * * *

(ii) * * *

(A) *Pollock fishery.* Directed fishing for groundfish that results in a retained catch of pollock, during any fishing trip, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(B) *Pacific cod fishery.* Directed fishing for groundfish that results in a retained catch of Pacific cod, during any fishing trip, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(C) *Sablefish fishery.* Directed fishing for groundfish that results in a retained catch of sablefish, during any fishing trip, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(D) *Rockfish fishery.* Directed fishing for groundfish that results in a retained aggregate catch of rockfish of the genera *Sebastes* and *Sebastolobus*, during any fishing trip, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(E) *Flatfish fishery.* Directed fishing for groundfish that results in a retained aggregate catch of all flatfish species, except Pacific halibut, during any fishing trip, that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (a)(1)(ii).

(F) *Other species fishery.* Directed fishing for groundfish that results in a retained catch of groundfish, during any fishing trip, that does not qualify as a pollock, Pacific cod, sablefish, rockfish, or flatfish fishery as defined under paragraphs (a)(1)(ii)(A) through (E) of this section.

* * * * *

(2) * * *

(iii) Each shoreside processor that offloads pollock at more than one location on the same dock and has distinct and separate equipment at each location to process those pollock and that receives pollock harvested by catcher vessels in the catcher vessel

operational area, defined at § 675.22(g) of this chapter, during the second pollock season that starts on August 15, under § 675.23(e) of this chapter, is required to have a NMFS-certified observer, in addition to the observer required under paragraphs (a)(2)(i) and (ii) of this section, at each location where pollock is offloaded, for each day of the second pollock season until the chum salmon savings area is closed under § 675.22(h)(2) of this chapter, or October 15, 1996, whichever occurs first.

* * * * *

(b) *Observer requirements applicable after December 31, 1996—(1)* * * * (i) *

* *

* * * * *

(g) *Vessel safety requirements applicable after December 31, 1995.* Any vessel that is required to carry observers under paragraph (a) or (b) of this section must have onboard either:

* * * * *

4. In § 677.11, paragraph (a)(4) is revised to read as follows:

§ 677.11 Annual Research Plan specifications.

(a) * * *

(4) *Observer coverage.* For the period January 1, 1996, through December 31, 1996, observer coverage levels in Research Plan fisheries will be as required by § 677.10(a). After December 31, 1996, the level of observer coverage will be determined annually by NMFS, after consultation with the Council and the State of Alaska, and may vary by fishery and vessel or processor size, depending upon the objectives to be met for the groundfish, halibut, and king and Tanner crab fisheries. The Regional Director may change observer coverage inseason pursuant to § 677.10(b)(2)(ii).

* * * * *

[FR Doc. 95-31181 Filed 12-22-95; 8:45 am]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register

Vol. 60, No. 247

Tuesday, December 26, 1995

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

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H; Docket No. R-0909]

Membership of State Banking Institutions in the Federal Reserve System; Recordkeeping and Confirmation of Certain Securities Transactions Effected by State Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule; request for public comments.

SUMMARY: The Board of Governors of the Federal Reserve System is proposing amendments to Regulation H pertaining to the recordkeeping and confirmation of certain securities transactions. The amendments would accommodate developments in the securities markets by adding certain yield-related confirmation disclosure requirements for transactions involving debt and asset-backed securities effected by State member banks for customers, and providing for three day settlement of those transactions. The proposed amendments also would clarify that State member banks that effect *de minimis* government securities brokerage transactions and are exempt from registration under Department of the Treasury regulations, also are exempt from Regulation H. Finally, the proposed amendments address the minimum recordkeeping requirements for State member banks exempt from the paragraph, and include several new definitions and various language edits.

DATES: Comments must be submitted on or before February 28, 1996.

ADDRESSES: Comments should refer to Docket No. R-0909, and may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551. Comments also may be delivered to Room B-2222 of the Eccles Building between 8:45 a.m. and

5:15 p.m. weekdays, and to the guard station in the Eccles Building courtyard on 20th Street, NW (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in room MP-500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8(a) of the Board's rules regarding availability of information.

FOR FURTHER INFORMATION CONTACT:

Angela Desmond, Senior Counsel, or Susan Meyers, Senior Securities Analyst, (202) 452-2781. For users of Telecommunications Device for the Deaf (TTD), please contact Dorothea Thompson, (202/452-3544), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 208.8(k) of Regulation H, 12 CFR part 208, was adopted in 1979 to ensure that banks effecting securities transactions for customers conform to securities industry practices with respect to the maintenance of records, and the content and timing of confirmations and account statements.¹ Since that time, a number of market and regulatory changes have occurred that have relevance to these provisions. As a result, the Board has determined that the recordkeeping and notification requirements of Regulation H should be amended to ensure that procedures followed by State member banks continue to conform with SEC and Department of the Treasury regulations, and are consistent with principles of safe and sound banking practices. For purposes of organization, the contents of § 208.8(k) would be moved into a new § 208.24.

Comments are requested on the proposed amendments as described in more detail below. The proposed amendments are limited to new § 208.24 (current § 208.8(k)) of Regulation H and are not meant to obviate the need for the general review of the whole regulation scheduled for the latter part of 1996.² Accordingly, comments pertaining to other provisions of Regulation H should

be withheld until notice of a general review is announced.

Summary of Proposed Amendments

The provisions of § 208.8(k) would be moved to a new section (§ 208.24) at the end of subpart A of Regulation H and paragraph (k) of § 208.8 would be reserved.

§ 208.24(a) Definitions.

The draft amendments would add definitions of: asset-backed security, completion of the transaction, crossing of buy and sell orders, debt security, government security and municipal security. In general, the new definitions are based on definitions contained in the Securities Exchange Act, 15 U.S.C. 78a *et seq.*, or in the SEC's confirmation rule 10b-10, 17 CFR 240.10b-10, and are necessary for applying the proposed confirmation disclosure and the three day settlement requirements. Finally, the term *dealer bank* in the definition of *customer* would be replaced with the term *municipal securities broker or dealer* to clarify that a bank acting as a municipal securities broker is not a customer for purposes of § 208.24 of Regulation H.

§ 208.24(b) Recordkeeping.

New language would be added to clarify that § 208.24 applies to government securities transactions effected for customers by State member banks and to municipal securities transactions effected by State member banks that are *not* registered as municipal securities dealers. The amendments also would relocate all confirmation recordkeeping requirements into this section. Explanatory language at the end of the section would be moved to the first paragraph to simplify the section.

§ 208.24(c) Content and Time of Notification.

The amendments would rename the section to clarify its subject matter. Substantively, the amendments would delete the old five business day requirement for confirmation delivery in former § 208.8 (k)(3) and (k)(4) and provide that confirmations be given or sent to customers "at or by completion of the transaction," defined as the payment and delivery of the securities in § 208.24(a).

In addition, the proposed amendments would require

¹ 44 FR 43258 (July 24, 1979).

² The OCC and the FDIC are considering similar amendments to their versions of the regulation, 12 CFR Part 12, 44 FR 43252 (July 24, 1979) and 12 CFR Part 344, 44 FR 43261 (July 24, 1979) respectively. Consideration of the amendments now will ensure continued consistency among the three regulations and obtain parity with securities industry practices.

confirmations to: (i) contain a legend when the security is callable prior to maturity indicating that an early redemption could affect the yield stated on the confirmation and offering additional information on request (proposed § 208.24(c)(2)(viii); (ii) disclose the yield and/or resulting dollar price of transactions involving debt securities and asset-backed securities (proposed § 208.24(c)(2) (ix) and (x)); and, (iii) indicate when a debt security, other than a government security, is unrated by a nationally recognized statistical rating organization (proposed § 208.24(c)(2)(xi)). The proposed disclosures would conform bank confirmations with disclosures now required of broker dealers under SEC rule 10b-10. They also conform to longstanding practice in the municipal securities industry.

In proposing amendments to this section, the Board is mindful of the securities regulators' determinations that these confirmation disclosures constitute material information necessary to describe the securities or to identify the transaction. Comment is requested concerning the extent to which banks already are making the proposed confirmation disclosures to customers. Comment also is requested whether it would be preferable to incorporate SEC rules 10b-10, 17a-3 and 17a-4 by reference for State member banks to refer to, rather than specify discrete items of confirmation disclosure in the regulation. Finally, § 208.24 (c)(v)-(c)(vii) require State member banks to disclose in agency transactions the name of any broker dealer utilized, the amount of such broker dealer's commission, and the amount of commission or other remuneration being received by the bank. Some have argued that these requirements have an anticompetitive effect. Comment is requested whether this provision is inappropriately anticompetitive, and, if so, how a bank should disclose its remuneration and the remuneration going to other parties on agency transactions.

§ 208.24(d) Notification by agreement; alternative forms and times.

Section 208.24(d)(current section 208.8(k)(4)) would be renamed to indicate that it deals with alternative arrangements under which customers receive notifications of securities transactions effected by State member banks. Other than conforming language edits, a substantive change would be made to § 208.24(d)(v), pertaining to notifications of transactions in periodic plans, to require that notification be provided to customers "not less than

every three months" rather than the current requirement of "as soon as possible after each transaction." This would conform the section with SEC rule 10b-10 (notifications required at least quarterly) while creating flexibility in scheduling notifications in periodic plans.

§ 208.24(e) Securities Trading Policies and Procedures.

A new § 208.24(e)(1)(iii) would be added to require State member banks to establish supervisory procedures and reporting lines for back office personnel that are separate from those established to oversee personnel accepting orders and effecting transactions under § 208.24 (e)(1)(i) and (e)(1)(ii).

§ 208.24(f) Settlement of Securities Transactions.

Proposed § 208.24(f), on settlement of securities transactions, would require State member banks to provide for three day (T+3) settlement for securities transactions effected for customers unless the parties agree to a different settlement date at the time of the transaction. The requirement would apply to transactions in securities that fall under SEC rule 15c6-1, 17 CFR 240.15c6-1, for broker dealers.³

The Board requests comment whether the proposed section is needed for banks to meet T+3 settlement, where appropriate, of transactions effected for customers. Finally, if the Board determines to adopt the new section, comment is requested whether banks prefer that Regulation H incorporate SEC rule 15c6-1 by reference rather than the proposed language.

§ 208.24(g) Exceptions.

The exceptions previously found in current § 208.8(k)(6) would be contained in § 208.24(g). A new § 208.24(g)(2) would clarify that State member banks that effect up to 500 government securities brokerage transactions and are exempt from registration under Department of the Treasury regulation 401.3(a)(2)(i), 17 CFR 401.3(a)(2), also are exempt from § 208.24. This exemption would not be available if a bank has filed notice or is required to file notice indicating that it acts as a government securities broker or dealer. Staff at the Bureau of Public Debt, which is the organization within the Department of the Treasury that is responsible for administering 17 CFR 404.4(a), on recordkeeping by

³ Exceptions or other relief, and changes in the standard settlement cycle adopted by the SEC under rule 15c6-1 also would apply to State member banks. MSRB rules require bank dealers to settle municipal securities transactions by T+3.

government securities brokers and dealers that are financial institutions, has advised that they are considering amending this regulation to clarify any ambiguity with respect to the recordkeeping requirements for financial institutions that conduct government securities transactions resulting from the interplay of the regulation with the recordkeeping requirements of Regulation H.

§ 208.24(h) Safe and Sound Operations.

Finally, a new § 208.24(h), on safe and sound operations, would be added stating that principles of safety and soundness require a bank to maintain effective systems of records and controls regarding customer securities transactions that reflect accurate information and are sufficient to provide an adequate basis for an audit of the information. This provision is consistent with the longstanding interpretation and would clarify what is expected of banks that qualify for an exception from § 208.24(h).

Regulatory Flexibility Act

The Board believes there will be no significant economic impact on a substantial number of small entities if this proposal is adopted. Comments are invited on this statement.

Paperwork Reduction Act

In accordance with § 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR 1320 Appendix A.1), the Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget. Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (7100-0196), Washington, DC 20503, with copies of such comments to be sent to Mary M. McLaughlin, Federal Reserve Board Clearance Officer, Division of Research and Statistics, Mail Stop 97, Board of Governors of the Federal Reserve System, Washington, DC 20551.

The collection of information requirements in this proposed regulation are found in 12 CFR 208.8(k). This information is required to evidence compliance with the requirements of section 208.8(k) of Regulation H. The respondents are for-profit financial institutions. Records must be retained for three years.

The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB control number is 7100-0196.

The proposed amendments would provide for only a minor addition in disclosure practices of state member banks, would not increase the banks' reporting requirements to the Federal Reserve, and would have a negligible effect on respondent burden. The estimated burden is 3 minutes per response. There are 1,214 respondents and the number of their recordkeeping and notification occurrences varies with the amount and type of securities transactions. The total annual recordkeeping and disclosure burden for these respondents is estimated to be 165,520 hours. Based on an hourly cost of \$20, the annual cost to the public is estimated to be \$3,310,400.

Because the records would be maintained at state member banks and the notices are not provided to the Federal Reserve, no issue of confidentiality under the Freedom of Information Act arises.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility; (b) the accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the cost of compliance; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

List of Subjects in 12 CFR Part 208

Accounting, Agriculture, Banks, banking, State member banks, Confidential business information, Crime, Currency, Federal Reserve System, Flood insurance, Mortgages, Reporting and recordkeeping requirements, Securities.

For reasons set out in the preamble, the Board proposes to amend 12 CFR Part 208 as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for Part 208 continues to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1823(j), 1828(o), 1831o, 1831p–1, 3105, 3310, 3331–3351 and 3906–3909; 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o–4(c)(5), 78q, 78q–1 and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4101a, 4104b, 4106 and 4128.

§ 208.8 [Amended]

2. In § 208.8 paragraph (k) is removed and reserved.

3. A new § 208.24 is added at the end of subpart A to read as follows:

§ 208.24 Recordkeeping and confirmation of certain securities transactions effected by State member banks.

(a) *Definitions.* For purposes of this § 208.24:

Asset-backed security shall mean a security that is serviced primarily by the cash flows of a discrete pool of receivables or other financial assets, either fixed or revolving, that by their terms convert into cash within a finite time period plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to the security holders.

Collective investment fund shall mean funds held by a State member bank as fiduciary and, consistent with local law, invested collectively as follows:

(1) In a common trust fund maintained by such bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as trustee, executor, administrator, guardian, or custodian under the Uniform Gifts to Minors Act; or

(2) In a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus or similar trusts which are exempt from Federal income taxation under the Internal Revenue Code (Title 26).

Completion of the transaction effected by or through a state member bank shall mean:

(1) For purchase transactions, the time when the customer pays the bank any part of the purchase price (or the time when the bank makes the book-entry for any part of the purchase price if applicable), however, if the customer pays for the security prior to the time payment is requested or becomes due, then the transaction shall be completed when the bank transfers the security into the account of the customer; and

(2) For sale transactions, the time when the bank transfers the security out of the account of the customer or, if the security is not in the bank's custody, then the time when the security is delivered to the bank, however, if the customer delivers the security to the bank prior to the time delivery is requested or becomes due then the transaction shall be completed when the bank makes payment into the account of the customer.

Crossing of buy and sell orders shall mean a security transaction in which

the same bank acts as agent for both the buyer and the seller.

Customer shall mean any person or account, including any agency, trust, estate, guardianship, committee or other fiduciary account, for which a State member bank effects or participates in effecting the purchase or sale of securities, but shall not include a broker, dealer, bank acting as a broker or dealer bank or issuer of the securities which are the subject of the transactions.

Debt security as used in paragraph (c) of this section shall mean any security, such as a bond, debenture, note or any other similar instrument which evidences a liability of the issuer (including any security of this type that is convertible into stock or similar security) and fractional or participation interests in one or more of any of the foregoing; provided, however, that securities issued by an investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a–1 et seq., shall not be included in this definition.

Exercise investment discretion with respect to an account shall mean if the State member bank, directly or indirectly, is authorized to determine what securities or other property shall be purchased or sold by or for the account, or makes decisions as to what securities or other property shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

Government security shall mean:

(1) A security that is a direct obligation of, or obligation guaranteed as to principal and interest by, the United States;

(2) A security that is issued or guaranteed by a corporation in which the United States has a direct or indirect interest and which is designated by the Secretary of the Treasury for exemption as necessary or appropriate in the public interest or for the protection of investors;

(3) A security issued or guaranteed as to principal and interest by any corporation whose securities are designated, by statute specifically naming the corporation, to constitute exempt securities within the meaning of the laws administered by the Securities Exchange Commission; or

(4) Any put, call, straddle, option, or privilege on a security as described in paragraph (1), (2), or (3) of this definition other than a put, call, straddle, option, or privilege that is traded on one or more national securities exchanges, or for which quotations are disseminated though an

automated quotation system operated by a registered securities association.

Municipal security shall mean a security which is a direct obligation of, or obligation guaranteed as to principal or interest by, a State or any political subdivision thereof, or any agency or instrumentality of a State or any political subdivision thereof, or any municipal corporate instrumentality of one or more States, or any security which is an industrial development bond (as defined in § 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under § 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of § 103(c) of such Code (determined as if paragraphs (4)(A), (5) and (7) were not included in such § 103(c), paragraph (1) of such § 103(c) does not apply to such security.

Periodic plan (including dividend reinvestment plans, automatic investment plans and employee stock purchase plans) means any written authorization for a State member bank acting as agent to purchase or sell for a customer a specific security or securities, in specific amounts (calculated in security units or dollars) or to the extent of dividends and funds available, at specific time intervals and setting forth the commission or charges to be paid by the customer in connection therewith or the manner of calculating them.

Security means any interest or instrument commonly known as a security, whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness or any participation in or right to subscribe to or purchase any of the foregoing. The term security does not include:

- (1) A deposit or share account in a federally or state insured depository institution;
 - (2) A loan participation;
 - (3) A letter of credit or other form of bank indebtedness incurred in the ordinary course of business;
 - (4) Currency;
 - (5) Any note, draft, bill of exchange, or bankers acceptance which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited;
 - (6) Units of a collective investment fund;
 - (7) Interests in a variable amount (master) note of a borrower of prime credit; or
 - (8) U.S. Savings Bonds.
- (b) *Recordkeeping.* Except as provided in paragraph (g) of this section, every State member bank effecting securities

transactions for customers, including transactions in government securities, and municipal securities transactions by banks not subject to registration as a municipal securities dealers shall maintain the following records with respect to such transactions for at least three years. Nothing contained in this section shall require a bank to maintain the records required by this paragraph rule in any given manner, provided that the information required to be shown is clearly and accurately reflected and provides an adequate basis for the audit of such information.

(1) Chronological records of original entry containing an itemized daily record of all purchases and sales of securities. The records of original entry shall show the account or customer for which each such transaction was effected, the description of the securities, the unit and aggregate purchase or sale price (if any), the trade date and the name or other designation of the broker/dealer or other person from whom purchased or to whom sold;

(2) Account records for each customer which shall reflect all purchases and sales of securities, all receipts and deliveries of securities, and all receipts and disbursements of cash with respect to transactions in securities for such account and all other debits and credits pertaining to transactions in securities;

(3) A separate memorandum (order ticket) of each order to purchase or sell securities (whether executed or cancelled), which shall include:

- (i) The account(s) for which the transaction was effected;
- (ii) Whether the transaction was a market order, limit order, or subject to special instructions;
- (iii) The time the order was received by the trader or other bank employee responsible for effecting the transaction;
- (iv) The time the order was placed with the broker/dealer, or if there was no broker/dealer, the time the order was executed or canceled;
- (v) The price at which the order was executed; and
- (vi) The broker/dealer utilized;

(4) A record of all broker/dealers selected by the bank to effect securities transactions and the amount of commissions paid or allocated to each such broker during the calendar year; and

(5) A copy of the written notification required by paragraphs (c) and (d) of this section.

(c) *Content and time of notification.* Every State member bank effecting a securities transaction for a customer at or before completion of the transaction shall give or send to such customer

either of the following types of notifications:

(1) A copy of the confirmation of a broker/dealer relating to the securities transaction; and if the bank is to receive remuneration from the customer or any other source in connection with the transaction, and the remuneration is not determined pursuant to a prior written agreement between the bank and the customer, a statement of the source and the amount of any remuneration to be received; or

(2) A written notification disclosing:

- (i) The name of the bank;
- (ii) The name of the customer;
- (iii) Whether the bank is acting as agent for such customer, as agent for both such customer and some other person, as principal for its own account, or in any other capacity;

(iv) The date of execution and a statement that the time of execution will be furnished within a reasonable time upon written request of such customer, and the identity, price and number of shares or units (or principal amount in the case of debt securities) of such security purchased or sold by such a customer;

(v) The amount of any remuneration received or to be received, directly or indirectly, by any broker/dealer from such customer in connection with the transaction;

(vi) The amount of any remuneration received or to be received by the bank from the customer and the source and amount of any other remuneration to be received by the bank in connection with the transaction, unless remuneration is determined pursuant to a written agreement between the bank and the customer, provided, however, in the case of Government securities and municipal securities, this paragraph (c)(2)(vi) shall apply only with respect to remuneration received by the bank in an agency transaction;

(vii) The name of the broker/dealer utilized; or, where there is no broker/dealer, the name of the person from whom the security was purchased or to whom it was sold, or the fact that such information will be furnished within a reasonable time upon written request;

(viii) In the case of a transaction in a debt security subject to redemption before maturity, a statement to the effect that the debt security may be redeemed in whole or in part before maturity, that the redemption could affect the yield represented and that additional information is available on request;

(ix) In the case of a transaction in a debt security effected exclusively on the basis of a dollar price:

(A) The dollar price at which the transaction was effected; and

(B) The yield to maturity calculated from the dollar price; provided, however, that this paragraph (c)(2)(ix)(B) shall not apply to a transaction in a debt security that either has a maturity date that may be extended by the issuer with a variable interest payable thereon, or is an asset-backed security that represents an interest in or is secured by a pool of receivables or other financial assets that are subject to continuous prepayment;

(x) In the case of a transaction in a debt security effected on the basis of yield:

(A) The yield at which the transaction was effected, including the percentage amount and its characterization (e.g., current yield, yield to maturity, or yield to call) and if effected at yield to call, the type of call, the call date, and the call price; and

(B) The dollar price calculated from the yield at which the transaction was effected; and

(C) If effected on a basis other than yield to maturity and the yield to maturity is lower than the represented yield, the yield to maturity as well as the represented yield; provided, however, that this paragraph (c)(2)(x)(C) shall not apply to a transaction in a debt security that either has a maturity date that may be extended by the issuer with a variable interest rate payable thereon, or is an asset-backed security that represents an interest in or is secured by a pool of receivables or other financial assets that are subject to continuous prepayment;

(xi) In the case of a transaction in a debt security that is an asset-backed security which represents an interest in or is secured by a pool of receivables or other financial assets that are subject continuously to prepayment, a statement indicating that the actual yield of the asset-backed security may vary according to the rate at which the underlying receivables or other financial assets are prepaid and a statement of the fact that information concerning the factors that affect yield (including at a minimum, the estimated yield, weighted average life, and the prepayment assumptions underlying yield) will be furnished upon written request of the customer; and

(xii) In the case of a transaction in a debt security, other than a government security, that the security is unrated by a nationally recognized statistical rating organization, if that is the case.

(d) *Notification by agreement; alternative forms and times of notification.* A State member bank may elect to use the following alternative procedures if a transaction is effected for:

(1) Accounts (except periodic plans) where the bank does not exercise investment discretion and the bank and the customer agree in writing to a different arrangement as to the time and content of the notification; provided, however, that such agreement makes clear the customer's right to receive the written notification pursuant to paragraph (c) of this section at no additional cost to the customer;

(2) Accounts (except collective investment funds) where the bank exercises investment discretion in other than an agency capacity, in which instance the bank shall, upon request of the person having the power to terminate the account or, if there is no such person, upon the request of any person holding a vested beneficial interest in such account, give or send to such person the written notification within a reasonable time. The bank may charge such person a reasonable fee for providing this information;

(3) Accounts, where the bank exercises investment discretion in an agency capacity, in which instance:

(i) The bank shall give or send to each customer not less frequently than once every three months an itemized statement which shall specify the funds and securities in the custody or possession of the bank at the end of such period and all debits, credits and transactions in the customer's accounts during such period; and

(ii) If requested by the customer, the bank shall give or send to each customer within a reasonable time the written notification described in paragraph (c) of this section. The bank may charge a reasonable fee for providing the information described in paragraph (c) of this section;

(4) A collective investment fund, in which instance the bank shall at least annually furnish a copy of a financial report of the fund, or provide notice that a copy of such report is available and will be furnished upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. This report shall be based upon an audit made by independent public accountants or internal auditors responsible only to the board of directors of the bank;

(5) A periodic plan, in which instance the bank shall give or send to the customer not less than every three months a written statement showing the funds and securities in the custody or possession of the bank, all service charges and commissions paid by the customer in connection with the transaction, and all other debits and credits of the customer's account

involved in the transaction; provided that upon the written request of the customer the bank shall furnish the information described in paragraph (c) of this section, except that any such information relating to remuneration paid in connection with the transaction need not be provided to the customer when paid by a source other than the customer. The bank may charge a reasonable fee for providing the information described in paragraph (c) of this section.

(e) Securities trading policies and procedures. Every State member bank effecting securities transactions for customers shall establish written policies and procedures providing:

(1) Assignment of responsibility for supervision of all officers or employees who:

(i) Transmit orders to or place orders with broker/dealers;

(ii) Execute transactions in securities for customers; or

(iii) Process orders for notification and/or settlement purposes, or perform other back office functions with respect to securities transactions effected for customers; provided that procedures established under this paragraph (e)(1)(iii) should provide for supervision and reporting lines that are separate from supervision of personnel under paragraphs (e)(1)(i) and (e)(1)(ii) of this section;

(2) For the fair and equitable allocation of securities and prices to accounts when orders for the same security are received at approximately the same time and are placed for execution either individually or in combination;

(3) Where applicable and where permissible under local law, for the crossing of buy and sell orders on a fair and equitable basis to the parties to the transaction; and

(4) That bank officers and employees who make investment recommendations or decisions for the accounts of customers, who participate in the determination of such recommendations or decisions, or who, in connection with their duties, obtain information concerning which securities are being purchased or sold or recommended for such action, must report to the bank, within ten days after the end of the calendar quarter, all transactions in securities made by them or on their behalf, either at the bank or elsewhere in which they have a beneficial interest. The report shall identify the securities purchased or sold and indicate the dates of the transactions and whether the transactions were purchases or sales. Excluded from this requirement are transactions for the benefit of the officer

or employee over which the officer or employee has no direct or indirect influence or control, transactions in mutual fund shares, and all transactions involving in the aggregate \$10,000 or less during the calendar quarter. For purposes of this paragraph (e)(4), the term securities does not include government securities.

(f) *Settlement of securities transactions.* All contracts for the purchase or sale of a security shall provide for completion of the transaction within the number of business days in the standard settlement cycle for the security followed by registered broker dealers in the United States unless otherwise agreed to by the parties at the time of the transaction.

(g) *Exceptions.* (1) *De minimis Transactions.* The requirements of paragraphs (b)(2)(ii) through (b)(2)(iv) and paragraphs (e)(1) through (e)(3) of this section shall not apply to banks having an average of less than 200 securities transactions per year for customers over the prior three calendar year period, exclusive of transactions in government securities;

(2) *Government Securities.* The recordkeeping requirements of paragraph (b) of this section shall not apply to banks effecting fewer than 500 government securities brokerage transactions per year; provided that this exception shall not apply to government securities transactions by a state member bank that has filed a written notice, or is required to file notice, with the Federal Reserve that it acts as a government securities broker or a government securities dealer;

(3) *Municipal Securities.* The municipal securities activities of a state member bank that are subject to regulations promulgated by the Municipal Securities Rulemaking Board shall not be subject to the requirements of this section; and

(4) *Foreign Branches.* The requirements of this section shall not apply to the activities of foreign branches of a state member bank.

(h) *Safe and sound operations.* Every State member bank qualifying for an exemption under paragraph (g) of this section that conducts securities transactions for customers shall, to ensure safe and sound operations, maintain effective systems of records and controls regarding their customer securities transactions that clearly and accurately reflect appropriate information and provide an adequate basis for an audit of the information.

By order of the Board of Governors of the Federal Reserve System, December, 19, 1995.
William W. Wiles,
Secretary of the Board.
[FR Doc. 95-31234 Filed 12-22-95; 8:45 am]
BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-214-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas DC-9 and DC-9-80 series airplanes, and Model MD-88 airplanes. Among other things, this proposal would require repetitive leak checks of the lavatory drain system and repair, if necessary; would provide for the option of revising the FAA-approved maintenance program to include a schedule of leak checks; would require the installation of a cap on the flush/fill line; and would require replacement or modification of the vent system piping. This proposal is prompted by continuing reports of damage to engines and airframes, separation of engines from airplanes, and damage to property on the ground, caused by "blue ice" that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage. The actions specified by this proposed AD are intended to prevent such damage associated with the problems of "blue ice."

DATES: Comments must be received by March 28, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-214-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855

Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5336; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-214-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-214-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Over the past ten years, the FAA has received numerous reports of leakage of waste fluid from the lavatory service systems on in-service transport category airplanes. This leakage has resulted in the formation of "blue ice" on the fuselage. In some instances, the "blue ice" has subsequently dislodged from the fuselage and has been ingested into an engine. In several of these incidents, the ingestion of "blue ice" into an engine resulted in the loss of an engine fan blade, severe engine damage, and the in-flight shutdown of the engine. In two cases, the loads created by the "blue ice" being ingested into the engine resulted in the engine being physically torn from the airplane. Damage to an engine, or the separation of an engine from the airplane, could result in reduced controllability of the airplane.

The FAA also has received reports of at least three incidents of damage to the airframe of transport category airplanes caused by foreign objects and "blue ice," resulting from leakage of the forward toilet drain valve and flush/fill line, striking the airframe. One report was of a dent on the leading edge of the right horizontal stabilizer on a Boeing Model 737 series airplane that was caused by "blue ice" that had formed from leakage through a flush/fill line; in this case, the flush/fill cap was missing from the line at the forward service panel. Numerous operators have stated that leakage from the flush/fill line is a significant source of problems associated with "blue ice." Such damage caused by "blue ice" could adversely affect the integrity of the fuselage skin or surface structures.

Additionally, there have been numerous reports of "blue ice" dislodging from airplanes and striking houses, cars, buildings, and other occupied areas on the ground. Although there have been no reports of any person being struck by "blue ice," the FAA considers that the large number of reported cases of "blue ice" falling from the lavatory drain system is sufficient to support the conclusion that "blue ice" presents an unsafe condition to people on the ground. Demographic studies have shown that population density has increased around airports, and probably will continue to increase. These are populations that are at greatest risk of injury and damage due to "blue ice" dislodging from an airplane during the airplane's descent into the airport. Without actions to ensure that leaks from the lavatory drain systems are detected and corrected in a timely manner, "blue ice" incidents could go unchecked and eventually someone may

be struck, perhaps fatally, by falling "blue ice."

Current Rules

In response to these incidents, the FAA has issued several AD's applicable to various transport category airplanes:

1. *AD 86-05-07, Amendment 39-5250 (51 FR 7767, March 6, 1986)*: Issued on February 26, 1986, this AD required periodic leak checks of all Boeing Model 727 aircraft forward lavatory drain systems (both dump valve and drain valve) at intervals not to exceed 15 months, and corrective action, if necessary.

2. *AD 94-23-10, amendment 39-9073 (59 FR 59124, November 16, 1994)*: Issued on November 9, 1994, this AD supersedes AD 86-05-07. It continues to require various leak checks of Boeing Model 727 series airplanes, but adds requirements for leak checks of other lavatory drain systems; provides for the option of revising the FAA-approved maintenance program to include a schedule of leak checks; requires the installation of a cap on the flush/fill line; and requires either a periodic leak check of the flush/fill line cap or replacement of the seals on both that cap and the toilet tank anti-siphon (check) valve.

3. *AD 89-11-03, amendment 39-6223 (54 FR 21933, May 22, 1989)*: Issued on May 9, 1989, this AD is applicable to certain Boeing Model 737-300 and -400 airplanes. It requires repetitive leak checks of the forward lavatory service system at intervals of 200 hours time-in-service, and repair, if necessary. That AD also provided operators with an optional action in lieu of performing these periodic checks, which entails draining the system, locking the lavatory, and placarding the lavatory inoperative.

4. The FAA is planning to amend AD 89-11-03 to make it applicable to all Boeing Model 737 series airplanes, and to require additional inspections and other actions similar to those of AD 94-23-10.

5. The FAA is currently considering additional rulemaking to address the problems associated with "blue ice" on various other transport category airplanes, including those manufactured by Airbus, British Aerospace, Fokker, and Lockheed, as well as other models manufactured by McDonnell Douglas.

Description of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas DC-9 Service Bulletin 38-47, dated April 17, 1992, which describes procedures for installing a lever lock rinse cap on

lavatory service panels. The development of this installation was in response to reports that the quarter-turn caps, which are normally installed on the fill/rinse line at the lavatory service panel, are often removed by ground service personnel or are not properly re-installed and reseated after servicing. Installation of lever lock rinse caps in place of quarter-turn caps will inhibit the closing of the service panel doors when the cap is not properly closed; this will enable service personnel to recognize situations when the cap needs to be closed correctly. This, in turn, will minimize the possibility of leakage of lavatory waste liquids from the cap and the subsequent formation of "blue ice."

The FAA also has reviewed and approved McDonnell Douglas DC-9 Service Bulletin 38-41, Revision 3, dated July 5, 1994, which describes procedures for modifying and replacing the lavatory vent system piping. The development of this modification was in response to reports of "blue ice" build-up at the lavatory overboard vent on four Model DC-9 series airplanes. The ice build-up was attributed to lavatory waste tanks exceeding their capacity and overflowing through the overboard vent piping. This build-up of "blue ice" can break loose and damage either the nose cowl of engine No. 1 or the engine itself. The modified vent system piping minimizes the possibility of waste water siphoning overboard.

Description of the Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the FAA is proposing an AD that would require the following actions:

Paragraph (a) of the proposed AD would require repetitive leak checks of the lavatory dump valve, drain valve (either service panel or in-line drain valve), and lavatory vent system. The intervals for performing these leak checks would vary from 200 flight hours to 1,500 flight hours, depending upon what type of valve is installed at each location. The leak check of panel valves would be required to be performed with a minimum of 3 pounds per square inch differential pressure (PSID) applied across the valve. If any leak is discovered during the leak checks, operators would be required either to repair the leak and retest it, or drain the lavatory system and placard it inoperative until repairs can be made.

In cases where the panel valve has an inner seal, in lieu of pressure testing, operators are provided with the option of performing a visual inspection for damage or wear of the outer cap seal

and seal surface. Any damaged parts detected would be required to be repaired or replaced prior to further flight, or the lavatory drained and placarded inoperative until repairs can be made.

Additionally, the flush/fill line cap would be required to be leak checked. In lieu of this particular check, operators may elect to replace the seals on the toilet tank anti-siphon (check) valve and flush/fill line cap.

Paragraph (b) of this proposed AD would provide an optional procedure for complying with the rule, which would entail revising the FAA-approved maintenance program to incorporate a schedule to conduct leak checks of the lavatory drain systems. The maintenance program change would also require that procedures be provided for accomplishing the visual inspections to detect leakage, and for reporting leakage. Additionally, a training program must be provided to maintenance and servicing personnel, which would include information on "blue ice" awareness and the hazards of "blue ice."

Operators electing to comply with this option would be required to obtain approval from the Manager of the FAA's Los Angeles Aircraft Certification Office (ACO) for any revision to the leak check intervals. Requests for such revisions would be required to be accompanied by certain data when submitted to the ACO [through the appropriate FAA Principal Maintenance Inspector (PMI)] for approval. In paragraph (c) of the proposed rule, the FAA proposes a "data collection format" for these requests. Data submitted in accordance with the proposed format, if favorable to an increase in the leak check interval, will allow the FAA to justify increasing the leak check interval with assurance that the valves involved have the required reliability. The data provided also will be important in assisting the FAA in making future determinations of appropriate leak check intervals for new valves that have shown promising, but not conclusive, service data. For example, the FAA has previously approved extension of the leak check interval to 2,000 hours for one operator using PneuDrualics part number series 9527 valves on Boeing Model 737 series airplanes. Assuming that this operator successfully completes two cycles of 2,000-hour leak checks without finding leakage, the FAA may consider approving the extension of the 2,000-hour leak check interval to a 4,000-hour interval for this operator.

Paragraph (d) of the proposed AD also would require that all operators install a lever/lock cap on the flush/fill lines

for all service panels. The cap must be either an FAA-approved cap or one installed in accordance with McDonnell Douglas Service Bulletin 38-47.

Paragraph (e) of the AD would require that leak checks of the lavatory vent system be conducted on certain airplanes at the same time as the leak checks of the dump valve and flush/fill line are conducted. If a leak is detected, the proposed rule would provide for several optional corrective actions that operators could accomplish.

Paragraph (e) would also require that, within 3 years, operators of certain airplanes either replace/modify the lavatory vent system piping in accordance with McDonnell Douglas DC-9 Service Bulletin 38-41, Revision 3; or install an FAA-approved modification that deactivates the vent system. Once either of these actions is accomplished, the periodic leak checks of the lavatory vent system may be discontinued.

Paragraph (f) of the proposed AD would require that, before an operator places an airplane subject to the AD into service, the operator must establish a schedule for accomplishment of the subject leak checks. This provision is intended to ensure that transferred airplanes are inspected in accordance with the AD on the same basis as if there were continuity in ownership, and that scheduling of the leak checks for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to the AD would have to be checked in accordance with either the previous operator's or the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA PMI, but within a period not exceeding 200 flight hours.

Economic Impact

There are approximately 2,097 Model DC-9 and DC-9-80 series airplanes and Model MD-88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,191 airplanes of U.S. registry, and 47 U.S. operators, would be affected by this proposed AD.

1. *Leak checks.* It would take approximately 4 work hours per airplane lavatory drain to accomplish each leak check, at an average labor cost of \$60 per work hour. There normally are 2 drains per airplane. Depending upon the type of valves installed and the flight utilization rate of the airplane, an airplane subject to this AD could be required to be inspected as few as 2

times per year or as many as 15 times per year. Based on these figures, the cost impact of the proposed leak check requirement on U.S. operators would be between \$960 and \$7,200 per airplane per year.

2. *Inspections.* Should an operator elect to perform the inspection of the service panel drain valve cap/door seal and seal mating surface, the inspection would take approximately 1 work hour to accomplish, at an average labor cost of \$60 per work hour. Depending upon the type of valves installed and the flight utilization rate of the airplane, an airplane subject to this AD could be required to be inspected as few as 2 times per year or as many as 15 times per year. Based on these figures, the cost impact of the proposed inspection requirement on U.S. operators would be between \$120 and \$1,800 per airplane per year.

3. *Installation of cap on flush/fill line.* The proposed installation would take approximately 2 work hours to accomplish, at an average labor cost of \$60 per work hour. The cost of required parts is estimated to be \$275 per flush/fill line. There are normally 3 flush/fill lines per airplane. Based on these figures, the cost impact of the proposed installation requirement on U.S. operators would be \$1,411,335, or \$1,185 per airplane.

4. *Installation of lavatory vent system replacement/modification.* The portion of this installation that entails modification of the toilet assembly would require between 2 and 4 work hours per airplane to accomplish, depending on the brand of toilet involved. The average labor cost is estimated to be \$60 per work hour. The cost of required parts is estimated to be between \$83 and \$2,121 per airplane. Based on these figures, the cost impact of this portion of the proposed installation on U.S. operators would be between \$203 and \$2,361 per airplane.

The portion of this installation that entails modification of lavatory vent lines would require between 15 and 52 work hours per airplane to accomplish, depending upon the configuration of the airplane, if certain other modifications have already been accomplished, and the modification option selected. The average labor cost is estimated to be \$60 per work hour. The cost of required parts is estimated to be between \$600 and \$13,000 per airplane. Based on these figures, the cost impact of this portion of the proposed installation on U.S. operators would be between \$1,500 and \$16,120 per airplane.

The number of required work hours, as indicated above, is presented in this discussion as if the actions proposed in

this AD were to be conducted as "stand alone" actions. However, in actual practice, these actions could be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary "additional" work hours would be minimal in many instances.

Additionally, any costs associated with special airplane scheduling should be minimal.

In addition to the costs discussed above, for those operators who elect to comply with proposed paragraph (b) of this AD action, the FAA estimates that it would take approximately 40 work hours per operator to incorporate the lavatory drain system leak check procedures into the maintenance programs, at an average labor cost of \$60 per work hour. Based on these figures, the cost impact of the proposed maintenance revision requirement of this AD on U.S. operators is estimated to be \$2,400 per operator.

The "cost impact" figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no

longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 95-NM-214-AD.

Applicability: All Model DC-9-10, -20, -30, -40, and -50 series airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series

airplanes; and Model MD-88 airplanes; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent engine damage, airframe damage, and/or hazard to persons or property on the ground as a result of "blue ice" that has formed from leakage of the lavatory drain system and dislodged from the airplane, accomplish the following:

Note 2: The leak checks of the toilet dump valve and flush/fill line that are required by this AD may be performed by filling the toilet tank with water/rinsing fluid to a level at least 4 inches above the flapper in the bowl, and checking for leakage after a period of 5 minutes.

(a) Except as provided in paragraph (b) of this AD, accomplish the applicable procedures specified in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) of this AD. If the individual waste drain system panel incorporates more than one type of valve, the inspection interval that applies to that panel is determined by the component with the longest inspection interval allowed. Each of the components must be inspected or tested at that time at each service panel location.

(1) For each lavatory drain system that has an in-line drain valve installed, Kaiser Electroprecision part number series 2651-329: Within 1,500 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 1,500 flight hours, accomplish the procedures specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD:

(i) Conduct a leak check of the dump valve (in-tank valve that is spring loaded closed and operable by a T-handle at the service panel), and the in-line drain valve. The in-line drain valve leak check must be performed with a minimum of 3 pounds per square inch differential pressure (PSID) applied across the valve.

(ii) Visually inspect the service panel drain valve outer cap seal and the inner seal (if the valve has an inner door/closure device with a second positive seal), and the seal mating surfaces, for wear or damage that may allow leakage.

(2) For each lavatory drain system that has a service panel drain valve installed, Shaw Aero Devices part number 10101000C-A (or

higher dash number); or Shaw Aero Devices part number 10101000B-A (or higher dash number); or Shaw Aero Devices part number 10101B-577-1 or 10101B-577-2; or Pneudraulics part number series 9527: Within 1,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 1,000 flight hours, accomplish the procedures specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve. Both the inner door/closure device and the outer cap/door must be leak checked.

(ii) For service panel valves that have an inner seal: In lieu of pressure testing, the outer cap seal and seal surface may be visually inspected for damage or wear.

(3) For each lavatory drain system that has a service panel drain valve installed, Shaw Aero Devices part number series 10101000C [except as specified in paragraph (a)(2) of this AD], or Shaw Aero Devices part number 10101000B [except as specified in paragraph (a)(2) of this AD]: Within 600 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 600 flight hours, accomplish the procedures specified in paragraphs (a)(3)(i) and (a)(3)(ii) of this AD:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve. Both the inner door/closure device and the outer cap/door must be leak checked.

(ii) For service panel valves that have an inner seal: In lieu of pressure testing, the outer cap seal and seal surface may be visually inspected for damage or wear.

(4) For other lavatory drain systems not addressed in paragraph (a)(1), (a)(2), or (a)(3) of this AD: Within 200 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 200 flight hours, accomplish the procedures specified in paragraphs (a)(4)(i) and (a)(4)(ii) of this AD:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve. Both the inner door/closure device and the outer cap/door must be leak checked.

(ii) For service panel valves that have an inner seal: In lieu of pressure testing, the outer cap seal and seal surface may be visually inspected for damage or wear.

(5) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, accomplish the procedures specified in either paragraph (a)(5)(i) or (a)(5)(ii) of this AD:

(i) Conduct a leak check of the flush/fill line cap. This leak check must be made with a minimum of 3 PSID applied across the cap. Or

(ii) Replace the seals on the toilet tank anti-siphon (check) valve and in the flush/fill line cap. Additionally, perform a leak check of the toilet tank anti-siphon (check) valve with

a minimum of 3 PSID across the valve after changing the seals.

(6) As a result of the leak checks and inspections required by this paragraph, or if evidence of leakage is found at any other time, accomplish the requirements of either paragraph (a)(6)(i), (a)(6)(ii) or (a)(6)(iii) as applicable:

(i) If a leak is discovered, prior to further flight, repair the leak. Prior to further flight after repair, perform the leak test. Additionally, prior to returning the airplane to service, clean the surfaces adjacent to where the leakage occurred to clear them of any horizontal fluid residue streaks; such cleaning must be to the extent that any future appearance of a horizontal fluid residue streak will be taken to mean that the system is leaking again.

Note 3: For purposes of this AD, "leakage" is defined as any visible leakage observed during a leak test; the presence of ice in the service panel; or horizontal fluid residue streaks or ice trails originating at the service panel. The fluid residue is usually, but not necessarily, blue in color.

(ii) If any worn or damaged seal is found, or if any damaged seal mating surface is found, prior to further flight, repair or replace it in accordance with the valve manufacturer's maintenance manual.

(iii) In lieu of performing the requirements of paragraph (a)(6)(i) or (a)(6)(ii): Prior to further flight, drain the affected lavatory system and placard the lavatory inoperative until repairs can be accomplished.

(b) As an alternative to the requirements of paragraph (a) of this AD: Within 180 days after the effective date of this AD, revise the FAA-approved maintenance program to include the requirements specified in paragraphs (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) of this AD:

(1) Replace the valve seals in accordance with the applicable schedule specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD. Any revision to this replacement schedule must be approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(i) For each lavatory drain system that has an in-line drain valve installed, Kaiser Electroprecision part number series 2651-329: Replace the seals within 5,000 flight hours after revision of the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 52 months.

(ii) For each lavatory drain system that has any other type of drain valve: Replace the seals within 5,000 flight hours after revision of the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 18 months.

(2) Conduct periodic leak checks of the lavatory drain systems in accordance with the applicable schedule specified in paragraphs (b)(2)(i), (b)(2)(ii), (b)(2)(iii), and (b)(2)(iv) of this AD. If the individual waste drain system incorporates more than one type of valve, the interval that applies to that system is determined by the component with the longest inspection interval allowed. Each of the components in that system must be inspected/tested at that time. Any revision to this leak check schedule must be approved

by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate.

(i) For each lavatory drain system that has an in-line drain valve, Kaiser Electroprecision part number series 2651-329: Within 5,000 flight hours after revision of the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 24 months or 5,000 flight hours, whichever occurs later, accomplish the procedures specified in paragraphs (b)(2)(i)(A) and (b)(2)(i)(B) of this AD:

(A) Conduct a leak check of the dump valve (in-tank valve that is spring loaded closed and operable by a T-handle at the service panel) and the in-line drain valve. The in-line drain valve leak check must be performed with a minimum of 3 PSID applied across the valve.

(B) Visually inspect the service panel drain valve outer cap/door seal and the inner seal (if the valve has an inner door/closure device with a second positive seal) and seal mating surface for wear or damage that may cause leakage. Any worn or damaged seal must be replaced and any damaged seal mating surface must be repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(ii) For each lavatory drain system that has a service panel drain valve installed, Shaw Aero Devices part number series 10101000C; or Shaw Aero Devices part number series 10101000B; or Pneudraulics part number series 9527: Within 1,000 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 1,000 flight hours, accomplish the procedures specified in paragraphs (b)(2)(ii)(A) and (b)(2)(ii)(B) of this AD:

(A) Conduct leak checks of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve. Only the inner door/closure device of the service panel drain valve must be leak checked.

(B) Visually inspect the service panel drain valve outer cap/door seal and seal mating surface for wear or damage that may cause leakage.

(iii) For each lavatory drain system that has a lavatory drain system valve that incorporates only an outer cap seal (i.e., uses no inner flapper), or that incorporates an inner seal that is not an attached part of the valve (i.e., a "donut"): Within 200 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 200 flight hours, conduct leak checks of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. Both the donut and the outer cap/door must be leak checked.

(iv) For each lavatory drain system that incorporates any other type of approved valve(s): Within 400 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 400 flight hours, accomplish the procedures

specified in paragraphs (b)(2)(iv)(A) and (b)(2)(iv)(B) of this AD:

(A) Conduct leak checks of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. If the service panel drain valve has an inner door/closure device with a second positive seal, only the inner door must be leak checked.

(B) If the valve has an inner door/closure device with a second positive seal: Visually inspect the service panel drain valve outer door/cap seal and seal mating surface for wear or damage that may cause leakage.

(3) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, accomplish the procedures specified in either paragraph (b)(3)(i) or (b)(3)(ii) of this AD:

(i) Conduct a leak check of the flush/fill line cap. This leak check must be made with a minimum of 3 PSID applied across the cap. Or

(ii) Replace the seals on the toilet tank anti-siphon (check) valve and the flush/fill line cap. Additionally, perform a leak check of the toilet tank anti-siphon (check) valve with a minimum of 3 PSID across the valve.

(4) Provide procedures for accomplishing visual inspections to detect leakage of the lavatory waste drain line and lavatory flush/fill line, at each waste service panel, to be conducted by maintenance personnel at intervals not to exceed 4 calendar days or 45 flight hours, whichever occurs later.

(5) Provide procedures for reporting leakage. These procedures shall provide that any "horizontal blue streak" findings must be reported to maintenance and that, prior to further flight, the leaking system shall either be repaired, or be drained and placarded inoperative.

(i) For systems incorporating an in-line drain valve, Kaiser Electroprecision part number series 2651-329: The reporting procedures must include provisions for reporting to maintenance any instances of abnormal operation of the valve handle for the in-line drain valve, as observed by service personnel during normal servicing.

(A) Additionally, for these systems, these provisions must include procedures for either: Prior to further flight, following the in-line drain valve manufacturer's recommended troubleshooting procedures and correction of the discrepancy; or prior to further flight, draining the lavatory system and placarding it inoperative until the correction of the discrepancy can be accomplished.

(B) If the drain system also includes an additional service panel drain valve, Shaw Aero Devices part number 10101000C-A (or higher dash number); or Shaw Aero Devices part number 10101000B-A (or higher dash number); or Shaw Aero Devices part number 10101B-577-1 or 10101B-577-2; or Pneudraulics part number series 9527:

Indications of abnormal operation of the valve handle for the in-line drain valve need not be addressed immediately if a leak check of the service panel drain valve indicates no leakage or other discrepancy. In these cases, repair of the in-line drain valve must be

accomplished within 1,000 flight hours after the leak check of the additional service panel drain valve.

(6) Provide training programs for maintenance and servicing personnel that include information on "Blue Ice Awareness" and the hazards of "blue ice."

(7) As a result of the leak checks and inspections required by this paragraph, or if evidence of leakage is found at any other time, accomplish the requirements of either paragraph (b)(7)(i), (b)(7)(ii) or (b)(7)(iii), as applicable:

(i) If a leak is discovered, prior to further flight, repair the leak. Prior to further flight after repair, perform the leak test. Additionally, prior to returning the airplane to service, clean the surfaces adjacent to where the leakage occurred to clear them or any horizontal fluid residue streaks; such cleaning must be to the extent that any future appearance of a horizontal fluid residue streak will be taken to mean that the system is leaking again.

Note 4: For purposes of this AD, "leakage" is defined as any visible leakage observed during a leak test; the presence of ice in the service panel; or horizontal fluid residue streaks/ice trails originating at the service panel. The fluid residue is usually, but not necessarily, blue in color.

(ii) If any worn or damaged seal is found, or if any damaged seal mating surface is found, prior to further flight, repair or replace it in accordance with the valve manufacturer's maintenance manual.

(iii) In lieu of performing the requirements of paragraph (b)(7)(i) or (b)(7)(ii): Prior to further flight, drain the affected lavatory system and placard the lavatory inoperative until repairs can be accomplished.

(c) For operators who elect to comply with paragraph (b) of this AD: Any revision to (i.e., extension of) the leak check intervals required by paragraph (b) of this AD must be approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. Requests for such revisions must be submitted to the Manager of the Los Angeles ACO through the FAA Principal Maintenance Inspector (PMI), and must include the following information:

(1) The operator's name;

(2) A statement verifying that all known cases/indications of leakage or failed leak tests are included in the submitted material;

(3) The type of valve (make, model, manufacturer, vendor part number, and serial number);

(4) The period of time covered by the data;

(5) The current FAA leak check interval;

(6) Whether or not seals have been replaced between the seal replacement intervals required by this AD;

(7) Whether or not leakage has been detected between leak check intervals required by this AD, and the reason for leakage (i.e., worn seals, foreign materials on sealing surface, scratched or damaged sealing surface or valve, etc.); and

(8) Whether or not any leak check was conducted without first inspecting or cleaning the sealing surfaces, changing the seals, or repairing the valve. [If such activities have been accomplished prior to conducting the periodic leak check, that leak

check shall be recorded as a "failure" for purposes of the data required for this request submission. The exception to this is the normally scheduled seal change in accordance with paragraph (b)(1) of this AD. Performing this scheduled seal change immediately prior to a leak check will not cause that leak check to be recorded as a failure.]

Note 5: Requests for approval of revised leak check intervals may be submitted in any format, provided that the data give the same level of detail specified in paragraph (c) of this AD.

Note 6: For the purposes of expediting resolution of requests for revisions to the leak check intervals, the FAA suggests that the requester summarize the raw data; group the data gathered from different airplanes (of the same model) and drain systems with the same kind of valve; and provide a recommendation from pertinent industry group(s) and/or the manufacturer specifying an appropriate revised leak check interval.

(d) For all airplanes: Within 5,000 flight hours after the effective date of this AD, install a lever/lock cap on the flush/fill lines at each lavatory service panel. The cap must be either an FAA-approved lever/lock cap, or a cap installed in accordance with McDonnell Douglas DC-9 Service Bulletin 38-47, dated April 17, 1992.

(e) For only those airplanes listed in McDonnell Douglas DC-9 Service Bulletin 38-41, Revision 3, dated July 5, 1994: Accomplish the procedures specified in paragraphs (e)(1) and (e)(2) of this AD:

(1) Conduct leak checks of the lavatory vent system at the same time as conducting the leak checks of the dump valve and flush/fill line required by this AD. If a leak is discovered, prior to further flight, accomplish the procedures specified in either paragraph (e)(1)(i), (e)(1)(ii), (e)(1)(iii), or (e)(1)(iv) of this AD:

(i) Repair the leak and retest. Or

(ii) Drain the affected lavatory system and placard the lavatory inoperative until repairs can be accomplished. Or

(iii) Install an FAA-approved modification that deactivates the vent system. After accomplishment of this deactivation, the leak checks of the lavatory vent system may be discontinued. Or

(iv) Replace/modify the vent system in accordance with McDonnell Douglas DC-9 Service Bulletin 38-41, Revision 3, dated July 5, 1994. After accomplishment of this replacement/modification, the leak checks of the lavatory vent system may be discontinued.

(2) Within 3 years after the effective date of this AD: Either replace/modify the vent system in accordance with McDonnell Douglas DC-9 Service Bulletin 38-41, Revision 3, dated July 5, 1994; or install an FAA-approved modification that deactivates the vent system. Accomplishment of either of these actions constitutes terminating action for the leak checks of the lavatory vent system that are required by this AD.

(f) For any affected airplane acquired after the effective date of this AD: Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of the leak

checks required by this AD shall be established in accordance with either paragraph (f)(1) or (f)(2) of this AD, as applicable. After each leak check has been performed once, each subsequent leak check must be performed in accordance with the new operator's schedule, in accordance with either paragraph (a) or (b) of this AD, as applicable.

(1) For airplanes previously maintained in accordance with this AD: The first leak check to be performed by the new operator must be accomplished in accordance with either the previous operator's schedule or the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check.

(2) For airplanes that have not been previously maintained in accordance with this AD: The first leak check to be performed by the new operator must be accomplished prior to further flight; or in accordance with a schedule approved by the FAA PMI, but within a period not to exceed 200 flight hours.

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

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Note 8: For any valve that is not eligible for the extended leak check intervals of this AD: To be eligible for the leak check interval specified in paragraph (a)(1), (a)(2), (b)(2)(i), or (b)(2)(ii), the service history data of the valve must be submitted to the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate, with a request for approval of an alternative method of compliance with this AD. The request should include an analysis of known failure modes for the valve, if it is an existing design, and known failure modes of similar valves. Additionally, the request should include an explanation of how design features will preclude these failure modes, results of qualification tests, and approximately 25,000 flight hours or 25,000 flight cycles of service history data, including a winter season, collected in accordance with the requirements of paragraph (c) of this AD or a similar program.

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

Issued in Renton, Washington, on December 19, 1995.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 95-31245 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-13-U

RAILROAD RETIREMENT BOARD

20 CFR Part 211

RIN 3220-AB10

Finality of Records of Compensation

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) hereby proposes to adopt regulations pertaining to the finality of reports of compensation. The proposed regulations relate to corrections to records of compensation more than four years after the date on which the compensation was required to be reported to the Board.

DATES: Comments must be received on or before February 26, 1996.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, telephone (312) 751-4929, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: The Board's rules and procedures regarding the finality and reports of compensation are presently contained in Board Orders, which are not readily available to the public.

The proposed rule would amend part 211 of the Board's regulations (Creditable Railroad Compensation) by adding a new § 211.16 to this part. Under section 9 of the Railroad Retirement Act, the Board will not change an employee's record of reported compensation if the change is requested more than four years after the report of compensation is required to be filed under § 209.6 of the Board's regulations. Proposed § 211.16 explains when the Board will change a record of compensation beyond the four year period; for example, where the record is incorrect because of clerical error or fraud, where the compensation was posted to the wrong period or person, or where the compensation was originally reported to the Social Security Administration but the Board or a court has determined that it should have been reported to the Board. Changes to credit compensation and service after the four year period could be made only where taxes due under the Railroad Retirement Tax Act have been paid.

The Labor Member of the Board dissented from the action of the majority of the Board approving the proposed rule. The Labor Member's reasons for dissenting from this action are set out below.

Views of the Labor Member of the Board

The Labor Member feels that this proposed revision to part 211 presents a major change in the crediting of compensation and service, in that if the four year time limit for corrections to records of compensation has passed, no employee may be credited with service months or compensation unless the employee establishes that all employment taxes have been paid with respect to this service. The Labor Member acknowledges that in the current environment where the Internal Revenue Service has responsibility for assessing and collecting taxes under the Railroad Retirement Tax Act and the Board has the responsibility for crediting compensation and service, a lack of coordination is inevitable. He contends that this should in no way compel the Board to limit the granting of legitimate railroad retirement credits, but that the change proposed by the majority of the Board would do this.

The Labor Member feels that this change could also put an employee in a "catch 22" situation since there could be questions as to the employee's status under the Social Security Act for the period where the employer is found to be covered under the Railroad Retirement Act, but because no railroad retirement taxes had been paid, the employee would receive no railroad retirement credit. Conceivably, the employee would receive no credit under either Act. The Labor Member points out that currently there are many situations where the Board may correct a compensation record retroactively. There are cases where earnings were erroneously reported to the Social Security Administration by the employer and, subsequently, the Board rules that the employer is covered under the Railroad Retirement Act. The Board may correct a record of compensation where such correction is determined or approved by a court having jurisdiction to make such a decision, or as a result of a settlement entered into by the employer and the Internal Revenue Service.

The Labor Member does not endorse the change recommended by the majority of the Board. Instead, he feels that the Board should make a concerted effort to identify when an employer or employee is, in fact, covered under the Railroad Retirement Act and attempt to mitigate the consequences of decisions that retroact over several years. He submits that we are, in fact, doing this now with the assistance of our agency's Audit and Compliance Division which

is successfully dedicating significant resources to this effort.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Parts 211

Pensions, Railroad employees, Railroad retirement.

For the reasons set out in the preamble, chapter II of title 20 of the Code of Federal Regulations is proposed to be amended as follows:

PART 211—[AMENDED]

1. The authority citation for part 211 continues to read as follows:

Authority: 45 U.S.C. 231(f).

2. Part 211 is amended by adding a new § 211.16 to read as follows:

§ 211.16 Finality of records of compensation.

(a) *Time limit for corrections to records of compensation.* The Board's record of the compensation reported as paid to an employee for a given period shall be conclusive as to amount, or if no compensation was reported for such period, then as to the employee's having received no compensation for such period, unless the error in the amount of compensation or the failure to make return of the compensation is called to the attention of the Board within four years after the date on which the compensation was required to be reported to the Board as provided for in § 209.6 of this chapter.

(b) *Correction after 4 years.* Subject to paragraph (c) of this section, the Board may correct a report of compensation after the time limit set forth in paragraph (a) of this section for one of the following reasons:

(1) Where the compensation was posted as the result of fraud;

(2) Where the compensation was posted for the wrong person or the wrong period;

(3) Where the earnings were erroneously reported to the Social Security Administration in the good faith belief by the employer or employee that such earnings were not covered under the Railroad Retirement Act and there is a final decision of the Board under part 259 of this chapter that such employer or employee was covered under the Railroad Retirement Act during the period in which the earnings were paid;

(4) Where a determination pertaining to the coverage under the Railroad Retirement Act of an individual, partnership, or company as an employer, is retroactive; and

(5) Where a record of compensation could not otherwise be corrected under this part and where in the judgment of the three-member Board that heads the Railroad Retirement Board failure to make a correction would be inequitable.

(c) *Limitation on crediting service.* No employee may be credited with service months or tier II compensation beyond the four year period referred to in paragraph (a) of this section unless the employee establishes to the satisfaction of the Board that all employment taxes imposed by sections 3201, 3211, and 3221 of title 26 of the Internal Revenue Code have been paid with respect to the compensation and service.

Dated: December 15, 1995.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95-31064 Filed 12-22-95; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL-0009-95]

RIN 1545-AT42

Certain Transfers of Domestic Stock or Securities by U.S. Persons to Foreign Corporations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: In the Rules and Regulations section of this issue of the Federal Register, the IRS is issuing temporary regulations revising the rules under section 367(a) with respect to certain transfers of stock or securities of domestic corporations by United States persons pursuant to the corporate organization, reorganization or liquidation provisions of the Internal Revenue Code. The text of those temporary regulations also serves as the text of these proposed regulations. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by March 25, 1996. Outlines of topics to be discussed at the public

hearing scheduled for April 11, 1996, at 10 a.m. must be received by March 21, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (INTL 0009-95), Room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (INTL-0009-95), Courier's Desk, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC. The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Philip L. Tretiak at (202) 622-3860; concerning submissions and the hearing, Christina Vasquez at (202) 622-7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by February 26, 1996.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The collection of information is in § 1.367(a)-3T(c)(4). This information is required by the IRS as a condition for a taxpayer to qualify for an exception to the general rule of taxation under section 367(a)(1). This information will be used to determine whether a taxpayer properly qualifies for a claimed exception. The respondents generally will be U.S. corporations, probably U.S. multinationals, that are acquired by foreign companies pursuant to nonrecognition exchanges or that engage in joint ventures with foreign companies. Responses to this collection of information by the relevant U.S. corporations are required in order for the shareholders of such corporations to

qualify for an exception to the general rule under section 367(a)(1).

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Estimated total annual reporting burden: 1,000 hours. The estimated annual burden per respondent varies from 1 hour to 20 hours, depending on individual circumstances, with an estimated average of 10 hours.

Estimated number of respondents: 100.

Estimated annual frequency of responses: Once.

Background

The temporary regulations published in the Rules and Regulations section of this issue of the Federal Register amend the Income Tax Regulations (26 CFR part 1) relating to section 367(a). The temporary regulations contain rules relating to the transfer of stock or securities by a United States person to a foreign corporation in an exchange described in section 367(a).

The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations. Final regulations under section 367(a) regarding transfers of stock or securities will integrate the proposed regulations herein with the notice of proposed rulemaking published on August 26, 1991, in the Federal Register (56 FR 41993). Thus, the proposed regulations herein supplement and, where inconsistent with, supersede, the 1991 proposed regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that this regulation does not have a significant impact on a substantial number of small entities. Thus, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Notice of Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the Internal Revenue Service. All comments will be available for public inspection and copying.

A public hearing has been scheduled for April 11, 1996, at 10 a.m. in the IRS Auditorium. Because of access restrictions, visitors will not be admitted beyond the building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by March 25, 1996 and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by March 21, 1996.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is Philip L. Tretiak of the Office of Associate Chief Counsel (International), Internal Revenue Service. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income tax, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805. * * *

Par. 2. New § 1.367-9 is added to read as follows:

§ 1.367(a)-9 Transfers by U.S. persons of stock or securities of domestic corporations to foreign corporations.

[The text of this proposed section is the same as the text of paragraphs (a), (c), (d), (e), (f), (g)(1), and (h)(1) of

§ 1.367-3T published elsewhere in this issue of the Federal Register].

Margaret Milner Richardson,
Commissioner of Internal Revenue.

[FR Doc. 95-30828 Filed 12-22-95; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 87-087]

RIN 2115-AC84

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Notice of withdrawal.

SUMMARY: The Coast Guard is withdrawing its rulemaking to increase the time requirement for submitting permit applications to the Coast Guard for approval prior to the start of a regatta or marine parade event. Since the Notice of Proposed Rulemaking (NPRM) was published for this rulemaking, the Coast Guard has participated in the National Performance Review and has determined that a broader regulatory examination of the entire Regatta and marine Parade Permit process, including the issue of appropriate permit application submission times, was needed. Therefore, this single issue rulemaking project is being withdrawn and the permit application submission time issue will be included in the broader overall review and revision of the regatta and marine parade permit process regulations.

FOR FURTHER INFORMATION CONTACT: Carlton Perry, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0979.

SUPPLEMENTARY INFORMATION: On February 4, 1988, the Coast Guard published an NPRM entitled Regattas and Marine Parades in the Federal Register (53 FR 3221). Interested persons were given until April 4, 1988, to submit comments. The Coast Guard received 45 letters commenting on the proposal.

Most of the 45 comments on the NPRM were submitted by event sponsors, which ranged from small sailing clubs and regional and national sailing or boating associations to a municipality and two commercial fireworks display sponsors. Most of the comments acknowledged or supported a need for some increase in the submission time for permit applications for some events, but objected to the proposed submission time of 90 days for

all marine events and suggested various submission times of 60 days or less. A few comments supported the proposed submission time of 90 days for larger events. Another comment suggested requiring a submission time of 105 days to allow for a full environmental impact analysis.

Many comments emphasized planning problems faced by sponsors due to short seasons, volunteer organization officials, long periods of inactivity prior to the boating season start-up events, and difficulty in getting firm, detailed information sooner than 30 days before an event.

The Coast Guard has determined that the best course of action at this point is to withdraw this single issue rulemaking and examine the issue of permit application submission times as part of a broader project to conduct a regulatory review of the entire regatta and marine parade permit process, [CGD 95-054] published elsewhere in this issue. Therefore, the Coast Guard is withdrawing the rulemaking [CGD 87-087] and merging its docket with [CGD 95-054].

Dated: December 18, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 95-31215 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 95-054]

RIN 2115-AF17

Regattas and Marine Parades; Permit Application Procedures

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rule; request for comments.

SUMMARY: In keeping with the National Performance Review, the Coast Guard is examining its procedures for permitting regattas and marine parades in order to improve its service to event sponsors and affected navigation in the event area. In order to identify and consider the permitting procedures and application requirements which should be modified or removed, the Coast Guard is requesting comments from interested and affected individuals and entities early in the process. This regulatory review seeks to identify better ways to reduce permit application processing time and eliminate unnecessary paperwork without adversely affecting vessel safety in the event area.

DATES: Comments are requested by February 9, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-054), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. The Executive Secretary maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

The minutes of National Boating Safety Advisory Council (NBSAC) meetings at which regatta and marine parade permit application issues were discussed are available for examination in the docket.

FOR FURTHER INFORMATION CONTACT:

Carlton Perry, Project Manager, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0979. A copy of this notice may be obtained by calling the Coast Guard's toll-free Coast Guard Customer Infoline, 1-800-368-5647. In Washington, DC, call 267-0780.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this request for comments by submitting written data, views or arguments. Persons submitting comments should include their names and addresses and identify this notice (CGD 95-054). Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Background and Purpose

Under 33 U.S.C. 1233, the Coast Guard has discretionary authority to issue regulations to promote the safety of life on navigable waters during regattas or marine parades. Section 100.15 of Title 33, Code of Federal Regulations prescribes the requirements for regatta and marine parade (marine event) permit applications, including: (1) which events require a Coast Guard marine event permit; (2) limiting the validity of a marine event permit to not exceed one year; (3) the timeframe for submitting permit applications; and (4) information the sponsor must provide in an application package.

The Coast Guard reviews all regatta permit applications to determine whether or not a permit is required to hold the event. The Coast Guard checks the permit application package for completeness and contacts the applicant for missing or additional information. Permit applications are reviewed for extra or unusual hazards to the safety of life, such as an inherently hazardous competition; customary presence of commercial or pleasure craft in the area; any obstruction of a navigable channel; and accumulation of spectator craft. The Coast Guard addresses this extra or unusual hazard in a cooperative effort between the event sponsor and the issuing authority, e.g., a Coast Guard Group Commander, throughout the permit application review process. The Coast Guard issuing authority discusses the location and conduct of the event, consults with other affected commands, e.g., Captain of the Port or Vessel Traffic Service Center, assigns and directs safety patrol craft, in addition to sponsor provided safety patrol craft, as deemed necessary, establishes a safety patrol communication plan for use before, during and immediately after the event, and notifies local navigation of the event through the Local Notice to Mariners and often through local media sources, as well.

The Coast Guard may also need to contact Federal, State or local agency offices to determine if there are conflicting activities scheduled in the area. Not all events for which a permit application is submitted require Coast Guard approval. Those applications are returned to the sponsors with notification that the event does not require a permit. If a permit for a marine event is required, the Coast Guard must decide whether the permit should be issued or denied.

When necessary, the Coast Guard promulgates special local regulations in the Federal Register to ensure safety of life on navigable waters before, during, and after an approved marine event. These regulations may include restricted or other controlled movement of navigation through the event area. Before promulgating special local regulations, the Coast Guard must give the public notice and an opportunity to comment on the proposed regulations.

Applications for marine events which require a permit must also be reviewed and evaluated in accordance with Coast Guard procedures for complying with laws to protect the environment. Environmental review may require coordination with Federal, State, or local government environmental agencies to use their special expertise in determining whether the marine event

has the potential for adverse environmental effects. Specific environmental documentation may be required in those cases where a potential for adverse effects exists.

Early Participation

The Coast Guard has consulted previously with the National Boating Safety Advisory Council (NBSAC) on regatta and marine parade permit procedures and their opinions and advice have been considered in the formulation of this notice. NBSAC conducted a regular periodic review of all then current recreational boating safety regulations at its May, 1986, meeting. At its November, 1986, meeting, NBSAC recommended only that the Coast Guard increase the permit application submission time from 30 days to 60 days. NBSAC conducted another regular periodic review of all then current recreational boating safety regulations at its May, 1992, meeting. At that meeting, NBSAC recommended increasing the permit application submission time, possibly with a two tier system. The minutes of NBSAC meetings at which regatta permit application submission times were discussed are available for examination in the docket, at the address under **ADDRESSES**.

The Coast Guard will continue to consult with NBSAC on regatta and marine parade permitting issues as the regulatory project develops.

In 1988, under Coast Guard docket 87-087; RIN: 2115-AC84, the Coast Guard proposed increasing the submission time for all marine events to 90 days prior to an event (53 FR 3221; February 4, 1988). The Coast Guard received 45 letters commenting on the proposal.

Most of the 45 comments on the proposal were submitted by event sponsors, which ranged from small sailing clubs and regional and national sailing or boating associations to a municipality and two commercial fireworks display sponsors. Most of the comments acknowledged or supported a need for some increase in the submission time for permit applications for some events, but objected to the proposed 90-day submission time for all events. A few comments supported the proposed submission time of 90 days for larger events. Another comment suggested requiring a submission time of 105 days to allow for a full environmental impact analysis.

Many comments emphasized planning problems faced by sponsors due to short seasons, volunteer organization officials, long periods of inactivity prior to the boating season

start-up events, and difficulty in getting firm, detailed information sooner than 30 days before an event.

Some other suggestions included: delaying the final decision on a permit application until adequate information is submitted or starting a 60-day review once all needed information is submitted; requiring the applicant to accept more coordination responsibility to help the Coast Guard complete required procedures in less than 90 days; accepting applications up to 30 days late, if accompanied by a \$250 late fee; and streamlining the process by using computer systems for data collection.

Since the Notice of Proposed Rulemaking (NPRM) was published for this rulemaking, the Coast Guard has participated in the National Performance Review and initiated a broader regulatory examination of the entire Regatta and Marine Parade Permit process, including appropriate permit application submission times. Therefore, the Coast Guard is withdrawing the single issue rulemaking project under docket number 87-087, published elsewhere in this issue, and merging that docket with this docket number 95-054. The permit application submission time issue will be included in the broader overall review and revision of the regatta and marine parade permit process regulations and evolve into a proposed rulemaking after consideration of the comments received.

Solicitation of Views

The Coast Guard strives to reach consensus among all stakeholders in waterways activities, across all modes of transportation. These stakeholders generally include, commercial and recreational navigation, marine event sponsors, participants and spectators, environmental interests, and local communities. These customers' needs define Coast Guard marine event permit program workloads and priorities, and customer satisfaction measures the program's success.

The Coast Guard solicits comments from all segments of the marine community, State and local authorities, National Boating Safety Advisory Council (NBSAC), and other interested persons on permit application requirements, including submitted information requirements, and economic, navigational safety, environmental protection, and other impacts of approving permits for marine events. The Coast Guard also requests suggested alternatives related to when a permit should be required, how frequently to submit permit applications

for repetitive events, what time period before the start of an event should an application be submitted to enable the Coast Guard to conduct its analyses, coordination, consultation with other expert agencies and meet its responsibilities to ensure the safety of navigation and protection of the environment, prior to the start of the event. Persons submitting comments should do so as directed under *Request for Comments* above, and specify the area(s) of concern on which comments are being submitted, state what impacts may result from one or more alternatives identified, suggest other alternatives, and provide reasons to support the information provided on potential impact or suggested alternatives. The Coast Guard is particularly interested in receiving information, views, and data on the following questions and areas of concern:

1. Should the Coast Guard Permit Marine Events Located in Navigable Waters of the United States?

In 33 CFR 100.15(a), an application must be submitted to the Coast Guard when a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life of the navigable waters of the United States. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

Should a Coast Guard permit be required for any marine events?

What kind of marine events should require a Coast Guard permit?

What circumstances related to a marine event should trigger the requirement to submit an application for Coast Guard approval of the event?

What kind of marine events should not require a Coast Guard permit?

What kind of marine events should the Coast Guard only act on as a coordinator or clearing house of information and advise local navigation of the event by Local Notice to Mariners?

2. Should the Coast Guard Continue to Limit the Effect of a Marine Event Permit to One Calendar Year?

Under 33 CFR 100.15(b), the Coast Guard is authorized to grant a permit for a series of events for a fixed period of time, not to exceed one year. Some events have been held several times

during a year at the same location or locations; other events may be held annually at the same location.

Should the Coast Guard issue multi-year permits for marine events held regularly by a sponsor over several years during the same time period at the same location?

Should the Coast Guard implement fast-track renewals of annual permits for marine events held regularly by a sponsor over several years during the same time period at the same location?

3. How Early Should a Permit Application be Submitted to the Coast Guard Before the Start of a Marine Event?

Under 33 CFR 100.15(c), an application must be submitted no less than 30 days prior to the start of the proposed event. The Coast Guard is currently analyzing its business processes to determine whether and how much additional time before an event date is needed in order to complete processing applications for regattas and marine parades.

The Coast Guard is also considering whether to maintain one minimum time period for submitting all permit applications before the start of an event or establish two minimum time periods, a short time for most permit applications and a longer time for the small number of permit applications that require more time to process. Establishing two minimum time periods could strike a balance between the difficulty many sponsors face to submit detailed permit applications far in advance of a proposed event and the Coast Guard's need for some additional time to conduct necessary navigation safety reviews, to contact appropriate Federal, State and local agencies, to prepare appropriate environmental documents, and to promulgate required special local regulations. Permit applications for most marine events could be submitted a short time (e.g., 30, 45 or 60 days) before a proposed event and allow sufficient time for the Coast Guard to complete processing the permit application. However, permit applications for other marine events that require additional consultation, notification, or documentation should be submitted much earlier before the event (e.g., 60, 90, 105, 120 or more days) or the sponsor may have to cancel the event or postpone it until the Coast Guard completes its required procedures. Submitting permit applications earlier for events for which the Coast Guard must prepare an environmental assessment or promulgate special local regulations should allow sufficient time for the

Coast Guard to complete consulting with environmental agencies and to provide notice and public comment on proposed safety regulations, without unreasonably burdening sponsoring organizations.

Should the Coast Guard retain a single minimum permit application submission time for all marine events?

Should the Coast Guard establish minimum permit application submission times for two or more categories of marine events?

What minimum permit application submission time(s) should the Coast Guard establish for what category(ies) of marine events?

4. What Information Should a Sponsor Provide in a Marine Event Permit Application?

Under 33 CFR 100.15(d), a permit application shall include the following details:

- (1) Name and address of sponsoring organization.
- (2) Name, address, and telephone of person or persons in charge of the event.
- (3) Nature and purpose of the event.
- (4) Information as to general public interest.
- (5) Estimated number and types of watercraft participating in the event.
- (6) Estimated number and types of spectator watercraft.
- (7) Number of boats being furnished by sponsoring organizations to patrol event.
- (8) A time schedule and description of events.
- (9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

Section 100.15(d), last revised in 1963, does not address collection of any information related to potential adverse impacts that the event may have on the environment in the event area, or mitigation measures for those impacts. In an effort to avoid delaying scheduled marine events due to permit application processing, while still complying with its responsibilities under laws for protection of the environment, the Coast Guard has been accepting information voluntarily provided by event sponsors that address potential impacts the event may have on the environment, any Federal, State or local environmental agencies to sponsor may have contacted and any comments they may have had regarding the event, and other related environmental information.

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Coast Guard has previously submitted the existing requirements to the Office of

Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB approved them. The part number is part 100 and the corresponding OMB approval number is OMB Control Number 2115-0017. Any new information requirements proposed in a rulemaking project developed as a result of comments to this notice will also be submitted to OMB for review and approval.

What information currently required should not be required?

What information related to potential environmental impacts or mitigation of adverse impacts should be required?

What information should be initially submitted to allow the Coast Guard to begin processing the application?

What information should the sponsor be allowed to submit later in the process, but before a permit is issued?

5. What Economic Impacts May Result From Requiring Earlier Permit Application Submission Times or Additional Permit Application Information?

Currently, Coast Guard permit issuing officials rely on statements of coordination made by the sponsor, and when time permits provide notice to affected navigation interests by announcements in a Local Notice to Mariners and direct mailing or telephone contracts, and by publishing needed special local regulations in the Federal Register.

What economic impacts may occur due to longer processing time for the Coast Guard to hold public hearings on safety of life in the event area, provide notice to and receive input from affected navigation, and to consult with appropriate Federal, State and local government environmental agencies on potential adverse impacts the event may have on the environment?

What economic impacts are currently incurred in applying for a Coast Guard marine event permit?

6. Other Factor or Information

Is there any other information you feel may be helpful to assist the Coast Guard in processing permit applications for event sponsors in a timely manner while allowing adequate public notice to navigation and environmental interests, including holding public hearings for certain events; consulting with other Federal, State and local agencies; promulgating special local regulations to ensure vessel safety immediately before, during and after an event; and preparing needed environmental documentation, prior to the date of the event?

What other alternatives regarding the permitting of regatta and marine parades to ensure the safety of life and protection of the environment should the Coast Guard consider?

What other factors or information should be considered in revising Coast Guard procedures for processing permit applications?

All comments received by the Coast Guard as a result of this notice will be summarized and provided to NBSAC members for their consideration and consultation. The Coast Guard will consider all relevant comments in the development of any regulatory project to revise its procedures for processing applications for approval of regattas and marine parades.

Dated: December 18, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 95-31217 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD13-95-051]

RIN 2115-AE47

Drawbridge Operation Regulations; Chehalis River, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Washington Department of Transportation, the Coast Guard is considering an amendment to the regulations governing the operation of the Union Pacific railroad drawbridge and the U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington. The proposed rule would remove the portion of the existing regulations pertaining to the Union Pacific railroad drawbridge because that bridge is no longer in operation and will be removed. The proposed rule would also require one hour notice at all times for opening the drawspan of the U.S. Route 101 bridge for the passage of vessels. Finally, the proposed rule would change the special sound signal for requesting openings of the U.S. Route 101 bridge to the standard signal of one prolonged blast followed by one short blast.

DATES: Comments must be received on or before February 26, 1996.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, 98174-1067. The comments and other

materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3410, Seattle, Washington. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220-7270).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD13-95-051) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, Thirteenth Coast Guard District at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The drafters of this notice are Austin Pratt, Project Officer, Thirteenth Coast Guard District Aids to Navigation and Waterfront Management Branch and Lieutenant Commander John C. Odell, Project Attorney, Thirteenth Coast Guard District Legal Office.

Background and Purpose

At the request of the Washington Department of Transportation, the Coast Guard is considering an amendment to the regulations governing the operation of the Union Pacific railroad drawbridge and the U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington.

The proposed rule would remove the portion of the existing regulations pertaining to the Union Pacific railroad drawbridge because that bridge is no longer in operation and will be removed.

The proposed rule would also amend the current regulations pertaining to the U.S. Route 101 bridge to require one hour notice at all times when requesting an opening drawspan for the passage of a vessel.

Current regulations require the drawspan of the U.S. Route 101 bridge to be opened on signal from one hour before sunrise to one hour after sunset. The Washington State Department of Transportation operates four other drawbridges across the nearby Hoquiam and Wishkah Rivers. These other bridges are presently operated on a one-hour notice basis. In recent years, requests for openings at these bridges have decreased. If the proposed one hour notice for the U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington, were adopted in conformity with the regulations governing the other bridges in the area, the Washington Department of Transportation would be able to serve all five drawbridges with a single operator.

The U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington, opened 359 times for vessel transits in the year measured from October 1993 to October 1994. This average somewhat less than one opening per day. The number of openings for the nearby drawbridges on the Wishkah and Hoquiam Rivers averaged 0.23 per day for the same year. These figures indicate that a single operator, provided with one hour notice, could operate all five of these bridges without unreasonable delay.

Under the proposed rule, the weekday closed periods for accommodating commuter traffic on the roadway would remain unchanged, as would the exception for vessels of 5000 gross tons or more. Under the proposed rule, however, vessels of 5000 gross tons or more would be required to provided the proposed one hour notice when requesting an opening during the weekday closed periods.

Finally, under the proposed rule the special sound signal prescribed for requesting an opening at the U.S. Route 101 bridge would also be deleted in order to conform to the standard signal of one prolonged blast followed by one short blast as generally required by 33 CFR 117.15. A unique sound signal is no longer needed because the adjacent Union Pacific railroad drawbridge immediately downstream of the U.S.

Route 101 bridge is no longer in operation and will be removed.

Discussion of Proposed Rule

The proposed rule would amend 33 CFR 117.1031 by removing paragraph (a) which pertains to the Union Pacific railroad drawbridge. The proposed rule would also remove the designation "(b)" from paragraph (b) pertaining to the U.S. Route 101 bridge and amend that paragraph to state that the draw shall be opened on signal if at least one hour notice is provided. No special sound signal other than the standard signal prescribed by § 117.15 would be required for requesting an opening of the U.S. Route 101 bridge. Retained would be the provision that the draw of the U.S. Route 101 bridge need not open for vessels of less than 5,000 gross tons from 7:15 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:15 p.m. on weekdays, except for Federal holidays.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that vessel operators would not be unreasonably impeded or incur additional expense by a requirement to provide one hour notice for draw openings.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant effect on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a significant number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the

Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.1031 is revised to read as follows:

§ 117.1031 Chehalis River.

The draw of the U.S. Route 101 highway bridge, mile 0.1, at Aberdeen, Washington, shall open on signal if at least one hour notice is given to the Washington Department of Transportation by marine radio, telephone, or other suitable means, except that the draw need not open for vessels of less than 5,000 gross tons from 7:15 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays.

Dated: December 15, 1995.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.

[FR Doc. 95–31216 Filed 12–22–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–134–1–6769b; FRL–5317–1]

Approval and Promulgation of Implementation Plans; Tennessee: Revisions to Knox County Regulations for Appeals, Violations, Monitoring, Recording, and Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Tennessee for the purpose of incorporating changes to regulations for appeals, judicial review, violations, and monitoring, recording and reporting in the Knox County portion of the Tennessee SIP. In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by January 25, 1996.

ADDRESSES: Written comments on this action should be addressed to Karen Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Knox County Department of Air Pollution Control, City-County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee, 37902.

FOR FURTHER INFORMATION CONTACT: Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 x4197. Reference file TN134-01-6769.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: October 2, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-31037 Filed 12-22-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[ME26-1-7263b; FRL-5345-8]

Approval and Promulgation of Implementation Plans; Maine; NO_x Exemption Request for Northern Maine and NO_x Control Approval

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is approving, through direct final rulemaking procedures, a limited exemption request from the requirements contained in Section 182(f) of the Clean Air Act (Act) for the Northern Maine area (specifically, Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties). These 9 counties, as with the rest of the State of Maine, are part of the Ozone Transport Region (OTR) as provided for in section 184(a) of the Clean Air Act. Section 182(f) in combination with section 184 (relating

to ozone transport regions) of the Act requires States in the OTR, such as Maine, to adopt reasonably available control technology (RACT) rules for major stationary sources of nitrogen oxides (NO_x) and to provide for nonattainment area new source review (NSR) for new sources and modifications that are major for NO_x. This exemption request, submitted by the State of Maine on September 7, 1995, is based on a demonstration that NO_x emissions in this 9 county area are not impacting Maine's moderate nonattainment areas or other nonattainment areas in the Ozone Transport Region (OTR) during times when elevated ozone levels are monitored in those areas. As such, additional reductions in NO_x emissions from these 9 counties beyond what the State regulations would provide for are not necessary for attainment in these areas, and, because they do not contribute to the ozone problem anywhere in the OTR, are also not necessary for purposes of showing future attainment for any other area in the OTR. Thus, as provided for in section 182(f)(2), additional NO_x reductions in these areas would constitute excess reductions that can be waived under the Clean Air Act. Maine has requested that EPA combine its approval of this NO_x exemption with its approval of NO_x controls for existing sources in Northern Maine that were submitted to EPA on August 5, 1994 for purposes of meeting the Act's NO_x RACT requirements. Consequently, this action approves a full exemption from nonattainment NSR requirements for NO_x, but only a limited exemption from NO_x control measures for existing sources that would go beyond what the State regulations provide for.

In the Final Rules Section of this Federal Register, EPA is approving this exemption request and limited NO_x controls for this area as a direct final rule without prior proposal. A detailed rationale for the approval is set forth in the direct final rule. This direct final

rule also includes EPA's response to several comments submitted by groups on past NO_x exemption requests. If no additional adverse comments are received in response to the direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this action must be received by January 25, 1996.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, Environmental Engineer, Air Quality Planning (ATS), United States Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203. (617) 565-4874.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 4201-7601q

Dated: December 1, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95-31035 Filed 12-22-95; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 60, No. 247

Tuesday, December 26, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Extension and Revision of Currently Approved Information Collection Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Foreign Agricultural Service's (FAS) intention to request a revision to a currently approved information collection under the Pub. L. 480, title I program based on a final rule published at 60 FR 62702 on December 7, 1995.

DATES: Comments on this notice must be received by February 26, 1996 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Connie B. Delaplane, Director, Public Law 480 Operations Division, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, SW, Washington, DC 20250-1033; telephone (202) 720-3664.

SUPPLEMENTARY INFORMATION:

Title: Regulations—Financing Commercial Sales of Agricultural Commodities under Title I, P.L. 480.

OMB Number: 0551-0005.

Expiration Date of Approval: June 30, 1998.

Type of Request: Minor revision of a currently approved information collection.

Abstract: Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, (Pub. L. 480) authorizes the Commodity Credit Corporation (CCC) to finance the sale

and exportation of agricultural commodities on concessional credit terms. 7 U.S.C. 1701 *et seq.* Suppliers of commodities and ocean transportation must retain records for three years and report payments to representatives of importing countries. Prospective commodity suppliers must provide information for the Department to determine eligibility. Commodity suppliers must report details of sales for price approval. Shipping agents nominated by importing countries must submit information to allow identification of possible conflicts of interest.

Estimate of Burden: Public reporting burden for these collections of information in the regulations prior to this amendment was estimated at eight hours per response for suppliers of commodities and ocean transportation (records retention and reporting payments); three hours per response for prospective commodity suppliers; 15 minutes per response for commodity suppliers reporting sales; and 1¼ hours per response for shipping agents which are nominated by importing countries.

The changes contained in the final rule are expected to have a quantifiable increase on only one of these estimates. Suppliers of commodities and ocean transportation will be required to report any payment "delivered to" a representative of the importer or importing country as well as payments "to" such representatives. (§ 17.12). Suppliers submitted only four reports for FY 1994, with an estimated burden of 1 hour for a report which contained information on a payment and 15 minutes for a negative report. If the number of positive reports tripled as a result of this final rule, the total reporting burden would increase from 1¾ hours to 12 hours.

Little or no burden increase is expected for the other two modifications to information collection requirements contained in the final rule. Suppliers of ocean transportation will, if requested, have to furnish to CCC copies of related discharge contracts when they are financed by CCC. (§ 17.12.) Such contracts are available to the supplier as a routine part of the transaction, and CCC will request them only when necessary to clarify the terms of the contract. Shipping agents nominated by importing countries must slightly expand the programs and services

referenced in their conflict of interest certification and must also certify that no kickbacks or illegal benefits were paid in connection with their selection. [§ 17.5(c) (7) and (8).] Given the widespread use of word processing, this should take only a few minutes to change in the master document which will then become a part of every subsequent submission by the agent.

Respondents: Suppliers of commodities and ocean transportation; prospective commodity suppliers; shipping agents.

Estimated Number of Respondents: 103.

Estimated Total Annual Burden on Respondents: 528 hours (existing); new burden estimate is 538¼ hours.

Copies of this information collection can be obtained from Pamela Hopkins, the Agency Information Collection Coordinator, at (202) 720-6713.

Request for Comments

Comments are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Connie B. Delaplane, Director, P.L. 480 Operations Division, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, SW, Washington, DC 20250-1033; telephone (202) 720-3664.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, D.C. on December 18, 1995.

Christopher E. Goldthwait,
*General Sales Manager, Foreign Agricultural
Service and Vice President, Commodity Credit
Corporation.*

[FR Doc. 95-31226 Filed 12-22-95; 8:45 am]

BILLING CODE 3410-10-M

Forest Service

Western Washington Cascades Provincial Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Western Cascades PIEC Advisory Committee will meet on January 23, 1996 at the Mount Baker-Snoqualmie National Forest Headquarters, 21905 64th Avenue West, in Mountlake Terrace, Washington. The meeting will begin at 9:00 a.m. and continue until about 4:00 p.m. Agenda items to be covered include: (1) Discussion with U.S. Fish and Wildlife Service about the process and standards for developing Habitat Conservation Plans; (2) review and discussion of the Snoqualmie Pass Adaptive Management Area Draft Environmental Impact Statement with members of the AMA team; (3) overview of the Wild Salmonid Policy recently released by the Washington Department of Fish and Wildlife; (4) update on issues related to Section 2001 of Public Law 103-327 (Rescission Bill); (5) report by the River Basin Study Group; (6) Access and Travel Management subcommittee report; (7) other topics as appropriate; and (8) open public forum. All Western Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Chris Hansen-Murray, Province Liaison, USDA, Mt. Baker-Snoqualmie National Forest, 21905 64th Avenue West, Mountlake Terrace, Washington 98043, 206-744-3276.

Dated: December 18, 1995.

Daniel T. Harkenrider,
Acting Forest Supervisor.

[FR Doc. 95-31244 Filed 12-22-95; 8:45 am]

BILLING CODE 3410-11-M

Title to Forest Lieu Selection Lands

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice sets forth the Agency's Nationally Significant lands

List which identifies lands to be retained by the United States as part of the national Forest System; and the Final List Of Lands Quitclaimed By The United States in compliance with steps three and four of a 5-step procedure imposed by the Act of July 2, 1993. Following publication of this notice the Agency will file in the appropriate county office a disclaimer of interest for the parcels on the Final List Of Lands Quitclaimed By The United States.

EFFECTIVE DATE: This notice is effective December 26, 1995.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Myers, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090, (202) 205-1248.

SUPPLEMENTARY INFORMATION:

Background

Certain provisions of the Act of June 4, 1897 (16 U.S.C. 473-475; the Organic Administration Act), which provided for the management of the forest reserves of the United States, included a provision known as "forest lieu selection." Under that provision, persons who had patented public land, or a claimant to such land, which fell within a proclaimed forest reserve boundary in the western United States, were authorized to convey or relinquish their land or claim to such land ("base land") to the United States and to select an equal acreage of vacant public land open to settlement ("in-lieu land"). The forest reserves were renamed as national forests in 1905.

In 1905, Congress repealed the forest lieu selection authorization, but protected previously made contracts and claims. This protection preserved the rights of those persons who had relinquished their inholdings by providing a deed to the United States, but who had not yet realized or exercised their selection rights under the forest lieu selection provision of the Organic Administration Act. In legislation enacted in 1922 and 1930, Congress provided further opportunity to resolve remaining claims by authorizing reconveyance of the base lands back to the former owners or their heirs or assigns. Consequently, most of the claims for in-lieu land were resolved.

However, Congress became concerned about allegations of abuse of the provisions of the 1930 Act, which by the 1950's was leading to reconveyance of valuable national forest and national park lands. In 1960, legislation was enacted to provide for compensation to people who had not received appropriate relief under the prior acts.

Section 4 of the 1960 Act repealed the 1930 Act and sought to close all unresolved claims under the 1897 Act. The legislation provided that any base lands for which payment was made, or any base lands for which payment might have been made but for which no demand was made, would become a part of appropriate national forest, national park, or other Federal area. However, no payments were made under the 1960 Act, continuing the unresolved title status of some of the base lands.

Thus, most of these base lands with questionable title have continued to be considered part of the national forests, although some have been continuously occupied by private parties since before 1960. Other base lands have been the subject of court decisions, raising further questions about the United States' claim of title.

In the mid-1980's, the Forest Service, pursuant to a request from Congress, compiled a list of grantors and base lands relinquished to the United States under the 1897 Act provision for which selection or other rights were not realized or exercised. This list was submitted to the 98th Congress and was used by it and subsequent Congresses for deliberations on legislation eventually enacted as the Act of July 2, 1993.

The 1993 Act was enacted to finally resolve the title status of the remaining base lands, using a 5-step procedure to either retain or quitclaim all right, title, and interest in and to the base lands. The first step in the 5-step procedure, which required the Secretary of Agriculture, acting through the Forest Service, to compile and publish an initial list of base lands in the Federal Register, was completed by the Agency on December 30, 1993 (58 FR 69321). Copies of relevant portions of the December 30, 1993, Federal Register were distributed to interested parties and appropriate federal, state, and county offices. The Secretary of the Interior, acting through the Bureau of Land Management, also published an initial list of base lands located on public lands administered by that Agency on December 30, 1993.

Step two, which provided a 180-day comment period ending July 2, 1994, allowed persons to submit information on parcels not included in the Initial List but believed to meet the conditions set forth in the Act for review and possible addition to the Initial List. Numerous comments were submitted by individuals or their representatives informing the Agency of their claim or interest in parcels already included on the Initial List and requesting the

Agency to provide them with a copy of future notices concerning the Act. Other comments identified specific lands and requested that they be added to the Initial List. The Agency determined that five such parcels met the conditions of the Act and were thereby added to the Initial List. The parcels added to the Initial list during the review period are Arizona 30 and 53, Idaho 5, New Mexico 23, and Oregon 2a. Specific details on Arizona 30 and New Mexico 23 are identified in this notice in TABLE 1, Nationally Significant Lands List, while the details on Arizona 53, Idaho 5, and Oregon 2a are identified in this notice in TABLE 2, Final List of Lands Quitclaimed By the United States.

During the public review and comment period the Agency identified numerous errors in the Initial List. These errors, which consisted primarily of typographical errors in legal descriptions and the placement of parcels in the incorrect meridian or county, have been corrected and are displayed as corrected in this notice. The information under the heading "DEED BOOK" and "VOL PAGE" was included in the Initial List to afford interested parties the opportunity to research county records on Parcel information. Since this information is no longer needed it is not included in this notice.

The Agency also identified several parcels or portions of parcels on the Initial List which did not meet the conditions of the Act and therefore do not appear on either the National Significant Lands List or the Final List of Lands Quitclaimed By the United States. Eliminated from the Initial List in their entirety are: California Parcel 96, which is a duplicate of California Parcel 95; Utah Parcel 16, which was never relinquished to the United States; Utah Parcel 17, which is a perfected lieu selection; and Wyoming Parcel 22, the status of which Congress previously addressed by Private Law 89-281 and the United States quitclaimed its interest by deed dated December 12, 1966. Eliminated in part from the Initial List are: a portion of Arizona Parcel 12 in section 29 due to a typographical error; the SWSW of section 8 of South Dakota Parcel 51 which was never relinquished to the United States, and the SWSW of section 8 of South Dakota Parcel 56, which is within the boundaries of the Mount Rushmore

National Memorial and under the jurisdiction of the Department of the Interior.

Steps 3 and 4 require the compilation, publication, and distribution of a list of nationally significant lands to be retained by the United States and a final list of lands to be disclaimed by the United States. This notice, which contains Table 1, Nationally Significant Lands List, and Table 2, Final List of Lands Quitclaimed By The United States, completes the Federal Register publication requirements of the Act. Preparation of these tables has been coordinated with the Bureau of Land Management.

The tables present the information grouped by State, by meridian, and by county. The first column identifies the parcel of base land by an agency identifier (PARCEL ID NO.). The second column lists the names of the individual or entity that relinquished base lands to the United States under the 1897 Act (GRANTOR NAME). Columns 3 through 7 show the legal description of the base lands by Township (T), Range (R), section (sec.), and the legal subdivisions of the section. The standard procedure for identifying legal subdivisions has been modified for brevity. For example, the south one-half of the north one-half of a section is SN, the south one-half of the northeast one-quarter of the southwest one-quarter of a section is SNESW, the east one-half of the southeast one-quarter is ESE, and so fourth. Column 8 shows the acres, rounded to the nearest acre, associated with the legal description of the parcel.

Nationally Significant Lands List Title to Which is Confirmed in the United States

(Step 3)

TABLE 1, at the end of this notice, presents the list of lands removed from the Initial List and determined by the Agency to be nationally significant lands. This is the final identification of lands to be retained by the United States. In accordance with the provisions of SEC. 2(c)(2) of the Act, all right, title, and interest, in and to the lands identified in TABLE 1, Nationally Significant Lands List, and not previously vested in the United States, are vested and confirmed in the United States.

Anyone claiming that any lands identified in TABLE 1, Nationally Significant Lands List is a "taking" of

property has one year from the date of this publication to file a petition in the United States Court of Federal Claims for monetary compensation under the Act.

Identification of nationally significant lands does not of itself entitle any party to compensation. The burden is on the claimant to prove a compensable taking claim.

Final List of Lands Quitclaimed by the United States

(Step 4)

TABLE 2, at the end of this notice, presents the Final List of Lands Quitclaimed By the United States in accordance with the provisions of SEC. 2(a) of the Act. Pursuant to the Act the United States quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the land described in TABLE 2, Final List of Lands Quitclaimed By the United States, effective on the date of this notice.

Issuance of Disclaimer of Interest

(Step 5)

The Agency will, within 6 months of the date of this notice, issue documents of disclaimer confirming the quitclaiming of all right, title, and interest of the United States in and to the base lands included in TABLE 2, Final List of Lands Quitclaimed By the United States, subject to valid existing rights, to the listed grantors, their heirs, devisees, successors, and assigns. The documents of disclaimer will be recorded in appropriate county, Agency, and Bureau of Land Management records. These documents may further describe the lands quitclaimed where the legal descriptions listed in Table 2 are identified as a part or portion of an aliquot part.

The acceptance of benefits under the Act of July 2, 1993, (Pub. L. 103-48), or failure to seek benefits provided under this Act within the time allotted with respect to any base lands or other lands, will be considered a waiver of any claim against the United States with respect to those lands or to any revenues therefrom.

Dated: December 19, 1995.

David G. Unger,
Associate Chief.

BILLING CODE 3410-11-M

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
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STATE: ArizonaMERIDIAN: Gila and Salt RiverCoconino County

16	Santa Fe RR	T.20N., R. 1E., sec. 13, NWNE	40
17	Santa Fe RR	T.20N., R. 4E., sec. 21, Lot 9 (NESE)	40
20	Santa Fe RR	T.20N., R. 5E., sec. 25, SESW	40
21	Santa Fe RR	T.20N., R. 5E., sec. 31, Lot 2 (SWSW) & Lot 4 (SWNW)	74
22	Santa Fe RR	T.20N., R. 6E., sec. 21, SSE	80
23	Santa Fe RR	T.20N., R. 7E., sec. 1, SESE	40
24	Toombs, Oscar	T.20N., R. 7E., sec. 26, NENE	40
25	Toombs, Oscar	T.20N., R. 7E., sec. 26, NWNE	40
26	Toombs, Oscar	T.20N., R. 7E., sec. 34, SENE	40
30	Santa Fe RR	T.21N., R. 5E., sec. 13 NESE	40
35	Perrin, E.B.	T.23N., R. 4E., sec. 7, NWNE	40
33	Santa Fe RR	T.21N., R. 6E., sec. 7, NENE	40
36	Santa Fe RR	T.23N., R. 8E., sec. 25, NENE	40
37	Santa Fe RR	T.25N., R. 4E., sec. 27, NWNW	40
38	Santa Fe RR	T.27N., R. 4E., sec. 3, SWSE	40
40	Santa Fe RR	T.29N., R. 2E., sec. 29, NWNE	40
41	Santa Fe RR	T.16N., R. 8E., sec. 11, SE	160
42	Santa Fe RR	T.18N., R. 6E., sec. 31, Lot 6	36
43	Santa Fe RR	T.19N., R. 6E., sec. 7, SWSE	40
44	Santa Fe RR	T.19N., R. 7E., sec. 25, SSE	80
50	Santa Fe RR	T.20N., R. 5E., sec. 3, SESW	40
51	Santa Fe RR	T.20N., R. 5E., sec. 7, NE	160
52	Santa Fe RR	T.20N., R. 5E., sec. 13, NENW	40

Yavapai County

45	Sullivan, J.W.	T.14N., R. 3W., sec. 15, SESE (TR 38)	34
46	Santa Fe RR	T.15N., R. 6E., sec. 3, Lot 2	32
47	Santa Fe RR	T.18N., R. 4E., sec. 27, SE	160

STATE: CaliforniaMERIDIAN: Mt. DiabloEl Dorado County

1	Hyde, F.A.	T.13N., R.16E., sec. 36, SWNW (Tr. 37)	38
2	Hyde, F.A.	T.13N., R.16E., sec. 36, NENE (Tr. 38) NWNE	59

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>California</u> MERIDIAN: <u>Mt. Diablo</u>			
<u>Fresno County</u>			
8	Collins, J.	T. 8S., R.25E., sec. 14, SENW NENE	80
11	Clarke, C.W.	T.10S., R.27E., sec. 36, SWNW	40
12	Collins, J.	T. 8S., R.25E., sec. 15, SENWSW ENENWSE	15
13	Collins, J.	T. 8S., R.25E., sec. 15, SSSENE	10
14	Clarke, C.W.	T.10S., R.27E., sec. 36, NWNW	40
15	Cowden, Thomas	T. 9S., R.29E., sec. 16, SENW	40
<u>Madera County</u>			
4	Hyde, F.A.	T. 5S., R.24E., sec. 16, SESW	40
5	Willingham, CB	T. 6S., R.24E., sec. 5, NWSE	40
6	Hamilton, H.M.	T. 7S., R.22E., sec. 36, SWSE	40
7	Collins, Peter	T. 8S., R.23E., sec. 18, E/Lot 4 (part)	6
<u>Mono County</u>			
17	Clarke, C.W.	T. 3N., R.24E., sec. 16, SE	160
18	Hyde, F.A.	T. 5N., R.23E., sec. 36, NS	160
<u>Tuolumne County</u>			
3	Keil, Hugo D.	T. 6N., R.18E., sec. 16, SENW	40
<u>Tulare County</u>			
16	Collins, Peter	T.17S., R.34E., sec. 36, NSE	80
18	Clarke, C.W.	T.20S., R.33E., sec. 16, SWNW	40
19	Hilton, Frank	T.20S., R.33E., sec. 8, WSW EESW	120
20	Hyde, F.A.	T.22S., R.33E., sec. 36, NENE	40
21	Hyde, F.A.	T.23S., R.33E., sec. 36, SWSE	40
MERIDIAN: <u>San Bernardino</u>			
<u>Kern County</u>			
23	Hyde, F.A.	T.25S., R.35E., sec. 16, NENW	40
24	Dimond, E.	T.28S., R.34E., sec. 16, NENE (Tr. 37)	40
25	Dimond, E.	T.28S., R.34E., sec. 16, ENW (TR.38)	80
26	Dimond, E.	T.28S., R.34E., sec. 16, SE (Tr. 39)	160

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>California</u> (continued)			
<u>Los Angeles County</u>			
64	Campbell, John T.	T. 3N., R. 8W., sec. 1, SESW SWSE (Total parcel acreage 70 acres--20 acres quitclaimed)	50
67	Eddy, John A.	T. 5N., R. 16W., sec. 16, NSE	80
<u>Riverside County</u>			
87	Swezy, Chas E.	T. 4S., R. 2E., sec. 13, WNE	80
88	Hood, William	T. 4S., R. 2E., sec. 7, SESW	40
89	Collins, Peter	T. 5S., R. 2E., sec. 5, NSW	80
90	Bemis, John M.	T. 6S., R. 2E., sec. 19, ENW	80
<u>Santa Barbara County</u>			
44	Lyman, Richard	T. 7N., R. 29W., sec. 7, NWNE	40
45	Hyde, F.A.	T. 9N., R. 24W., sec. 16, SESW	40
46	Forrester, E.	T. 9N., R. 29W., sec. 25, NWSW; Sec. 26 SESE	80
47	Clarke, C.W.	T. 8N., R. 29W., sec. 36, N SW	480
48	Clarke, C.W.	T. 8N., R. 28W., sec. 16, Lot 1	22
49	Hyde, F.A. & Co	T. 8N., R. 25W., sec. 16, WNW	80
50	Clarke, C.W.	T. 7N., R. 29W., sec. 22, NWSE	40
51	Clarke, C.W.	T. 7N., R. 29W., sec. 22, NENE	40
52	Hyde, F.A.	T. 7N., R. 27W., sec. 36, ESW SNW	160
53	SB/LA Water Co	T. 5N., R. 25W., sec. 19, Lot 2	38
54	SB/LA Water Co.	T. 5N., R. 25W., sec. 29, NWSW	40
55	Washburn, Jud	T. 5N., R. 27W., sec. 1, Lot 1	25
56	Pettinger, H.	T. 5N., R. 28W., sec. 7, Lots 5 & 6	67
57	Paul, George W.	T. 5N., R. 29W., sec. 13, WNE	80
59	Holbrook, C.H.	T. 5N., R. 31W., sec. 14, Lots 15 & 16	80
60	Kester, G.W.	T. 5N., R. 31W., sec. 21, NWSW	40
61a	Washburn, Jed	T. 6N., R. 28W., sec. 24, Lots 1 & 2	61
61b	Washburn, Jed	T. 6N., R. 27W., sec. 13, Lots 7 & 8	60
95	Hyde, F.A.	T. 11N., R. 30W., sec. 36, NWNW	40

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
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STATE: California (continued)

San Bernardino County

70	Burson, John	T. 1N., R. 7W., sec. 6, Lot 5	40
76	Selway, Robert	T.2N., R.7W., sec. 36, W	320
77	Campbell, J.F.	T.1S., R.1W., sec. 18, Lot 1	40
78	Clarke, C.W.	T.3N., R.6W., sec. 36, SWNW	28
84	Richards, J.	T.3N., R.6W., sec. 26, ESW SWSW	
	(Total parcel acreage 120 acres--99 acres quitclaimed)		21
97	Doyle & McGonagle	T.1N., R.7W., sec. 2, ENE	80

Ventura County

28b	Hyde, F.A.	T.9N., R.23W., sec. 16, portions of Tr. 54 (formerly WNE SENE)	120
29	Hyde, F.A.	T.9N., R.23W., sec. 16, portions of Tr. 54 (formerly NENW SNW)	120
30	Hyde, F.A.	T.9N., R.24W., sec. 16, EE	160
33	Miller, Wm. T.	T.8N., R.23W., sec. 20, NWNE NENW	80
35	Hyde, F.A.	T.8N., R.24W., sec. 36, WNE NENW	120
37	Goslin, Wm. G.	T.6N., R.19W., sec. 16, NNW	80
38a	Hyde, F.A.	T.5N., R.19W., sec. 36, SENW	40
38b	Hyde, F.A.	T.5N., R.19W., sec. 36, SENE	40
39	Clarke, C.W.	T.5N., R.22W., sec. 16, ENE	80
40	McLeod, Gary	T.5N., R.24W., sec. 15, NSENE	20
41	Rice, Sarah	T.5N., R.23W., sec. 19, SWSE	40
42	Rapp, J.J.	T.5N., R.24W., sec. 23, SNSE; 24, SNSW	80
43	Morris, Daisy	T.4N., R.24W., sec. 14, NWSW	40
92	Clark, C.W.	T.8N., R.23W., sec. 36, NWNW	40

STATE: Colorado MERIDIAN: 6th Principal

Custer County

17	Locke, James T.	T.21S., R.70W., sec. 5, NESW	40
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Fremont County

16	Locke, James T.	T.20S., R.70W., sec. 29, SESW	40
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Park County

3	Sloan, R.E.	T. 8S., R.72W., sec. 31, SESW	40
5	Sloan, R.E.	T. 8S., R.73W., sec. 26, NSE	80

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
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STATE: Colorado (continued)

Park County (continued)

6	Sloan, R.E.	T. 9S., R.72W., sec. 6, Lots 3,4,5	74
7	Holcomb, O.E.	T. 9S., R.74W., sec. 8, SESE	40
8	Holcomb, O.E.	T. 9S., R.74W., sec. 31, WNW SWNE SENW	131
12	Moses, W.E.	T.12S., R.72W., sec. 27, SWNE	40
9b	Wilson, A.C.	T.10S., R.73W., sec. 9, NNENENW	5
9c	Wilson, A.C.	T.10S., R.73W., sec. 9, SENWNE	10
9a	Wilson, A.C.	T.10S., R.73W., sec. 9, NENWNE NSENW	30

Teller County

14	Hedges, Z.T.	T.12S., R.68W., sec. 7, S/Lot 3	40
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STATE: Idaho

MERIDIAN: Boise

3	Richardson, G.B.	T.57N., R.5W., sec. 35, NSW	80
4	Kohrs, Conrad	T.58N., R.3W., sec. 21, SWSW	40

STATE: New Mexico

MERIDIAN: New Mexico Principal

Catron County

4a	Black, Lewis C.	T. 5S., R.19W., sec. 5, SWNW	40
4b	Black, Lewis C.	T. 5S., R.19W., sec. 5, SENE	40
5	Black, Lewis C.	T. 5S., R.19W., sec. 32, SWNW	40
7	Sherman, J.H.	T.11S., R.12W., sec. 29, NWNW	40
14	Coffin, Mary	T. 6S., R.21W., sec. 2, SNESE	20
21	Plemmons, J.C.	T.12S., R.11W., sec. 29, SWSW	40
22	Ingles, T. & J.	T.12S., R.11W., sec. 29, SESW	40

Grant County

16	Watson, W.W.	T.14S., R.17W., sec. 25, SWNE SESE	80
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Lincoln County

10	Moses, W.E. LS & R	T. 8S., R.16E., sec. 30, SESW	40
11	Jaffa, Joseph	T. 8S., R.17E., sec. 13, SSE; sec. 24, NNE	160
18	Moses, W.E.	T. 8S., R.14E., sec. 1, SENW	40
20	Seaberg, Hugo	T. 8S., R.17E., sec. 7, SENE	40

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
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STATE: New Mexico (continued)

San Miguel County

2	Moses, W.E.	T.18N., R.14E., sec. 21, SENW	40
23	Moses, W.E.	T.19N., R.14E., sec. 32, NNWSE	20

STATE: Oregon

MERIDIAN: Willamette

Clackamas County

1	Murphy, John T.	T. 1S., R. 5E., sec. 36, SSE SW	240
2	Strickland, M.C.	T. 2S., R. 7E., sec. 10, NW	160
3	Henderson, M.F.	T. 2S., R. 7E., sec. 8, SENW	40
26	Hyde, F.A.	T. 3S., R. 7E., sec. 36, Fraction NNE	63

Deschutes County

9	Clarke, C.W.	T.19S., R. 9E., sec. 36, SESE	40
24	Clarke, C.W.	T.17S., R. 9E., sec. 16, SWNE NWSE SESE	120

Hood River County

23	Hyde, F.A.	T. 1S., R. 8E., sec. 36, SESE	40
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Jackson County

14	Hyde, F.A.	T.32S., R. 4E., sec. 36, SNE	80
15	Kohrs, Conrad	T.35S., R. 4E., sec. 27, NSE	80
16	Kohrs, Conrad	T.37S., R. 4E., sec. 31, SWNW	40
17	English, J.T.	T.39S., R. 1E., sec. 29, SENE	40
18	English, J.T.	T.39S., R. 1E., sec. 31, ESW	80

Klamath County

11	Hyde, F.A.	T.23S., R. 7E., sec. 36, SESW	40
19	Hyde, F.A.	T.35S., R. 6E., sec. 16, SWNW	40
20	Clarke, C.W.	T.37S., R. 5E., sec. 36, SWSW	40
21	Hyde, F.A.	T.37S., R. 6E., sec. 16, SSE NW NSW SWSW	360
25	Hyde, F.A.	T.23S., R. 8E., sec. 16, SWSE	40
25	Hyde, F.A.	T.27S., R.6.5E., sec. 36, S	320

Lane County

6	Cal-Ore-Land Co	T.20S., R. 1E., sec. 11, NESE	40
7	Cal-Ore-Land Co	T.20S., R. 2E., sec. 29, ENE	80
22	Cal-Ore-Land Co	T.23S., R. 3E., sec. 21, Lot 3	25

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>Oregon</u> (continued) MERIDIAN: <u>Willamette</u>			
<u>Linn County</u>			
5	Peterson, C.	T.10S., R. 5E., sec. 13, ENE SWNE SENW	160
<u>Wasco County</u>			
4	Drake, A.M.	T. 2S., R.11E., sec. 12, WSW	80
STATE: <u>South Dakota</u> MERIDIAN: <u>Black Hills</u>			
<u>Lawrence County</u>			
22	Blaine, J.E.	T. 6N., R. 2E., sec. 31, Lot 2	40
23	Weare, Henry G.	T. 6N., R. 2E., sec. 31, Lot 3,4 ESW	160
24	Smith, Frank D.	T. 5N., R. 4E., sec. 10, ENW SNE NESE	200
33	Price-Baker Co.	T. 2N., R. 6E., sec. 7, SNE NSE	160
<u>Meade County</u>			
25	Christy, W.	T. 4N., R. 6E., sec. 19, Lot 4	35
26	Chaplin, C.H.	T. 3N., R. 6E., sec. 6, Lots 5,6,7; sec. 7, Lot 1	145
<u>Pennington County</u>			
27	Rumsey, J.D.C.	T. 2N., R. 6E., sec. 32, SESE	40
28	Rumsey, J.D.C.	T. 2N., R. 6E., sec. 32, NSE NESW	120
29	Rumsey, J.D.C.	T. 2N., R. 6E., sec. 29, ENE	80
30	Rumsey, J.D.C.	T. 2N., R. 6E., sec. 29, SSE	80
31	Rumsey, J.D.C.	T. 2N., R. 6E., sec. 21, SSE	80
32	Rumsey, J.D.C.	T. 2N., R. 6E., sec. 21, NE	160
35	Mathias, J.H.	T. 1N., R. 6E., sec. 31, NWSW (Lot 3)	40
36	Rapid City Lumber Company	T. 1N., R. 6E., sec. 11, WNW SENW NWSW	160
40	Ransom, A.F.	T. 1N., R. 4E., sec. 34, NESW SENW SWNE NWSE	160
43	Castle, W.R.	T. 1N., R. 4E., sec. 17, SWSW	40
44	Todd, William	T. 1N., R. 4E., sec. 29, SESE	40
47a	Hurlburt, Frank	T. 1S., R. 4E., sec. 9, SESE	40
47b	Hurlburt, Frank	T. 1S., R. 4E., sec. 10, Lots 3,4,5	89
50b	Bishop, A.L.	T. 1S., R. 5E., sec. 31, SNE	80
52	White, John	T. 1S., R. 5E., sec. 19, Lots 4,5 NESW NWSE	147
54	Tutty, John	T. 2S., R. 5E., sec. 1, Lot 1	40
55	Boland, A.C.	T. 2S., R. 6E., sec. 21, NWSE	40
59	Rumsey, J.D.	T. 2N., R. 6E., sec. 28, NWSW	40

TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
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STATE: Utah MERIDIAN: Salt Lake

Cache County

14	Moses LS&R Co.	T.11N., R. 2E., sec. 15, SW	160
15	Moses LS&R Co.	T.11N., R. 2E., sec. 22, SW	160

Sanpete County

8	Gray, L.H.	T.15S., R. 5E., sec. 35, WNW	80
9	Badger, G.T.	T.15S., R. 5E., sec. 26, WSW	80

Summit County

1	Tevis, W.L.	T. 1S., R. 7E., sec. 32, NW; sec. 2, Lot 4	205
2	Zeigler, C.	T. 1S., R. 7E., sec. 36, NW	160
3	Zeigler, C.	T. 1S., R. 7E., sec. 36, NENE	40
4	Richardson, C.	T. 3S., R. 7E., sec. 17, NNW	80

Sevier County

11	Moses LS&R Co.	T.24S., R. 2E., sec. 10, ENE	80
12	Moses LS&R Co.	T.24S., R. 2E., sec. 15, NWSE	40
13	Hamilton, H.M.	T.25S., R. 3E., sec. 32, SENE	40

Utah County

5	Moses, W.E. LS&R Company	T.10S., R. 2E., sec. 16, NE ENW	240
6	Moses, W.E. LS&R Company	T.10S., R. 2E., sec. 2, NESE NSW SWSE	160
7	Moses, W.E. LS&R Company	T.10S., R. 2E., sec. 16, WSW	80

STATE: Washington MERIDIAN: Willamette

Snohomish County

25	Peavy, Gary	T.30N., R. 9E., sec. 22, SWSW	40
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TABLE 1
NATIONALLY SIGNIFICANT LANDS LIST
(Final Identification Of Lands Retained By The United States)

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>Wyoming</u>		MERIDIAN: <u>6th Principal</u>	
<u>Albany County</u>			
18	Burrows, C.B.	T.15N., R.72W., sec. 1, S	320
19	Burrows, C.B.	T.15N., R.71W., sec. 31, ESW SE	240
20	Burrows, C.B.	T.15N., R.71W., sec. 7, Lot 2	34
21	Burrows, C.B.	T.15N., R.71W., sec. 19, NE ENW	240
<u>Carbon County</u>			
16	Carbon Timber Company	T.17N., R.79W., sec. 3, NWNE NENW	88
<u>Sheridan County</u>			
17	Collins, J.	T.56N., R.88W., sec. 30, NENE	40
<u>Sublette County</u>			
16	Holmes, A.T.	T.38N., R.110W., sec. 30, SSE	80

TABLE 2

FINAL LIST OF LANDS QUITCLAIMED BY THE UNITED STATES

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>Arizona</u>		MERIDIAN: <u>Gila and Salt River</u>	
<u>Apache County</u>			
12	Hartley, Roland	T.6N., R.29E., sec. 1, Lots 1 & 2	79
13	Clark, W.H.	T.7N., R.30E., sec.29, SWSW; sec. 32, NWNW	80
14	Hale, Howard	T.7N., R.27E., sec. 2, ESE	80
<u>Coconino County</u>			
19	Boyce, C.E.	T.20N., R.4E., sec. 4, SWNE	40
28	Keys, C.D.	T.21N., R.3E., sec. 6, Lot 5	39
48	Pratt, James	T.16N., R.8E., sec.12, NSW	80
53	Coffin, Edger A.	T.20N., R.8E., sec.18, SESW	40
<u>Navajo County</u>			
15	Ling, Reams	T.10N., R.21E., sec. 6, Lot 2	40
49	Aztec L & C	T.11N., R.18E., sec.35, SWSW	40
STATE: <u>California</u>		MERIDIAN: <u>Mt. Diablo</u>	
<u>Fresno County</u>			
9	Ockenden, Wm.	T.10S., R.25E., sec.10, NSE SESE	120
10	Ockenden, Wm.	T.10S., R.25E., sec.11, SWSW	40
MERIDIAN: <u>San Bernardino</u>			
<u>Los Angeles County</u>			
62	Eddy, John A.	T.1N., R.8W., sec.18, SENW	40
63	Cook, E.J.	T.1N., R.9W., sec.15, NWSE SSE	120
64	Campbell, John	T.3N., R.8W., sec. 1, SESW SWSE	20
(Total parcel acreage 70 acres--50 acres retained)			
65	Campbell, John	T.3N., R.8W., sec.12, NWNE	40
66	Christey, Wm.	T.5N., R.15W., sec.30, Lot 2 & NENW	80
93	Elliott, T.	T.5N., T.15W., sec.30, Lot 3 SWNW	80
<u>San Bernardino County</u>			
68	Schneider, F.	T.1N., R.1W., sec. 8, S/Lot 5, Lot 8	80
69	Cooper, A.W.	T.1N., R.6W., sec. 6, NESE	40
71	Hamilton, H.M.	T.2N., R.2W., sec.27, SSE	80
72	Vine, Emory	T.2N., R.6W., sec.24, SENE	40
73	Gosslin, Wm.	T.2N., R.4W., sec.21, NW	160

TABLE 2

FINAL LIST OF LANDS QUITCLAIMED BY THE UNITED STATES

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
<u>California:</u> <u>San Bernardino County</u> (continued)			
74	Hyde, F.A.	T.2N., R.3W., sec. 17, NW	160
75	Holden, C.H.	T.2N., R.1E., sec. 24, NW	160
79	Richards, J.	T.3N., R.6W., sec. 4, NNE	80
80	Richards, J.	T.3N., R.6W., sec. 7, SSE	80
81	Richards, J.	T.3N., R.6W., sec.20, SENE SE	200
82	Richards, J.	T.3N., R.6W., sec.21, SWSW NSW WNW	200
83	Richards, J.	T.3N., R.6W., sec. 8, SSE	80
84	Richards, J.	T.3N., R.6W., sec.26, ESW SWSW	99
(Total parcel acreage 120 acres--21 acres retained)			
85	Richards, J.	T.03N., R.6W., sec.26, NWSW	40
<u>Ventura County</u>			
28a	Hyde, F.A.	T.9N., R.23W., sec.16, Tr 49 (formerly NENE)	40
31a	Black, Lewis	T.8N., R.21W., sec.33, NENW	40
31b	Black, Lewis	T.8N., R.21W., sec.33, NWNW	40
32	Hinckley, A. M.	T.8N., R.21W., sec.33, NNE	80
34	Holbrook, C.H.	T.8N., R.24W., sec.16, NN	160
<u>STATE: Colorado</u> <u>MERIDIAN: 6th Principal</u>			
<u>Jefferson County</u>			
2	Holcomb, E.	T.8S., R.71W., sec.32, NSENE NENE NNWNE	80
4	Moses, W.E.	T.8S., R.72W., sec. 1, NENE	40
<u>Park County</u>			
1	Wilson, Alfred	T.7S., R.74W., sec. 8, NENENE	10
9a	Wilson, Alfred	T.10S., R.73W., sec. 9, SWNWNE SWNWNWNE WNENW	43
10	Bullock, Jared	T.11S., R.73W., sec.10, SNW (TR 39)	80
11	Moses, W.E.	T.12S., R.71W., sec.32, NENESE	10
15	Moses, W.E. LS & R	T.13S., R.71W., sec.20, SNE SENW NWSE	160
<u>El Paso County</u>			
13	Armour, Edwin	T. 13S., R.68W., sec.17, NWNE SENE	80

TABLE 2

FINAL LIST OF LANDS QUITCLAIMED BY THE UNITED STATES

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>Idaho</u>		MERIDIAN: <u>Boise</u>	
<u>Bonner County</u>			
2	No. Pacific RR	T.57N., R.5W., sec.31, SE	160
5	Miller, W. Clayton	T.58N., R.4W., sec.29, SE	160
6	No. Pacific RR	T.58N., R.5W., sec.35, SE	160
7	No. Pacific RR	T.58N., R.5W., sec.35, W	320
8	No. Pacific RR	T.58N., R.5W., sec.29, NSE SESE	120
9	No. Pacific RR	T.59N., R.5W., sec.35, NESW NWSE SESE	120
10	No. Pacific RR	T.60N., R.4W., sec.17, Lot 3	24
11	No. Pacific RR	T.61N., R.4W., sec.21, Lot 2	5
12	No. Pacific RR	T.62N., R.4W., sec. 9, Lot 7 & 8	53
<u>Catron County</u>			
6	Porter, Henry M.	T.8S., R.15W., sec. 4, SSE SESW;	120
		sec. 9, NENW	40
13	Moses, W.E.	T.8S., R.19W., sec.15, NSW	80
14	Adair, Charles	T.6S., R.21W., sec. 2, NNESE	20
15	Jones, Flemming WA	T.7S., R.19W., sec.26, ENE	80
17	Miller, Ellis	T.10S., R.15W., sec.34, NENE WNE NWSE	160
<u>Grant County</u>			
9	G.O.S. Cattle Co.	T.14S., R.13W., sec.32, SWNW	40
<u>Lincoln County</u>			
19	Ridgeway, Arnold	T.7S., R.12E., sec. 1, SESE; sec. 12, NENE	80
<u>San Miguel County</u>			
1	Moses, W.E.	T.19N., R.14E., sec.26, NWNW WNENW	60
3	Barker, Squire L.	T.18N., R.14E., sec. 3, Nely 1/2 of SESE	16
12	Ehrlich, L. & Annie	T.18N., R.14E., sec.11, SNW ESW	160
23	Moses, W.E.	T.19N., R.14E., sec.20, SENWSE	10

TABLE 2

FINAL LIST OF LANDS QUITCLAIMED BY THE UNITED STATES

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>Oregon</u>		MERIDIAN: <u>Willamette</u>	
<u>Clackamas County</u>			
2a	Strickland, M.C.	T.3S., R.8.5E., sec.35, ENE ESE	160
<u>Deschutes County</u>			
10	Clark, C.W.	T.22S., R.9E., sec.36, ESE SWSE SENE	160
<u>Klamath County</u>			
12	Hyde, F.A.	T.23S., R.9E., sec.36, ESE	80
13	Hyde, F.A.	T.23S., R.9E., sec.36, SENW SW WSE NE	440
<u>Lane County</u>			
8	Goslin, Wm. G.	T.20S., R.2E., sec.20, NENE	40
STATE: <u>South Dakota</u>		MERIDIAN: <u>Black Hills</u>	
<u>Custer County</u>			
57	Hazeltine, Stillman	T.2S., R.6E., sec.24, SWSE SESW; 25, WNE	160
58	Wright, Wilbur F.	T.3S., R.4E., sec.33, NNE SENE NESE	160
<u>Pennington County</u>			
34	Coonley, Hiram F.	T.1N., R.6E., sec.17, NWSW; 18, SWNE NSE	160
37	Morse, Corbin	T.1N., R.6E., sec.35, SWSE SESW	80
38	Christy, William	T.1N., R.6E., sec.13, SESE; 24, ENE NESE	160
39	McCaffrey, Frank	T.1N., R.4E., sec.29, SWSE; 32, WNE NWSE	160
41	Turner, George	T.1N., R.4E., sec.33, ESW SWSW	120
42	Turner, George	T.1S., R.4E., sec. 4, Lot 3	40
45	Pruett, James P.	T.1N., R.1E., sec.13, SWSW; 14, SESE;	80
		24, NWNW	40
46	Simpson, Frank O.	T.1S., R.3E., sec.25, SWSW; 26, SSE SESW	160
47c	Hurlburt, Frank	T.1S., R.4E., sec. 9, Lot 8 (NESE)	40
48	White, Willison B.	T.1S., R.4E., sec.14, NE(less 15.43 acres)	135
49	Ostle, William	T.1S., R.5E., sec.33, Lots 3,4,7,8,9	96
50a	Bishop, Albert L.	T.1S., R.5E., sec.31, Lots 3 & 13	64
51	Weaver, Lucretia	T.1S., R.5E., sec.28, Lots 2,4,8, SWNW	107
53	Blight, Ephraim	T.1S., R.5E., sec.33, SENE; 34, Lot 1 NWNW	119
56	Roy, William	T.2S., R.6E., sec. 8, SESW	40

TABLE 2

FINAL LIST OF LANDS QUITCLAIMED BY THE UNITED STATES

PARCEL ID NO.	GRANTOR NAME	LEGAL DESCRIPTION	ACRES
STATE: <u>Utah</u>		MERIDIAN: <u>Salt Lake</u>	
		<u>Sanpete County</u>	
10	Ziegler, Charles	T.15S., R.5E., sec. 2, Lots 1,2,3,4, SNE NSE 320	
STATE: <u>Washington</u>		MERIDIAN: <u>Willamette</u>	
		<u>Clallam County</u>	
22	Olsen, Carl	T.29N., R.3W., sec.21, SWSW	40
23	Peters, Wm. A.	T.30N., R.10W., sec.20, SWSE	40
24	Coffin, Mary E.	T.30N., R.11W., sec.26, Lot 3, SWNW	79

[FR Doc. 95-31214 Filed 12-22-95; 8:45 am]

BILLING CODE 3410-11-C

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Notice of Approval of Final Management Plan for the Rookery Bay National Estuarine Research Reserve**

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of approval and availability of final management plan.

SUMMARY: Notice is hereby given that the Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management, has approved the revised final management plan for the Rookery Bay National Estuarine Research Reserve.

The Rookery Bay National Estuarine Research Reserve was designed in September 1978. Pursuant to section 315 of the Coastal Zone Management Act, 16 U.S.C. Section 1461, and implementing regulations, the Florida Department of Environmental Protection in conjunction with SRD staff has produced a five-year management plan that provides a course of action for managing the site from 1994 through 1998.

Copies of the document can be obtained from the Rookery Bay National Estuarine Research Reserve, 10 Shell Island Road, Naples, Florida 33962. (813) 775-8845.

FOR FURTHER INFORMATION CONTACT: Nathalie Peter, OCRM, Sanctuaries and Reserves Division, 1305 East-West Highway, 12th Floor (N/ORM2), Silver Spring, Maryland 20910. (301) 713-3132, extension 119.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves.

Dated: December 20, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95-31251 Filed 12-22-95; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Joint Military Intelligence College; Closed Meetings**

AGENCY: Defense Intelligence Agency, Joint Military Intelligence College, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Joint Military Intelligence College Board of Visitors has been scheduled as follows.

DATES: Thursday, 11 January 1996, 0900 to 1700; and Friday, 12 January 1996, 0830 to 1530.

ADDRESSES: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mr. A. Denis Clift, President, DIA Joint Military Intelligence College, Washington, DC 20340-5100 (202/231-3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed. The Board will discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Joint Military Intelligence College.

Dated: December 19, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-31243 Filed 12-22-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Science Board Task Force on International Arms Cooperation

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on International Arms Cooperation will meet in closed session on January 22-23, 1996 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will develop a generic model of international arms cooperation for the 21st century and also identify specific management actions that must be implemented to allow successful program execution on international efforts.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: December 19, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-31242 Filed 12-22-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Science Board Task Force on Strategic Mobility

AGENCY: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Strategic Mobility will meet in closed session on January 9-10, 1996 at Science Applications International Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary for Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will engage in a broad review of strategic mobility under a range of scenarios. The review should include the joint and service processes for planning, executing, protecting, and sustaining force deployments. It should also include the resources and activities that provide command and control, communications and information systems in support of strategic mobility.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. II (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: December 19, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-31241 Filed 12-22-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Science Board Task Force on Logistics Modernization

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Logistics Modernization will meet in closed session on January 9-10, and February 5-6 1996 at the Institute for Defense Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology

on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will address the technologies that will affect the cost of ownership for current and future weapon systems. The Task Force should address the following questions: What logistics related technology opportunities are available to reduce costs while providing enhanced readiness, deployability and sustainment? What investment strategy is required to achieve the desired level of logistics cost reduction?

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. II, (1988)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: December 19, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

FR Doc. 95-31240 Filed 12-22-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Science Board Task Force on Privatization and Outsourcing

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Privatization and Outsourcing will meet in open session on January 16-17, 1996 at TASC, 1101 Wilson Boulevard, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call Ms. Julia Vindasius at (703) 695-7178 or Ms. Lois Lembo 358-9090 ext 6430.

Dated: December 19, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-31239 Filed 12-22-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF ENERGY

Notice of Public Meeting for Request for Expressions of Interest for Tritium Production

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of public meeting.

SUMMARY: On December 6, 1995, the Department announced a formal Record of Decision implementing a dual-track strategy to assure a future tritium source. The Department's preferred strategy for acquiring new supplies of tritium is to pursue the two most promising production alternatives: (1) to purchase irradiation services from one or more existing Commercial Light Water Reactors (CLWRs), or purchase and convert a CLWR for tritium production; and (2) to design, build and test critical components of an Accelerator-Produced Tritium system to be used for tritium production.

On December 13, 1996, a Request for Expression of Interest was published in the Federal Register (60 FR 64104) concerning DOE's possible acquisition of one or more Commercial Light Water Reactors, or acquisition of irradiation services from CLWRs, for the production of tritium.

As indicated in the Request, the Department is announcing that it intends to host a public meeting to discuss issues related to this Request and to provide information for potentially interested parties.

DATES AND ADDRESSES: The meeting will be held on January 16, 1996, at 9:00 a.m. in room 1E-245 of the Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

To update the preliminary schedule in the Appendix of the Request, initial expressions of interest should be submitted on or before January 29, 1996. Supplementary information regarding the expressions of interest should be submitted on or before February 26, 1996. Submissions should be directed to: Stephen M. Sohinki, Director, Office of Reconfiguration, DP-25, United States Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Tritium EOI, Telephone: (202) 586-0838.

A copy of the reports describing technical work accomplished, thus far, during the Tritium Target Development Project is available in the DOE Headquarters reading room at 1000 Independence Avenue, S.W., Washington, D.C.

A record of the meeting including answers to questions that, in DOE's

judgement, are of general interest and applicability to all potential respondents will be mailed to all attendees as well as other parties requesting such information, and will be made available for review along with a full text copy of the Request, in the Public Reading Room at DOE headquarters in Washington, D.C., and on the Internet at <http://web.fie.com/web/fed/doe/doeoor.htm> or modem toll free 1-800-783-3349.

Issued in Washington, D.C. December 20, 1995.

Eldon W. Joersz,

Principal Deputy Assistant Secretary for Military Application, Defense Programs.

[FR Doc. 95-31246 Filed 12-22-95; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket No. RP96-81-000]

Carnegie Interstate Pipeline Company; Notice of Petition for Approval of Exit Fee Stipulation

December 19, 1995.

Take notice that on December 13, 1995, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, Carnegie Interstate Pipeline Company (CIPCO) filed a petition with the Commission for approval of a stipulation entered into by CIPCO and Texas Eastern Transmission Corporation (TETCO) on December 12, 1995.

CIPCO states that the stipulation provides for CIPCO to: (1) pay a negotiated exit fee to TETCO for the early termination of CIPCO's contract for firm transportation capacity on TETCO; (2) recover 100 percent of the exit fee from its customers through a direct bill; and (3) abandon its obligations under its contract with TETCO.

CIPCO states that the expeditious action on the petition will relieve CIPCO of the continued payment of reservation charges for its upstream capacity on TETCO, which are presently being collected through CIPCO's Transportation Cost Rate (TCR). CIPCO requests that its petition be disposed of under the shortened procedures in Rules 801 and 802 of the Commission's Rule of Practice and Procedure, 18 CFR 385.801-802.

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, N.E., Washington, D.C. 20426, in accordance with Sections

385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before December 29, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95-31221 Filed 12-12-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MG96-4-000]

**Wyoming Interstate Company, Ltd.;
Notice of Filing**

December 19, 1995.

Take notice that on December 8, 1995, Wyoming Interstate Company, Ltd. (WIC) filed updated standards for conduct under Order Nos. 497 *et seq.*¹ and Order Nos. 566 *et seq.*² to reflect certain updated information as well as a revision to Standard I, 18 CFR 161.3(i).

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, 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 or 385.214). All such motions to intervene or protest should be filed on or before January 3, 1996. 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. 95-31222 Filed 12-22-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-595-001]

**Texas Eastern Transmission
Corporation; Notice of Amendment**

December 19, 1995.

Take notice that on November 20, 1995, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056-5310 filed in Docket No. CP95-595-001 pursuant to section 7(c) of the Natural Gas Act an amendment to its application for a certificate of public convenience and necessity filed June 30, 1995, in Docket No. CP95-595-000, requesting authority to replace a pipeline crossing of the Brazos River, in order to modify the route alignment of the crossing, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

In its application in Docket No. CP95-595-000, Texas Eastern proposed to construct and operate 1.56 miles of new 24-inch diameter mainline between Milepost (MP) 52.25 and MP 53.81 on its Mainline No. 11 where it crosses the Brazos River in Austin and Waller Counties, Texas. Texas Eastern filed its proposal because its existing main line crossings of the Brazos River—the 24-inch diameter Line No. 11 and 16-inch auxiliary line—were exposed to the forces of the river as the result of erosion of the river bed in the vicinity of Line No. 11. On October 6, 1995, the Commission staff recommended in its Environmental Assessment (EA) that Texas Eastern use a designated alternative route rather than Texas Eastern's proposed route, in order to reduce the alleged environmental impacts identified by the Commission staff.

Texas Eastern states that it proposes to modify the EA's recommended route and to tie back into Texas Eastern's existing line in as short a distance as is

practical, in lieu of adopting the route recommended in the EA as "Alternative 2". Texas Eastern proposes to amend its application to lay pipeline in new right-of-way for a distance of approximately 1,300 feet, thereby connecting the directionally drilled river crossing of approximately 2,900 feet with the existing 24-inch Line No. 11. Texas Eastern states that compared to "Alternative 2", its proposed route will decrease new permanent right-of-way required, reduce the overall length of wetlands crossed, and decrease overall estimated project costs by approximately \$1,000,000. Texas Eastern asserts that is proposed modifications will both facilitate an expeditious replacement of the river crossing and decrease environmental impacts associated with the construction activity.

Specifically, Texas Eastern now proposes to replace, construct and operate approximately 0.84 miles of 24-inch diameter Line No. 11 mainline crossing of the Brazos River in Austin and Waller Counties, Texas, to remove the existing 24-inch and 16-inch diameter pipeline segments exposed in the river, and to abandon, in place, the remainder of the existing pipeline which will be replaced. The pipeline segment to be replaced is between MP 52.25 and MP 52.98 on Line No. 11. Texas Eastern estimates that the project will cost \$2,425,854. Texas Eastern states that the replacement segments will have a design delivery capacity equivalent to the facilities being replaced.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 29, 1995, 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 (128 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. Any person who has heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 95-31223 Filed 12-22-95; 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. MG96-3-000]**Colorado Interstate Gas Company;
Notice of Filing**

December 19, 1995.

Take notice that on December 8, 1995, Colorado Interstate Gas Company (CIG) filed updated standards of conduct under Order Nos. 497 *et seq.*¹ and Order Nos. 566 *et seq.*² to reflect certain updated information as well as a revision to Standard I, 18 CFR 161.3(i).

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, N.E., 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 January 3, 1996. 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. 95-31225 Filed 12-22-95; 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. ER96-507-000, et al.]**Sierra Pacific Power Company, et al.
Electric Rate and Corporate Regulation
Filings**

December 14, 1995.

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

1. Sierra Pacific Power Company

[Docket No. ER96-507-000]

Take notice that on December 1, 1995, Sierra Pacific Power Company (Sierra), tendered for filing, pursuant to § 205 of the Federal Power Act and 18 CFR Part 35 *et seq.*, a certain annual energy charge adjustment (and displacement credit) under the Electric Service Agreement dated February 27, 1995 between Sierra and Truckee Donner Public Utility District (the District). Sierra requests waiver of the notice requirements and an effective date of January 1, 1996, as provided in the underlying agreement.

Sierra asserts that the filing has been served on the District and on the regulatory commissions of Nevada and California.

Comment date: December 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER96-508-000]

Take notice that on December 1, 1995, Florida Power & Light Company (FPL) filed the Contract for Purchases and Sales of Power and Energy between FPL and Engelhard Power Marketing, Inc. FPL requests an effective date of December 4, 1995.

Comment date: December 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Arizona Public Service Company

[Docket No. ER96-509-000]

Take notice that on December 1, 1995, Arizona Public Service Company (APS), tendered for filing a revised Exhibit applicable under the Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk) Wholesale Power Supply Agreement, APS-FERC Rate Schedule No. 58.

Current rate levels are unaffected, and no other change in service to this or any other customer results from the revision proposed herein. No new or modifications to existing facilities are required as a result of these revisions.

A copy of this filing has been served on Wellton-Mohawk and the Arizona Corporation Commission.

Comment date: December 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

**4. The Washington Water Power
Company**

[Docket No. ER96-510-000]

Take notice that on December 1, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a signed service agreement with Public Utility District No. 1 of Douglas County under FERC Electric Tariff Volume No. 4 previously approved as unsigned service agreement.

Comment date: December 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

**5. Northern States Power Company
(Minnesota)**

[Docket No. ER96-511-000]

Take notice that on December 1, 1995, Northern States Power Company (Minnesota) (NSP), tendered for filing a Termination Agreement for the Municipal Interconnection and Interchange Agreement between NSP and the City of Kenyon (City). Effective August 1, 1995, the City began taking electric services from the Central Minnesota Municipal Power Agency.

NSP requests that the Commission accept for filing this Agreement effective as of November 8, 1995, and requests waiver of Commission's notice requirements in order for the Agreement to be accepted for filing on that date. NSP requests that this filing be accepted as a supplement to Rate Schedule No. 480, the rate schedule for previously filed agreements between NSP and the City.

Comment date: December 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Arizona Public Service Company

[Docket No. ER96-512-000]

Take notice that on December 1, 1995, Arizona Public Service Company (APS) tendered for filing a revised Exhibit applicable under the Tohono O'odham Utility Authority (TOUA) Transmission Agreement, APS-FERC Rate Schedule No. 161.

Current rate levels are unaffected, and no other change in service to this or any other customer results from the revision proposed herein. No new or modifications to existing facilities are required as a result of these revisions.

A copy of this filing has been served on TOUA and the Arizona Corporation Commission.

Comment date: December 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Arizona Public Service Company

[Docket No. ER96-513-000]

Take notice that on December 1, 1995, Arizona Public Service Company (APS) tendered for filing a Service Agreement under APS-FERC Electric Tariff Original Volume No. 1 (APS Tariff) with the following entities: Aquila Power Corporation, Citizens Lehman Power Sales, and Cenergy, Inc.

A copy of this filing has been served on the above listed entities and the Arizona Corporation Commission.

Comment date: December 28, 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, 888 First 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. 95-31224 Filed 12-22-95; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; Proposed New System of Records

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed new system of records—"Vacancy Announcement Tracking System".

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the FDIC gives notice of the proposed establishment of a new system of records entitled "Vacancy Announcement Tracking System".

DATES: Comments on the establishment of the system must be submitted by February 5, 1996. The system will become effective February 20, 1996 unless a superseding notice to the contrary is published before that date.

ADDRESSES: Comments should be addressed to Jerry L. Langley, Executive Secretary, Federal Deposit Insurance Corporation, 550—17th Street, N.W., Washington, D.C. 20429, or hand-delivered to Room F-400 at 1776 F Street, N.W., Washington, D.C., Monday through Friday, between the hours of 8:30 a.m. and 5 p.m. [FAX number: (202) 898-3838; Internet E-mail: comments@fdic.gov].

FOR FURTHER INFORMATION CONTACT: Frederick N. Ottie, Attorney, Office of the Executive Secretary, FDIC, 550—17th Street, N.W., Washington, D.C. 20429, (202) 898-6679.

SUPPLEMENTARY INFORMATION: The FDIC is proposing to establish a new system of records pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, entitled "Vacancy Announcement Tracking System". This computerized system of records will be used by the FDIC to track and manage the processing of individual applications for employment with the FDIC in response to advertised position vacancy announcements. The system will consist of integrated position vacancy announcement information, applicant personal data, and applicant qualification and processing information.

Accordingly, the Board of Directors of the FDIC proposes to establish the system to read as follows:

FDIC 30-64-0011

SYSTEM NAME:

Vacancy Announcement Tracking System.

SYSTEM LOCATION:

Personnel Services Branch, Division of Administration, FDIC, 550—17th Street, N.W., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing applications for employment with the FDIC in response to advertised position vacancy announcements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Position vacancy announcement information such as position title, series and grade level(s), office and duty location, opening and closing date of the announcement, and dates of referral and return of lists of qualified candidates; applicant personal data such as name, address, social security number, veterans' preference and federal competitive status; and applicant qualification and processing information such as qualifications, grade level eligibility, reason for ineligibility, referral status, and dates of notification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1104; 12 U.S.C. 1819.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information in this system of records may be disclosed:

(1) To the U.S. Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the governmentwide personnel management, investigatory, adjudicatory, and appellate functions within their respective jurisdictions;

(2) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) To the appropriate federal, state or local agency or authority responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; and

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained on computer network.

RETRIEVABILITY:

Indexed by name and social security number of individual applicant.

SAFEGUARDS:

The system's computerized databases are stored on an FDIC Local Area Network (LAN). The network file servers are located in a locked room in a secured area, with physical access limited to network administrators. The information is secured by network access rights in such a way that only authorized users are able to access the data.

RETENTION AND DISPOSAL:

Information is maintained on the computer network for two years and, if no longer needed, deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Recruitment and Placement Section, Personnel Services Branch, Division of Administration, FDIC, 550-17th Street, N.W., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must address written inquiries to the Office of the Executive Secretary, FDIC, 550-17th Street, N.W., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" procedure above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" procedure above.

RECORD SOURCE CATEGORIES:

Information originates from position vacancy announcements, applications for employment submitted by individuals, and applicant qualification and processing information generated within the agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

By direction of the Board of Directors.

Dated at Washington, D.C., this 19th day of December, 1995.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 95-31263 Filed 12-22-95; 8:45 am]

BILLING CODE 6714-01-P

listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal to acquire the non-banking subsidiaries can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 19, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Mercantile Bancorporation, Inc.*, St. Louis, Missouri; to merge its subsidiaries, Ameribanc, Inc., St. Louis, Missouri, with MidAmerican Corporation, Inc., Roeland Park, Kansas, and thereby indirectly acquire Mercantile Bank of Kansas, Overland Park, Kansas; Mercantile Bank of Lawrence, Lawrence, Kansas; Mercantile Bank of Topeka, Topeka, Kansas.

Applicant also proposes to acquire Mercantile Bank of Jackson County, Kansas City, Missouri, a *de novo* bank.

In connection with this application, Applicant also has applied to acquire MidAmerican Insurance Agency, Inc., Roeland Park, Kansas, and thereby engage in owning and operating an insurance agency which conducts grandfathered insurance agency activities, pursuant to § 225.25(b)(8)(iv) of the Board's Regulation Y.

The proposed transaction is an internal reorganization. Ameribanc, Inc., and MidAmerican Corporation are both wholly-owned subsidiaries of Mercantile Bancorporation, Inc., Saint Louis, Missouri.

Board of Governors of the Federal Reserve System, December 19, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-31231 Filed 12-22-95; 8:45 am]

BILLING CODE 6210-01-F

Pikeville National Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 19, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Pikeville National Corporation*, Pikeville, Kentucky; to acquire 100 percent of the voting shares of United Whitley Corp., Williamsburg, Kentucky, and thereby indirectly acquire Bank of Williamsburg, Williamsburg, Kentucky.

2. *Whitaker Bank Corporation of Kentucky*, Lexington, Kentucky; to acquire 100 percent of the voting shares of, and thereby merge with Mount Sterling National Holding Corporation, Mount Sterling, Kentucky, and thereby indirectly acquire Mount Sterling

FEDERAL RESERVE SYSTEM

Mercantile Bancorporation, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company also has given notice under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is

National Bank, Mount Sterling, Kentucky.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Tower Bancorp Holding Company*, Oak Brook, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of WestBank Interim Bank, Westchester, Illinois (an entity formed to facilitate a merger with WestBank, Westchester, Illinois).

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Inter-Mountain Bancorp., Inc.*, Bozeman, Montana; to acquire 100 percent of the voting shares of First Security Bank of Belgrade, Belgrade, Montana, a *de novo* bank.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National Bancshares, Inc.*, Edmond, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Edmond, Edmond, Oklahoma (in organization).

E. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *First Commerce Bancorp, Inc.*, Logan, Utah; to merge with Nubanc Corporation, dba First Commerce Bank, Logan, Utah. Comments on this application must be received by January 10, 1996.

Board of Governors of the Federal Reserve System, December 19, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-31232 Filed 12-22-95; 8:45 am]

BILLING CODE 6210-01-F

Summit Bancorp; Notice of Proposal to Engage *de novo* in Permissible Nonbanking Activities

The company listed in this notice has given notice under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank

holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether commencement of the activity can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 10, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Summit Bancorp*, Akron, Ohio; to engage *de novo* through its subsidiary, Summit Banc Investments Corporation, Akron, Ohio, in providing portfolio and investment advice, pursuant to § 225.25(b)(4)(iii) of the Board's Regulation Y; and in securities brokerage services, pursuant to § 225.25(b)(15)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 19, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-31233 Filed 12-22-95; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Hearings on FTC Policy in Relation to the Changing Nature of Competition

AGENCY: Federal Trade Commission.

ACTION: Notice of extension of time for comment on public hearings.

SUMMARY: The Federal Trade Commission ("FTC" or "Commission") announces that the time has been

extended for submitting written comments for the hearings record on whether there have been broad-based changes in the contemporary competitive environment that require any adjustments in antitrust and consumer protection enforcement in order to keep pace with those changes. The period for submitting written comments is extended to Friday, January 26, 1995.

The Commission hearings address whether any accommodations in the law or enforcement policy are warranted in the following areas in light of any developments in global competition and innovation: (1) The measurements of market power; (2) the ability of firms to enter new markets; (3) treatment of efficiencies in merger and nonmerger areas; (4) treatment of efficiencies in innovation, particularly those resulting from collaboration; (5) failing firms or distressed industries; (6) the impact of antitrust and consumer protection law on small businesses; (7) the relationship of antitrust to intellectual property law; (8) foreclosure, access and efficiency issues related to networks and standards; (9) strategic conduct in the context of innovation-based competition; (10) cross-border consumer protection issues (such as standard setting, product labeling harmonization, and/or technology-related scams); and (11) agency institutional processes (such as quality of evidence and burden of proof; safe harbors; evidence gathering). The hearings are being transcribed and placed on the public record.

DATES: The hearings began on October 12, 1995. The final hearing date was December 13, 1995. Any interested person may submit written comments responsive to any of the topics addressed; such comments must be submitted for the record by January 26, 1995.

ADDRESSES: To facilitate efficient review of public comments, all comments should be submitted, if possible, in electronic and written form. Electronic submissions should be on either a 5 and 1/4 or 3 and 1/2 inch computer disk, with a label on the disk stating the name of the commenter and the name of and version of the word processing program used to create the document. (Programs based on DOS are acceptable. Files from other operating systems should be submitted in ASCII text format.) Submissions should be captioned "Comments on Hearings on Global Competition and Innovation" and addressed to Donald S. Clark, Office of the Secretary, Federal Trade Commission, Sixth Street and

Pennsylvania Avenue, N.W.,
Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Susan DeSanti or Debra A. Valentine, Policy Planning, Federal Trade Commission, Sixth and Pennsylvania Avenue, N.W., Room 503, Washington, D.C. 20580; or by telephone (202) 326-2167 or (202) 326-2390. Electronic Mail Address: susan.desanti@ftc.gov, or debra.valentine@fte.gov. A detailed agenda for the hearings is available on the FTC Home Page (<http://www.fte.gov>), through various publications, and through Sula Miller at (202) 326-3190.

SUPPLEMENTARY INFORMATION: The hearings are to examine consumer protection and antitrust law enforcement in light of the above issues. The hearings record is expected to provide a basis for assessing what, if any, adjustments may be desirable. After the hearings, a report will be issued, which may indicate changes that may be adopted or recommended, areas for further study, or coordinated action by the Commission and the Department of Justice. The Commission has general authority under the FTC Act to interpret its substantive laws through guidelines, advisory opinions, and policy statements

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-31207 Filed 12-22-95; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(WY-030-06-1990-01)

Notice of Availability of Jackpot Mine Project Final Environmental Impact Statement (FEIS)

AGENCY: Bureau of Land Management.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Jackpot Mine Project Final Environmental Impact Statement which analyzes the environmental consequences of an underground uranium mine proposed for the southern side of Green Mountain, 14 miles southeast of Jeffrey City in Fremont County, Wyoming. The BLM preferred alternative for the FEIS is approval of the plan of operation for the underground mine, the proposed alternative, and disposal of mine waste rock at the Big Eagle Mine.

DATES: Comments on the FEIS should be postmarked no later than 30 days after

the date that the Environmental Protection Agency publishes their Notice of Availability in the Federal Register. The EPA notice is expected to be published on December 22, 1995. All comments should be postmarked no later than January 22, 1996. All comments will be considered in the Record of Decision.

ADDRESSES: Comments on the FEIS should be sent to the Bureau of Land Management, Rawlins District Office, Attn: Larry Kmoch, P.O. Box 670, Rawlins, WY 82301.

SUPPLEMENTARY INFORMATION: The proposed project is to explore for and develop uranium reserves present in the Battle Springs Formation at depths of approximately 2,500 to 3,500 feet below the surface of Green Mountain. Project-required lands encompass a maximum of 515 acres within portions of Townships 24 through 28 North, Ranges 91 through 93 West. The proposed project entails the construction, operation, and reclamation of an underground uranium mine and associated facilities by the Green Mountain Mining Venture. A transportation corridor connecting the proposed mine with the Sweetwater Uranium Mill, approximately 27 miles to the south, would involve the construction of a new transportation route. A combination of the upgrading of existing roads, in the proposed action, and construction of new haul road segments, were the preferred access/haul roads.

Dated: December 12, 1995.

Alan R. Pierson,

State Director.

[FR Doc. 95-30894 Filed 12-22-95; 8:45 am]

BILLING CODE 4310-22-P

[MT-960-1120-00]

Notice of Meeting

AGENCY: Bureau of Land Management (BLM), Montana, Miles City District, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Miles City District Resource Advisory Council will have an emergency meeting Wednesday, January 17, 1996 at 10:00 a.m. in the Miles City District Office Conference Room located at 111 Garryowen Road, just west of Miles City. The meeting is called primarily to discuss and review the proposed Montana/Dakotas Standards and Guidelines for Rangeland Health and is expected to last until 4:00 p.m.

The meeting is open to the public and the public comment period is set for 10:00 a.m. The public may make oral

statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marilyn Krause, Public Affairs Specialist, Miles City District, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 232-4331.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: December 14, 1995.

David D. Swogger,

Acting District Manager.

[FR Doc. 95-31208 Filed 12-22-95; 8:45 am]

BILLING CODE 4310-DN-P

[CA-010-06-1220]

Meeting of the Bakersfield Resource Advisory Council

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Meeting of the Bakersfield Resource Advisory Council.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (public law 92-463) and the Federal Land Policy and Management Act of 1976 (sec. 309), the Bureau of Land Management Bakersfield District Resource Advisory Council will meet at Fort Ord/California State University, Monterey Bay.

DATES: January 18-19, 1996, 8:00 a.m. to 5:00 p.m. both days.

ADDRESS: Watershed Institute Building, B Street and Sixth Avenue, Fort Ord.

SUPPLEMENTARY INFORMATION: The Bakersfield Resource Advisory Council is a 12 member council appointed by the Secretary of the Interior to give counsel and advice regarding planning and management of public land resources to the District Manager of the Bureau of Land Management Bakersfield District. The Council will meet on Thursday, January 18 to discuss and tour rehabilitation efforts on those

portions of Fort Ord that will come under BLM management. On Friday, January 19, the council will discuss grazing issues and have a briefing on the National Environmental Policy Act. The meeting is open to the public, but private transportation must be arranged in order to take part in the field trip on Fort Ord.

Anyone wishing to address the Council about any public land issue may do so during the public comment period beginning at 1 p.m., January 19, 1996 or at any time during the meeting at the discretion of the Council Chairman. Written comments may be submitted at the meeting, or to the address below. To reach the Watershed Institute Building, take the Fort Ord/CSUMB main entrance off Highway 1. Follow Lightfighter Drive to the signal light at North-South Drive. Go straight and as the street curves to the right, turn left onto Col. Durham Street. Turn left on Sixth Avenue, and then right on B Street. The Watershed Institute is on the right with parking in the rear of the building. From Reservation Road take the Imjin Gate which is opposite Fritsche Field. Take Imjin Road to the Eighth Street cut-off and turn left. Turn right on Sixth Avenue, then left on B Street.

FOR FURTHER INFORMATION CONTACT: Larry Mercer, Public Affairs Officer, Bureau of Land Management, Bakersfield District, 3801 Pegasus Drive, Bakersfield, CA 93308, telephone 805-391-6010.

Dated: December 15, 1995.

Ron Fellows,
District Manager.

[FR Doc. 95-31209 Filed 12-22-95; 8:45 am]
BILLING CODE 4310-40-M

[ID-957-1420-00]

Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., December 13, 1995.

The supplemental plat, prepared to amend an old lot in section 18 and to correct the mineral survey number of Gem Knob Nos. 1 and 2 lodes, was accepted December 13, 1995.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: December 13, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95-31211 Filed 12-22-95; 8:45 am]

BILLING CODE 4310-GG-M

[ID-957-7130-00-7660]

Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., December 14, 1995.

The supplemental plat of partially unsurveyed T. 48 N., R. 5 E., Boise Meridian, Idaho, prepared to create tracts 98 and 99 in unsurveyed sections 9 and 10 and tract 100 in unsurveyed sections 22 and 23, was accepted December 14, 1995.

This supplemental plat was prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: December 14, 1995.

Gary T. Oviatt,

Acting Chief, Cadastral Surveyor for Idaho.

[FR Doc. 95-31210 Filed 12-22-95; 8:45 am]

BILLING CODE 4310-GG-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Title II Development Activity Proposal Draft Guidelines; Availability

AGENCY: United States Agency for International Development.

ACTION: Notice.

Pursuant to the Agricultural Trade and Development Act of 1990, notice is hereby given that the Fiscal Year 1997 (FY 97) Public Law 480 Title II Development Activity Proposal Draft Guidelines are being made available to interested parties for the required thirty (30) day comment period.

Individuals who wish to review and comment on the draft guidelines should contact: Office of Food for Peace, Room 323, SA-8, Agency for International Development, Washington, D.C. 20523-0809. Contact person: Sheila Royston, (703) 841-2700.

The thirty day comment period will begin on the date that this announcement is published in the Federal Register.

Dated: December 15, 1995.

H. Robert Kramer,

Director, Office of Food for Peace, Bureau for Humanitarian Response.

[FR Doc. 95-31213 Filed 12-22-95; 8:45 am]

BILLING CODE 6116-01-M

Title II Results Report Draft Guidelines; Availability

AGENCY: United States Agency for International Development.

ACTION: Notice.

Pursuant to the Agricultural Trade and Development Act of 1990, notice is hereby given that the Fiscal Year 1995 (FY 95) Public Law 480, Title II Results Report Draft Guidelines are being made available to interested parties for the required thirty (30) day comment period.

Individuals who wish to review and comment on the draft guidelines should contact: Office of Food for Peace, Room 323, SA-8, Agency for International Development, Washington, DC 20523-0809. Contact person: Sheila Royston, (703) 841-2700.

The thirty day comment period will begin on the date that this announcement is published in the Federal Register.

Dated: December 15, 1995.

H. Robert Kramer,

Director, Office of Food for Peace, Bureau for Humanitarian Response.

[FR Doc. 95-31212 Filed 12-22-95; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32827]

Quincy Bay Terminal Co.—Renewal of Operation Exemption—Fore River Railroad Company, Inc.

Fore River Railroad Company, Inc. (Fore River) has agreed to a five year renewal of a license and operating agreement with Quincy Bay Terminal Co. (QBT), wherein QBT will continue to operate a 3.76-mile line of railroad between Quincy, MA, and an interchange with Consolidated Rail Corporation at East Braintree, MA. The current agreement is scheduled to expire on December 31, 1995.¹

This notice is filed under 49 CFR 1180.2(d)(4). If the notice contains false

¹ The operation exemption was granted by Fore River to QBT under a notice of exemption in *Quincy Bay Terminal Co.—Operation Exemption—Fore River Railroad Corporation*, Finance Docket No. 31997 (ICC served Jan. 17, 1992).

or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Any comments must be filed with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. A copy of any pleading filed with the Commission should be sent to applicant's representative: Keith G. O'Brien, 1920 N St., NW., Suite 420, Washington, DC 20036.²

As a condition to the use of this exemption, any employees adversely affected by this transaction will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: December 15, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 95-31173 Filed 12-22-95; 8:45 am]

BILLING CODE 7035-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Company (Zion Nuclear Power Station, Unit Nos. 1 and 2)

Exemption

I

Commonwealth Edison Company (ComEd or the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48, which authorize operation of the Zion Nuclear Power Station, Unit Nos. 1 and 2, at a steady-state reactor power level not in excess of 3250 megawatts thermal. The facilities are pressurized water reactors located at the licensee's site in Lake County, Illinois. The licenses provide, among other things, that the Zion Nuclear Power Station is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

²Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

II

Sections III.C and III.D.3 of 10 CFR part 50, appendix J, require that Type C local leak rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. These requirements are reflected in the Zion Technical Specifications (TS) as requirements to perform type C containment leak rate testing in accordance with 10 CFR part 50, appendix J, and approved exemptions.

III

The licensee has determined that certain containment isolation pathways have not been locally leak rate tested (type C tests) as required by appendix J to 10 CFR part 50. In a letter dated August 16, 1995, the licensee requested relief from the requirement to perform the type C containment leak rate tests of certain penetrations and valves in these pathways in accordance with the requirements of sections III.C and III.D of 10 CFR part 50, appendix J. On August 16, 1995 the staff authorized in writing, continued operation of the Zion units in a notice of enforcement discretion (NOED) until such time as the staff acted on the exemption requests. In a letter dated November 20, 1995, the staff granted the scheduler exemptions requested in the licensee's letter of August 16, 1995, and granted scheduler exemptions for the permanent exemption requests to allow time for additional staff review and until final staff action could be taken. In its letter of November 28, 1995, and supplemented on December 6, 1995, the licensee requested that certain scheduler exemption requests be granted as permanent exemptions.

The licensee's letter of November 28, 1995, requested permanent exemptions for components in the following containment penetrations:

Units 1 and 2: P-70, Valve 1(2)SF8767, Refuel Cavity to Purification Pump; P-99, Valve 1(2)SF8787, Purification Pump to Refuel Cavity.

The licensee's letter of November 28, 1995, also requested that the following permanent exemption requests be changed to scheduler exemption requests.

Units 1 and 2: P-77, 1(2)PP0101, 1(2)PP0102, 1(2)PP0103, 1(2)PP0104 (Penetration Pressurization to Containment Valve Stations); P-102, 1(2)AOV-RC8029 (Primary Water to the Pressurizer Relief Tank).

For unit 1, the penetrations would be tested during the refueling outage in the

fall of 1995, and for unit 2, they would be tested during the next cold shutdown of sufficient duration, and subsequently thereafter as required. For P-77 and P-102, the staff's letter of November 20, 1995, granted scheduler exemptions until December 31, 1995, at which time final action will be taken. This scheduler exemption still applies for units 1 and 2.

The licensee's letter of November 28, 1995, also requested that for P-44, the permanent exemption request be changed to a scheduler exemption request. In a letter dated December 6, 1995, the licensee withdrew the previous requests because it intends to test the penetration in accordance with the requirements of 10 CFR part 50, appendix J.

The licensee's request dated November 28, 1995, justified the proposed permanent exemptions for P-70 and P-99 on the following basis.

For P-70 and P-99, the tests were intended to be performed with air by installing a hole plug to allow a pressure source hookup while maintaining an adequate pressure boundary. During a walkdown of the test boundary, it was identified that the design of the piping for these penetrations does not allow draining of accumulated water in the line and, therefore, prevents a proper leak rate test with air per the requirements of 10 CFR part 50, appendix J. The piping configurations were not known to the licensee when the exemption request dated August 16, 1995, was submitted. For P-70, in addition to not being able to completely drain the line, the dose rates for the location where the hole plug would have to be installed are extremely high, on the order of 1-2 Rem/hour. For P-99, the piping configuration is such that the location of the test connection would pose a personnel safety issue since the connection is located on the side of the refueling cavity approximately 30 feet above the cavity floor. In its submittal dated November 28, 1995, the licensee, therefore, requested a permanent exemption to be allowed to perform the test with water. If the exemptions were approved, dewatering of the lines would not be necessary, and the isolation for the test boundaries would be by other means. The test would be performed by pressurizing the subject valve with water to approximately 100 psig (greater than Pa, which is 47 psig) and inspecting the valve for leakage. The acceptance criterion will be the same as the other tests which use water as a test medium, zero leakage.

The leakage pathways for P-70 and P-99 do not consist of through-valve

leakage paths, but rather leakage paths out of containment isolation valves through valve diaphragms. The potential leakage paths are small or restrictive and are through cracks or tears in valve diaphragms. The leakage path for a significant leak to occur requires a sequence of events for which the probability of occurrence is low. The proposed test, with water as the test medium and with a zero leakage acceptance criterion, is conservative enough to provide reasonable assurance of no significant increase in risk to health and safety of the public when compared to testing with air. In addition, seismic support of the systems, missile protection, and, for P-70, the isolation valve seal water system all provide additional assurance that the risk of a significant leak is minimal.

To justify granting an exemption to the requirements of 10 CFR Part 50, Appendix J, a licensee must show that the requirements of 10 CFR 50.12(a)(1) are met. The licensee stated that its exemption requests meet the requirements of 10 CFR 50.12(a)(1), for the following reasons:

Criteria for Granting Exemptions are Met per 10 CFR 50.12(a)(1)

1. The requested exemptions and the activities which would be allowed thereunder are authorized by law.

If the criteria established in 10 CFR 50.12(a) are satisfied, as they are in this case, and if no other prohibition of law exists to preclude the activities which would be authorized by the requested exemption, and there is no such prohibition, the Commission is authorized by law to grant this exemption request.

2. The requested exemption will not present undue risk to the public.

As stated in 10 CFR 50, Appendix J, the purpose of primary containment leak rate testing is to assure that leakage through primary containment and systems and components penetrating primary containment shall not exceed the allowable leakage rate values as specified by the Technical Specifications or associated bases and to ensure that the proper maintenance and repairs are made during the service life of the containment and systems and components penetrating primary containment. The requested exemption is consistent with this intent for those penetrations in that alternate means of ensuring leakage remains acceptably low will be performed as proposed herein.

3. The requested exemption will not endanger the common defense and security.

The common defense and security are not in any way compromised by this exemption request.

In addition, the licensee must show that at least one of the special circumstances, as defined in 10 CFR 50.12(a)(2) is present. One of the special circumstances that a licensee may show

to exist is that the application of the regulation in the particular circumstance is not necessary to achieve the underlying purposes of the rule. The purposes of the rule, as stated in Section I of 10 CFR 50, Appendix J, are to ensure that: (1) Leakage through the primary reactor containment and systems and components penetrating containment shall not exceed allowable values, and (2) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made. The staff has reviewed the licensee's proposal and has concluded that the proposed alternative tests will confirm the integrity of the subject pathways. Therefore, application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV

Sections III.C and III.D.3 of 10 CFR Part 50, Appendix J, require that Type C local leak rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years.

The licensee proposes exemptions to these sections which would provide relief from the requirement to perform the Type C containment leak rate tests of certain valves in accordance with the requirements of Sections III.C and III.D of 10 CFR Part 50, Appendix J.

The Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determined that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that the application of the regulation is not necessary to achieve the underlying purpose of the rule.

Therefore the Commission hereby grants the following exemption:

The requirement of 10 CFR Part 50, Appendix J, to pressurize the valves in penetrations P-70 and P-99 with air or nitrogen is not necessary. Instead, the test pressure medium may be water.

Pursuant to 10 CFR 51.32, the Commission has determined that granting these exemptions will not have a significant impact on the human environment (60 FR 63549).

Dated at Rockville, Maryland, this 11th day of December 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

*Director, Division of Reactor Projects—III/IV,
Office of Nuclear Reactor Regulation.*

[FR Doc. 95-31254 Filed 12-22-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-395]

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Virgil C. Summer Nuclear Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensee), for operation of the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina.

Environmental Assessment

Identification of the Proposed Action

The proposed action would support the licensee's plan to implement the revised 10 CFR Part 20, "Standards for Protection Against Radiation." Also, the licensee proposed several editorial changes to improve the clarity of the Technical Specifications (TS). The majority of the licensee's proposal meets the eligibility criteria for categorical exclusion set forth in 10 CFR

51.22(c)(9). However, one aspect of the licensee's proposal changes requirements with respect to use of a facility component located outside the restricted area as defined in 10 CFR Part 20. Specifically, requirements for use of the settling ponds will be changed by the proposed amendment.

The proposed action is in accordance with the licensee's application for amendment dated February 21, 1995, as revised on August 31, 1995, and December 4, 1995.

The Need for the Proposed Action

The proposed action is needed to update the license to incorporate the revised requirements of 10 CFR Part 20 (i.e., the need for the proposed action was created by a change in the regulatory requirements).

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed revision to the radioactive material quantity in the settling ponds will not change the types

and will conservatively lower the amount of effluents that can be released. Therefore, it will not cause an increase in individual or cumulative occupational radiation exposures. The new settling pond limit is based on that quantity which would not exceed the effluent concentrations of 10 CFR Part 20, Appendix B, Table 2, Column 2, at the nearest potable water supply if an uncontrolled release of settling pond inventory should occur. The effluent concentration limits in 10 CFR Part 20, Appendix B, Table 2, are more conservative than the current limits in the licensee's TS. Thus the change proposed by the licensee results in a net decrease in the maximum quantity of radioactive material permitted in the settling ponds.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Virgil C. Summer Nuclear Station, Unit No. 1.

Agencies and Persons Consulted

In accordance with its stated policy, on October 26, 1995 the staff consulted with the South Carolina State official, Mr. Virgil Autry of the Bureau of Solid

and Hazardous Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 21, 1995, as supplemented by letters dated August 31, 1995, and December 4, 1995, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Fairfield County Library, 300 Washington Street, Winnsboro, SC.

Dated at Rockville, Maryland, this 19th day of December 1995.

For the Nuclear Regulatory Commission.
Frederick J. Hebdon,
*Director, Project Directorate II-3, Division of
Reactor Projects—I/II Office of Nuclear
Reactor Regulation.*

[FR Doc. 95-31253 Filed 12-22-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-245]

Northeast Utilities, Millstone Nuclear Power Station, Unit 1; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated January 8, 1995, by Mr. Anthony J. Ross. The Petition pertains to Millstone Nuclear Power Station, Unit 1.

In the Petition, the Petitioner raised concerns regarding the Millstone station site paging and site siren evacuation alarm system at Millstone Unit 1. The Petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) institute at least three sanctions against his department manager and institute sanctions against the Petitioner's coworker and maintenance first-line supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5. As grounds for this request, the Petitioner alleged that on numerous occasions since January 1994, his department manager had instructed the

Petitioner's coworkers to shut off or turn down the volume on the site paging and site siren evacuation alarm system in the Unit 1 maintenance shop, and the Petitioner's first-line supervisor and coworker had complied with this request, in violation of Technical Specification 6.8.1 and NUREG-0654.

The Director of the Office of Nuclear Reactor Regulation has determined to deny the Petition. The reasons for this denial are explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-95-23), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the Decision in that time.

Dated at Rockville, Maryland, this 19th day of December 1995.

For the Nuclear Regulatory Commission.
William T. Russell,
*Director, Office of Nuclear Reactor
Regulation.*
[FR Doc. 95-31255 Filed 12-22-95; 8:45 am]
BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-21605; File No. 812-9334]

New England Variable Life Insurance Company, et al.

December 18, 1995.

AGENCY: Securities and Exchange Commission (the "SEC" or the "Commission").

ACTION: Notice of application for an order of approval under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: New England Variable Life Insurance Company ("NEVLICO"), New England Variable Annuity Separate Account ("NEVLICO Account"), New England Mutual Life Insurance Company ("New England"), The New

England Variable Account ("TNE Account") and New England Securities Corporation ("New England Securities").

RELEVANT 1940 ACT SECTIONS: Order requested under Section 11(c).

SUMMARY OF APPLICATION: Applicants seek an order approving offers to owners of certain variable annuity contracts supported by the TNE Account (the "Old Contracts") to exchange the Old Contracts for certain variable annuity contracts supported by the NEVLICO Account (the "New Contracts").

FILING DATE: The application was filed on November 18, 1994 and amended on August 16, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 12, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 501 Boylston Street, Boston Massachusetts 02117.

FOR FURTHER INFORMATION CONTACT: Joyce Merrick Pickholz, Senior Counsel, or Wendy Finck Friedlander, Deputy Chief, at (202) 942-0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the SEC.

Applicant's Representations

1. NEVLICO, a stock life insurance company organized in 1980 under Delaware law, is a wholly-owned subsidiary of New England, a mutual life insurance company organized in Massachusetts in 1835.

2. The NEVLICO Account and the TNE Account ("Accounts"), separate accounts within the meaning of Section 2(a)(37) of the 1940 Act, are registered under the 1940 Act as unit investment trusts. The Accounts are divided into subaccounts each of which invests in a designated portfolio of the New England

Zenith Fund or the Variable Insurance Products Fund. Sub-accounts may be added to or deleted from the Accounts from time to time.

3. New England Securities serves as the distributor and principal underwriter for the Old Contracts and will serve as distributor and principal underwriter for the New Contracts. New England Securities is a wholly-owned subsidiary of New England.

4. According to the Applicants, the Old Contracts and the New Contracts are similar. However, the New Contracts offer an enhanced death benefit, a more flexible systematic withdrawal feature, alternative annuity options and waivers of charges in certain situations. Fewer investment options are offered under the New Contracts.

5. Comparison of Contract Features:

a. Forms in Which Issued. Both the Old Contracts and the New Contracts are issuable as flexible and single purchase payment deferred variable annuity contracts.

b. Purchase Payments. The initial purchase payment for the Old Contracts must be at least \$25 for a flexible payment contract and \$5,000 for a single payment contract. Subsequent purchase payments must be at least \$25. In three states, premium taxes are deducted from payments before investment under an Old Contract. The initial purchase payment for a New Contract must be at least \$2,000 for certain tax-qualified contracts and \$5,000 for all other contracts. Subsequent purchase payments must be \$250 and no purchase payments may be made after a contract owner reaches age 86. No premium taxes are deducted from purchase payments before investment under a New Contract, however, such taxes will be deducted upon a full or partial surrender. Under both the Old and New Contracts, New England and NEVLICO reserve the right to limit purchase payments made in any year or in total under the Contracts.

c. Allocations and Transfers. Both the Old and New Contracts permit allocations to up to 10 accounts including one or more subaccounts and/or the Fixed Account. 17 subaccounts are available under the Old Contracts, whereas 12 are available under the New Contracts. Minimum transfer amounts are \$25 under the Old Contracts and \$100 under the New Contracts subject to a maximum of \$5,000 under both contracts. Dollar cost averaging is permitted under both contracts.

d. Annuity Payments. Under the Old Contracts, the owner could select a maturity date at issue, subject to certain limits. The maturity date under the New Contracts is the date that the owner or

annuitant reaches age 95 (or the maximum permitted under state law). Three annuity options are the same under both contracts. However, the Old Contracts offer three options not available under the New Contracts: life income, installment refund; investment; and specified amount of income and the New Contracts offer one annuity option not available under the Old Contracts, namely, income until the payee reaches 100. All options are available under the Old Contracts in fixed form, and all except investment and specified amount of income options are available in variable form. All options under the New Contracts are available in fixed and variable form. Under the New Contracts, the payee under the variable form of a life contingency payment option with a period certain may withdraw the commuted value of the remaining payments payable during the period certain.

e. Death Proceeds. Under the Old Contracts, the death benefit is the greater of the Contract value next determined after receipt of proof of death or election of payment form and the sum of all purchase payments less surrenders. Under the New Contracts, the death benefit is the Contract value next determined after receipt of proof of death or election of payment form and the guaranteed minimum death benefit. On the date of issue, the guaranteed minimum benefit is the initial purchase payment. On the seventh contract anniversary and every seven years thereafter until the owner's (or, if applicable, annuitant's) 76th birthday (if joint owners, the 71st birthday of the eldest owner), the guaranteed minimum is recalculated and becomes the greater of the Contract value on the date of the recalculation or the guaranteed minimum applicable just before the recalculation. Between recalculations, adjustments are made for interim purchase payments and surrenders.

f. Surrenders. After a partial surrender, the remaining Contract value must be at least \$500 under an Old Contract and \$1,000 under a New Contract. Otherwise, except for a deduction for premium taxes under a New Contract, the surrender rights and privileges are the same under the Old and New Contracts.

g. Systematic Withdrawals. Prior to annuitization, the owner of an Old Contract may withdraw a specified portion of Contract value periodically. The New Contracts permit withdrawal of either a fixed dollar amount or the investment gain under the contract, provided the withdrawal is at least \$100.

6. Comparison of Contract Charges:

a. **Administration Contract Charges.** This fee is \$30 under the Old Contracts; under the New Contracts, the fee is the lesser of \$30 or 2% of the Contract value. Under the New Contracts, the fee is waived if Contract value is at least \$50,000 at year end or if Contract value was \$25,000 at the end of the prior year and purchase payments of at least \$1,000 (net of surrenders) were made during the year.

b. **Asset-Based Charges.** The aggregate asset-based charges under both contracts is 1.35% which is composed of (1) an administrative services charge of .40% under the Old Contracts and .10% under the New Contracts and (2) a mortality and expense risk charge under the Old Contracts of .95% and 1.25% under the New Contracts.

c. **Transfer Charge.** A \$10 charge is imposed under both Contracts on transfers in excess of 12 per year. The charge may be increased under the New Contracts and the number of free transfers may be reduced under both Contracts (to 4 under the Old Contracts and 0 under New Contracts).

d. **Contingent Deferred Sales Charge.** No sales charges are deducted from purchase payments under either the Old or New Contracts, but a contingent deferred sales charge ("CDSC") may apply to the following events (a) full or partial surrenders of Contract value, (b) the application of Contract exceeds to certain annuity options prior to the maturity date and, for new Contracts (c) the withdrawal of the commuted value of proceeds applied to an annuity option if no CDSC was deducted at annuitization and (d) in states where the maximum maturity age is less than 95, the maturity date, if a purchase payment was made less than seven years before the withdrawal.

Under the Old Contracts, a declining CDSC applies during the first ten Contract years, to withdrawals in excess of 10% of Contract value on the date of the first withdrawal in the Contract year. Under the New Contracts, a declining CDSC applies to the withdrawal of purchase payments invested less than seven years. There is a few withdrawal amount under the New Contracts equal to the greater of 10% of the Contract value at the beginning of the year, or the excess of Contract value over premiums subject to a CDSC on the withdrawal date. The CDSC under both the New and Old Contracts may not exceed 8% of the first \$50,000 of purchase payments and 6.5% of payments exceeding \$50,000.

CDSC UNDER THE OLD CONTRACTS

Contract year	Percent of contract value withdrawn (after) 10% free amount (percent)
1	6.5
2	6.0
3	5.5
4	5.0
5	4.5
6	4.0
7	3.5
8	3.0
9	2.0
10	1.0
11 and after	0

CDSC UNDER THE NEW CONTRACTS

Years purchase payment has been invested	Charge as percentage of purchase payment (percent)
1	7
2	6
3	5
4	4
5	3
6	2
7	1
Thereafter	0

7. The Exchange Offer:

a. Applicants propose to offer owners of Old Contracts the opportunity to exchange their contracts for New Contracts (the "Exchange Offer") by means of disclosure included in the prospectus for the New Contracts. The disclosure would note relevant differences between the Old and New Contracts and explain how the death benefit and CDSC would be calculated in New Contracts issued in exchange for Old Contracts. In particular, the disclosure will explain how an owner of an Old Contract contemplating an Exchange could minimize the applicable contingent deferred sales charge depending on whether the payment is made on or before the Exchange or after the Exchange is affected.

b. No purchase payment would be required in connection with an Exchange (except if necessary to meet the minimum initial premium requirement for the New Contracts). A pro rata portion of the annual administration contract charge would be deducted on the date the Exchange is

effected (the "Exchange Date") because Contract years will thereafter be based on the Exchange Date rather than the issue date of the Old Contract. However, no sales charge would be deducted in connection with an Exchange nor would commissions be paid to New England Securities or any of its registered representatives. Applicants state that they believe that an Exchange would not result in adverse tax consequences to owners of Old Contracts.

c. According to the Application, the Contract value ("Exchange Value") of the Old Contracts (together with any additional payments submitted with an application for the New Contract) on the Exchange Date would be applied to the New Contract as the Contract value as of the Exchange Date. If a charge was deducted under the Old Contract for premium taxes, Applicants represent that a credit will be applied to the New Contract on the Exchange Date in an amount calculated to offset the premium tax charge, if any, that would apply to the Exchanged Value upon annuitization, surrender or payment of the Death Proceeds under the New Contract.

d. If the Exchange Value is allocated among Eligible Funds not available under the New Contracts, the owner would be required to reallocate the Exchanged Value to available eligible funds. Applicants represent that any such reallocation would not be counted toward the 12 free transfers permitted in the first New Contract year.

e. The Exchange Date would be the issue date of the new Contract for purposes of determining contract years and anniversaries after the Exchange Date and the maturity date would be set at age 95 of the older of the contract owner or annuitant or the maximum age allowable by law. A new minimum death benefit would be calculated for the New Contract equal to the greater of purchase payments made on the Old Contract (adjusted for withdrawals) or the Exchange Value. The guaranteed minimum death benefit would be recalculated on each seven-year anniversary of the Exchange Date.

f. Withdrawals after the Exchange Date would be governed by the terms of the New Contract for purposes of calculating any CDSC. Accordingly, the Exchange Value would be treated as the oldest purchase payment and would be withdrawn first, after the free withdrawal amount was calculated. However, withdrawals of Exchange Value will be subject to the CDSC percentage applicable under the Old Contracts taking into account the number of years the Old Contract had

been in effect, rather than the CDSC under the New Contracts.

g. In most years the CDSC percentage under the Old Contracts will be slightly higher than for the New Contracts. Applicants submit that the sales charge schedule under the Old Contracts was designed to cover the costs associated with the original sale of those Contracts and, it is believed that, if the original sales schedule is not preserved for the Exchange Value, some owners might exchange contracts with the intent to then surrender the New Contract and incur a lower CDSC.

h. Because a CDSC is assessable under an Old Contract for the first ten contract years, the applicant of the Old Contract's CDSC schedule to the Exchange Value from an Old Contract outstanding less than three years would subject the Exchange Value to a CDSC for a longer period after the Exchange Date than a purchase payment made immediately after the Exchange Date. However, Applicants will waive any CDSC on Exchange Value that would otherwise be imposed more than seven years after the Exchange Date.¹

i. Applicants submit that the application of the original CDSC schedule of the Old Contract to any purchase payments submitted with the application for the New Contract is to the advantage of owners of Old Contracts outstanding more than three full contract years before the Exchange Date because the CDSC rate under the Old Contracts is in most cases less, and never more than, the CDSC rate applicable to purchase payments made immediately after the Exchange Date. Whether there is a benefit from the application of the original CDSC to the Exchange Value of Old Contracts held less than three years, depends on whether there is a surrender during the first seven years. During the first few years of the seven year period the applicable CDSC rate under the Old Contracts is slightly lower than under the New Contracts, but the reverse is true during the later years of the seven year period. Applicants believe that the treatment of additional purchase payments submitted with an exchange application as part of Exchange Value results in the fairest treatment for the broadest class of owners of Old Contracts and that the waiver of any applicable CDSC more than seven years after the Exchange Date will minimize any inequity to owners of contracts outstanding less than three years of the

Exchange Date. Also, Applicants undertake to include in the prospectus for the New Contracts, disclosure identifying the circumstances in which it would be advantageous or disadvantageous to submit a purchase payment with the application or immediately after the issuance of the New Contract.

Applicants' Legal Analysis

1. Section 11(a) of the 1940 Act provides in relevant part that it shall be unlawful for any registered open-end management investment company ("fund") or its principal underwriter to make an offer to a shareholder of that fund or of another fund to exchange his security for a security in the same or another fund on any basis other than the relative net asset values of the securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission or the offer complies with the Commission's rules. Section 11(c) provides that the provisions of subsection (a) apply, irrespective of the basis of exchange, to any offer of exchange of a security of a fund for the securities of a unit investment trust and to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company. Therefore, prior Commission approval is required for exchange offers subject to Section 11(c) even if made on the basis of relative net asset values.

2. Rule 11a-2 under the 1940 Act, permits exchange offer without prior Commission approval by registered insurance company separate accounts and their principal underwriters to holders of variable contracts supported by separate accounts having the same or an affiliated insurance company depositor or sponsor provided, in essence, that the exchange is made on the basis of the relative net asset values of the securities to be exchanged (less administrative fees disclosed in the offering account's registration statement), and any sales loads imposed is calculated and deducted in accordance with the terms and conditions of Rule 11a-2. Paragraph (d)(1) of Rule 11a-2 provides that, where both the exchanged and acquired securities are subject to deferred sales loads, any deferred sales load imposed on the acquired security shall be calculated as if the holder of the acquired security had been the holder of that security from the date on which he became the holder of the exchanged security, and purchase payments made for the exchanged security had been made for the acquired security on the date on which they were made for the

exchanged security. Applicants state that Rule 11a-2(d)(1), on its face, appears to require that any CDSC deducted on a surrender made after the exchange be deducted in accordance with the CDSC schedule of the acquired contract.

3. No CDSC would be imposed at the time of the exchange of an Old Contract for a New Contract. However, on surrender of the New Contract, the Exchanged Value would be subject to the CDSC provided for by the Old Contract rather than the CDSC provided for in the New Contract. Taking into account the rate at which the CDSC declines under each Contract, the CDSC rate applied to Exchange Value withdrawn more than two years after the Old Contract was issued, would be higher under the Old Contract's CDSC schedule than under the New Contract's CDSC schedule for the same number of years of investment. Therefore, Applicants submit that the Exchange Offer does not appear to comply with the terms of Rule 11a-2 and prior approval of the Exchange Offer by the Commission, pursuant to Section 11(c) of the 1940 Act, is required.

4. According to Applicants, the public policy underlying Section 11 may be inferred from Section 1(b)(1) of the 1940 Act, which states that the national public interest and the interests of investors are adversely affected when, among other things, investors exchange securities issued by investment companies without adequate, accurate and explicit information, fairly presented, concerning the character of such securities and the circumstances, policies and financial responsibility of such companies and their management. Also, according to the legislative history of the 1940 Act, the purpose of Section 11(a) is to provide Commission review of the terms of certain exchange offers, to assure that an offer is not being proposed solely for the purpose of exacting additional selling charges and profits from investors by switching them from one security to another.

5. Applicants submit that the owners of the Old Contracts will receive adequate, accurate and explicit information, fairly presented, concerning the Exchange Offer in the prospectus for the New Contracts which will be given to any owner of an Old Contract considering the Exchange Offer.

6. Applicants assert that the Exchange Offer does not impose additional sales load but preserves the old sales charge schedule for Exchange Value. No sales charge would be deducted on the Exchange Date, and, for purposes of any CDSC applicable after the exchange,

¹ With respect to the CDSC waiver, Applicants state that they intend to rely on Rule 22d-1 under the 1940 Act and undertake to disclose the terms of the sales load variation in the prospectus for the New Contracts.

credit would be given for the time that the Old Contract was in effect.

7. Applicants submit that the history for Rule 11a-2 does not reflect any policy basis for the apparent requirement that the sales load schedule for the acquired security be applied to Contract values carried over from the exchanged security. Provisions of Rule 11a-2 relevant to exchanges of variable annuity contracts with front-end sales load structures effectively permit the deduction of an aggregate sales load based on the highest sales load rate applicable to either the exchanged security or acquired security. Applicants submit that there is no policy reason for permitting the highest sales load rate to apply in the context of contracts with a front-end sales load structure, but not contracts with a deferred sales load structure. Further, Applicants note that Rule 11a-3, which applies to exchange offers involving mutual fund shares, prohibits the deduction of a deferred sales load on an exchanged security at the time of exchange, but permits the deduction of that sales load when the acquired security is redeemed, provided that, among other things, credit is given for the time the acquired security was held. Thus, Applicants state that Rule 11a-3 would permit the CDSC deductions as contemplated in the Exchange Offer and cite examples 4 and 5 in the appendix to the Commission release adopting Rule 11a-3 (Inv. Co. Act Rel. No. 17097) in support of their view. Applicants submit that there is no policy reason for applying different rules to mutual fund exchange offers than are applied to separate account exchange offers.

Applicants' Conclusion

For the reasons set forth above, Applicants submit that the Exchange Offer complies with the general principals of Section 11(a) and Rules 11a-2 and 11a-3 and does not present any of the abuses that Section 11 was intended to prevent. Accordingly, Applicants request approval pursuant to Section 11(c) of the 1940 Act to the extent necessary to permit the Exchange Offer to be made to owners of the Old Contracts as described above.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-31220 Filed 12-22-95; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 21606; 811-4649]

Shearson Lehman Series Fund

December 19, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Shearson Lehman Series 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 September 12, 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 January 16, 1996 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 5th Street, N.W., Washington, D.C. 20549. Applicant, 388 Greenwich Street, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Sarah A Buescher, Staff Attorney, at (202) 942-0573, or Alison E. Baur, 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 or a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. Applicant has five portfolios: Money Market Portfolio, High Income Bond Portfolio, Government Securities Portfolio, Total Return Portfolio, and Appreciation Portfolio. On April 25, 1986, applicant filed a Notification of Registration on Form N-8A and a registration statement on Form N-1A

pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on October 10, 1986, and the initial public offering commenced shortly thereafter.

2. On January 17, 1990, applicant's board of trustees approved a proposal (the "Plan") whereby applicant would be replaced with the IDS Life Series Fund, Inc. (the "Fund") as the investment vehicle for the single premium variable life insurance policies issued by IDS Life Insurance Company of New York and IDS Life Insurance Company. The Plan called for applicant's sole shareholder, IDS Life Variable Account for Shearson Lehman, to redeem all of its shares of applicant.¹

3. On December 28, 1990, applicant's sole shareholder redeemed its shares of applicant and applicant distributed to its shareholder applicant's assets in kind. The distribution had a net asset value of \$18,779,858. No redemption fee or sales charge was imposed in connection with the transaction. Applicant transferred all of its remaining assets and liabilities to the Fund.

4. In connection with its liquidation, applicant incurred minimal expenses, consisting of accounting, administrative, and legal expenses, all of which were paid by IDS Life Insurance Company of New York and IDS Life Insurance Company. At the time of its liquidation, applicant had amortized all but approximately \$46,155 of its organizational expenses. This amount was absorbed by Shearson Lehman Brothers Inc., applicant's sponsor.

5. As of the date of this application, applicant has no outstanding debts or liabilities. Applicant has no shareholders and is not a party to any litigation or administrative proceeding. Applicant is not presently engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

6. Applicant intends to file the appropriate notice of termination required to terminate its existence as a Massachusetts business trust.

¹ Applicant received an order under section 26(b) of the Act that approved the substitution of shares of the Fund for applicant's shares and under section 17(b) exempting applicant from section 17(a) for certain affiliated transactions between applicant and the Fund. See Investment Company Act Release Nos. 17892 (Nov. 30, 1990) (notice) and 17922 (Dec. 18, 1990) (order).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-31237 Filed 12-22-95; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-21608; No. 812-9658]

Safeco Life Insurance Company et al.

December 19, 1995.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Safeco Life Insurance Company ("Safeco"), Safeco Resource Variable Account B ("Account B"), Safeco Separate Account C ("Account C"), First Safeco National Life Insurance Company of New York ("First Safeco"), Safeco Resource Series Trust ("Trust"), Safeco Asset Management Company ("Asset Management").

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) of the 1940 Act for exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e-2(a)(2), 6e-2(b)(15), and 6e-3(T)(b)(15) thereunder.

SUMMARY OF APPLICATION: Applicants seek exemptive relief to the extent necessary to permit shares of the Trust and any other investment company that is offered to fund variable insurance products and for which Asset Management, or any of its affiliates, may serve as investment advisor, administrator, manager, principal underwriter, or sponsor to be sold to and held by the separate accounts ("Separate Accounts") funding variable annuity and variable life insurance contracts ("Variable Contracts") issued by Safeco, First Safeco, or any existing or future affiliated or unaffiliated life insurance company ("Participating Insurance Companies") or to existing or future qualified pension and retirement plans outside of the separate account context ("Qualified Plans" or "Plans"). In addition, Applicants seek exemptive relief to permit the assets of separate accounts of Safeco and First Safeco to be derived from the sale of scheduled premium variable life insurance contracts and flexible premium variable life insurance contracts.

FILING DATE: The application was filed on July 10, 1995, and was amended on November 20, 1995. Applicants have represented that they will file an amendment during the notice period to

make the representations contained herein.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested person may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 15, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester'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 SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants: Bibb L. Strench, Esq., Safeco Asset Management Company, Safeco Plaza, Seattle, Washington 98185.

FOR FURTHER INFORMATION CONTACT: Pamela K. Ellis, Senior Counsel, or Wendy Finck Friedlander, Deputy Chief, both at (202) 942-0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is a Delaware business trust registered under the 1940 Act as an open-end management investment company.

2. The Trust currently consists of five separate series, each series representing an interest in a separate investment portfolio ("Portfolios"). The Board of Trust may establish additional series of shares at any time, each with its own investment objective and policies.

3. Asset Management serves as investment adviser to each Portfolio of the Trust, and is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940. Asset Management is a Washington corporation and a wholly-owned subsidiary of Safeco.

4. Safeco, also a Washington corporation, is a holding company whose primary subsidiaries are engaged in the insurance and related financial services businesses. Safeco is a wholly-owned subsidiary of Safeco Corporation.

5. Account B and Account C are separate accounts of Safeco, and are

registered with the Commission as unit investment trusts under the 1940 Act.

6. First Safeco is a New York stock life insurance company and is a wholly-owned subsidiary of Safeco Corporation.

7. The Portfolios currently are sold to Account B and Account C as investment vehicles for variable annuity contracts issued by Safeco. Applicants propose that the Portfolios serve as investment vehicles for various types of Variable Contracts. Portfolio shares will be offered to Separate Accounts of Participating Insurance Companies, including Safeco and First Safeco, which enter into participation agreements with the Trust. In addition, Applicants propose that the Trust offer and sell shares in its Portfolios directly to Qualified Plans.

8. Applicants state that each Participating Insurance Company will have the legal obligation of satisfying all applicable requirements under state law and the federal securities laws in connection with any Variable Contract issued by such company. Applicants further state that the role of the Trust under this arrangement will consist of offering its shares to the Separate Accounts and fulfilling any conditions the Commission may impose upon granting the order requested in the application.

9. In addition, Applicants state that the Trust desires to avail itself of the opportunity to increase its asset base through the sale of its shares to Qualified Plans, consistent with applicable tax law. The Qualified Plans may choose any of the Portfolios as the sole investment option under the Qualified Plan or as one of several investment options. Qualified Plan participants may or may not be given an investment choice among available alternatives depending on the Qualified Plan itself. Shares of any Portfolio sold to such Qualified Plans would be held by the trustee(s) of such Qualified Plan as mandated by Section 403(a) of the Employee Retirement Income Security Act ("ERISA"). Asset Manager will not act as investment adviser to any of the Qualified Plans that will purchase shares of the Trust.

Applicants' Legal Analysis

1. Applicants request that the Commission issue an order under Section 6(c) of the 1940 Act exempting them from 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) to the extent necessary to permit mixed and shared funding, as defined below. In addition, Applicants seek exemption from Rule 6e-2(a)(2) to the extent necessary to permit the assets of the separate

accounts of Safeco Life and First Safeco to be derived from the sale of both scheduled premium and flexible premium variable life insurance contracts.

Rule 6e-2: Mixed and Shared Funding

2. Rule 6e-2(b)(15) provides partial exemptive relief from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act to separate accounts registered under the 1940 Act as unit investment trusts to the extent necessary to offer and sell scheduled premium variable life insurance contracts. The relief provided by the rule also extends to a separate account's investment adviser, principal underwriter, and sponsor or depositor.

3. The exemptions granted by Rule 6e-2(b)(15) are available only to a management investment company underlying a separate account ("Underlying Fund") that offers its shares exclusively to variable life insurance separate accounts of a life insurer, or of any other affiliated life insurance company, issuing scheduled premium variable life insurance contracts. The relief granted by Rule 6e-2(b)(15) is not available to a separate account issuing scheduled premium variable life insurance contracts if the Underlying Fund also offers its shares to a separate account issuing variable annuity or flexible premium variable life insurance contracts. The use of a common Underlying Fund as an investment vehicle for both variable annuity contracts and scheduled or flexible premium variable life insurance contracts is referred to herein as "mixed funding."

4. Additionally, the relief granted by Rule 6e-2(b)(15) is not available to separate accounts issuing scheduled premium variable life insurance contracts if the Underlying Fund also offers its shares to unaffiliated life insurance company separate accounts funding Variable Contracts. The use of a common fund as an underlying investment vehicle for separate accounts of unaffiliated insurance companies is referred to herein as "shared funding." Moreover, because the relief granted by Rule 6e-2(b)(15) is available only where shares of the Underlying Fund are offered exclusively to Separate Accounts of insurance companies, additional exemptive relief is necessary if the shares of the Trust also are to be sold to Qualified Plans.

Relief for Separate Accounts

5. Applicants also state that a separate account is eligible for the relief granted by Rule 6e-2(b)(15) only if it meets the conditions of Rule 6e-2(a)(2), which required the assets of the separate

account to be derived solely from the sale of variable life insurance contracts and advances made by the life insurer in connection with the operation of such separate account. "Variable life insurance contracts" as defined by the Rule 6e-2(c)(1) includes "scheduled premium" variable life insurance contracts, but not "flexible premium" life insurance contracts. Consequently, a separate account that funds single premium and scheduled premium variable life insurance contracts and flexible premium life insurance contracts would not be deemed to have its assets derived solely from the sale of "variable life insurance contracts." Therefore, the relief granted by Rule 6e-2(b)(15) is not available for a separate account the assets of which are derived from the sale of both scheduled premium variable life insurance contracts and flexible premium variable life insurance contracts. Accordingly, Applicants request exemptive relief in order that the separate accounts of Safeco, and First Safeco may be derived from the sale of both scheduled premium and flexible premium variable life insurance contracts.

Rule 6e-3(T)

6. Regarding the funding of flexible premium variable life insurance contracts issued through a separate account, Rule 6e-3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. This exemptive relief extends to a separate account's investment adviser, principal underwriter, and sponsor or depositor. These exemptions are available only where the Underlying Fund of the separate account offers its shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company" Therefore, Rule 6e-3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account, subject to certain conditions. However, Rule 6e-3(T) does not permit shared funding because the relief granted by Rule 6e-3(T)(b)(15) is not available to a flexible premium variable life insurance Separate Account that owns shares of a management company that also offers its shares to Separate Accounts of unaffiliated life insurance companies. Moreover, because the relief afforded by Rule 6e-3(T) is available only where shares of the Underlying Fund are offered exclusively to separate accounts of

insurance companies, additional relief is necessary if shares of the Trust also are to be sold to Qualified Plans.

Sale to Qualified Plans

7. Applicants state that changes in the tax law have created the opportunity for the Portfolios to increase their asset base through the sale of Portfolio shares to Qualified Plans. Applicants state that Section 817(h) of the Internal Revenue Code of 1986, as amended ("Code"), imposes certain diversification standards on the assets underlying Variable Contracts, such as those in each Portfolio of the Trust. The Code provides that a variable contract shall not be treated as an annuity contract or life insurance contract for any period for which the underlying assets are not, in accordance with regulations prescribed by the Treasury Department, adequately diversified. These diversification requirements are applied by taking into account the assets of the underlying fund if all the beneficial interests in the Underlying Fund are held by certain designated persons. On March 2, 1989, the Treasury Department issued regulations that adopted diversification requirements for underlying funds. Treas. Reg. § 1.817-5 (1989). These regulations provide that, in order to meet the diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more insurance companies. The regulations do, however, contain certain exceptions to this requirement, one of which permits trustee(s) of a qualified plan to hold shares of an investment company, the shares of which also are held by Separate Accounts of insurance companies, without adversely affecting the status of the investment company as an adequately diversified underlying investment vehicle for Variable Contracts issued through such segregated asset accounts. Teas. Reg. § 1.817-5(f)(3)(iii).

8. Applicants state that the promulgation of Rules 6e-2(b)(15) and 6e-3(T)(b)(15) preceded the issuance of the Treasury regulations which made it possible for shares of an investment company to be held by the trustee(s) of qualified plans without adversely affecting the ability of shares in the same investment company also to be held by 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 Rules 6e-2(b)(15) and 6e-3(T)(b)(15) given the then current tax law.

9. Moreover, Applicants assert that if the Trust were to sell its shares only to Qualified Plans, no exemptive relief would be necessary. Applicants state that none of the relief provided for in Rules 6e-2(b)(15) and 6e-3(T)(b)(15) relates to qualified plans or to underlying fund's ability to sell its shares to such plans. It is only because the Separate Accounts investing in the Trust are themselves investment companies which are relying upon Rules 6e-2 and 6e-3(T) and which propose to have the relief continue in place that the Applicants are applying for the requested relief.

Grounds for Relief

10. Accordingly, Applicants seek an order under Section 6(c) of the 1940 Act. Section 6(c) authorizes the Commission to grant exemptions from the provisions of the 1940 Act, and rules thereunder, if and to the extent that an 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.

11. Section 9(a) of the 1940 Act makes it unlawful for any company to serve as an investment adviser to, or principal underwriter for, any registered open-ended investment company if an affiliated person of that company is subject to any disqualification specified in Sections 9(a)(1) or 9(a)(2). Subparagraphs (b)(15)(i) and (ii) of Rules 6e-2 and 6e-3(T) provide exemptions from Section 9(a) under certain circumstances, subject to limitations on mixed and shared funding. The relief provided by subparagraphs (b)(15)(i) of Rules 6e-2 and 6e-3(T) permits a person disqualified under Section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the underlying fund. The relief provided by subparagraph (b)(15)(ii) of Rules 6e-2 and 6e-3(T) permits the life insurer to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to Section 9(a) are participating in the management or administration of the fund.

12. Applicants state that the partial relief granted under subparagraphs (b)(15) of Rules 6e-2 and 6e-3(T) from the requirements of Section 9(a), in effect, limits the monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with Section 9 to that which

is appropriate in light of the policy and purposes of Section 9. Applicants submit that Rules 6e-2 and 6e-3(T) recognize that it is not necessary for the protection of investors or for the purposes of the 1940 Act to apply the provisions of Section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to an investment company in that organization. Applicants further submit that there is no regulatory reason to apply the provisions of Section 9(a) to the many individuals in various unaffiliated Participating Insurance Companies that may utilize the Portfolios as the funding medium for Variable Contracts because of mixed and shared funding.

13. Subparagraphs (b)(15)(iii) of Rules 6e-2 and 6e-3(T) provide partial exemptions from Section 13(a), (15(a), and 15(b) of the 1940 Act to the extent that those sections have been deemed by the Commission to require "pass-through" voting with respect to management investment company shares held by a separate account, to permit the insurance company to disregard the voting instructions of its Variable Contract owners in certain limited circumstances.¹

14. Voting instructions may be disregarded under subparagraphs (b)(15)(iii)(A) of Rules 6e-2 and 6e-3(T) if they would cause the Underlying Fund to make, or refrain from making, certain investments which would result in changes to the subclassification or investment objectives of the Underlying Fund, or to approve or disapprove any contract between a fund and its investment advisers, when required to do so by an insurance regulatory authority, subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of each Rule.

15. Under subparagraph (b)(15)(iii)(B) of Rule 6e-2 and subparagraph (b)(15)(iii)(A)(2) of Rule 6e-3(T), an insurance company may disregard Variable Contract owners' voting instructions if the Variable Contract owners initiate any change in the Underlying Fund's investment objectives, principal underwriter, or investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii) and (b)(7)(ii)(B) and (C) of each Rule.

16. Applicants further assert that the proposed sale of shares of the Trust to Qualified Plans does not impact of the

relief requested. As previously noted, Rules 6e-2(b)(15)(iii) and 6e-3(T)(15)(iii) permit an insurer to disregard Variable Contract owner voting instructions in certain circumstances. Offering shares of the Trust to Qualified Plans would not affect the circumstances and conditions under which any veto right would be exercised by a Participating Insurance Company. Furthermore, as stated above, shares of the Trust would be sold only to Qualified Plans for which such shares would be held by the trustee(s) of such plans as mandated by Section 403(a) of ERISA. Section 403(a) provides that the trustee(s) must have exclusive authority and discretion to manage and control the Qualified Plan with two exceptions: (1) when the Qualified Plan expressly provides that the trustee(s) are subject to the direction of a named fiduciary who is not a trustee, in which case the trustee(s) are subject to proper directions of such fiduciary made in accordance with the terms of the Qualified Plan and not contrary to ERISA; and (2) when the authority to manage, acquire, or dispose of assets of the Qualified Plans is delegated to one or more investment managers under Section 402(c)(3) of ERISA. Unless one of the two exceptions stated in Section 403(a) applies, Qualified Plan trustee(s) have the exclusive authority and responsibility for voting proxies. When a named fiduciary appoints an investment manager, the investment manager has the responsibility to vote the shares held unless the right to vote such shares is reserved to the trustee(s) or the named fiduciary. In any event, Applicants assert that pass-through voting to the participants in such Qualified Plans is not required under ERISA or the securities laws. Accordingly, applicants note that, unlike the case with insurance company separate accounts, the issue of the resolution of material, irreconcilable conflicts with respect to voting is not present with Qualified Plans.

17. Applicants state that no increased conflicts of interest would be present by the granting of the requested relief. Applicants submit that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. In this regard, Applicants assert that a particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance Company offers its Variable Contracts. Accordingly, Applicants submit that the fact that different insurers may be domiciled in

¹ Applicants request no relief for variable annuity separate accounts from the disqualification or pass-through voting provisions.

different states does not create a significantly different or enlarged problem.

18. Applicants state further that, under paragraph (b)(15) of Rules 6e-2 and 6e-3(T), the right of an insurance company to disregard Variable Contract owners' voting instructions does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts, and that affiliation does not eliminate the potential, if any, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser. Applicants state that the potential for disagreement is limited by the requirements in Rules 6e-2 and 6e-3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations. If a Participating Insurance Company's decision to disregard Variable Contract owners' instructions represents a minority position or would preclude a majority vote approving a particular change, however, such Participating Insurance Company may be required, at the election of the relevant Portfolio, to withdraw its investment in that Portfolio. No charge or penalty will be imposed as result of such withdrawal.

19. Applicants submit that mixed and shared funding should benefit Variable Contract owners by: (a) eliminating a significant portion of the costs of establishing and administering separate funds; (b) permitting the expansion of the variety of funding options available under existing Variable Contracts; and (c) encouraging more insurance companies to offer Variable Contracts, resulting in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation and lower charges.

20. Applicants state that there is no reason why the investment policies of the Portfolios with mixed funding would or should be materially different from what they would or should be if the Portfolios funded only variable annuity contracts or variable life insurance policies. Each type of insurance product is designed as a long-term investment program. Moreover, Applicants assert that the Portfolios will continue to be managed in an attempt to achieve their investment objectives, and not to favor any particular Participating Insurance Company or type of insurance product. Applicants therefore argue that there is no reason to believe that conflicts of interest would result from mixed funding.

21. In addition, Applicants assert that the sale of shares of the Trust to Qualified Plans will not increase the potential for material, irreconcilable conflicts of interest between or among different types of investors. Section 817 is the only section in the Code where separate accounts are discussed. Section 817(h) of the Code imposes certain diversification standards on Underlying Funds of Variable Contracts. Treasury regulation 1.817-5(f)(3)(iii) specifically permits "qualified pension or retirement plans" and Separate Accounts to share the same Underlying Fund. Applicants, therefore, have concluded that neither the Code, nor the Treasury regulations or revenue rulings thereunder, present any inherent conflicts of interest between or among Qualified Plan participants and Variable Contract owners if Qualified Plans and the Separate Accounts of Variable Contracts all invest in the same Underlying Fund.

22. Applicants assert that while there are differences in the manner in which distributions are taxed for Variable Contracts and Qualified Plans, these tax consequences do not raise any conflicts of interest. When distributions are made, and the Separate Account or the Qualified Plan is unable to net purchase payments to make the distributions, the Separate Account or the Qualified Plan will redeem shares of the Portfolios at their respective net asset value. The Qualified Plan then will make distributions in accordance with the terms of the Variable Contract.

23. With respect to voting rights, Applicants state that it is possible to provide an equitable means of giving rights to Variable Contract owners and participants in the Qualified Plans. In connection with any meeting of shareholders, the Trust will inform each shareholder, including each Separate Account and Qualified Plan, of the information necessary for the meeting, including their respective share of ownership in the respective portfolios of the Trust. A Participating Insurance Company will solicit voting instructions in accordance with the "pass-through" voting requirement. Qualified Plans and Separate Accounts will each have the opportunity to exercise voting rights with respect to their shares in the Portfolios of the Trust, although only the Separate Accounts are required to pass through their vote to Contract owners. The voting rights provided to Qualified Plans with respect to shares of the Trust would be no different from the voting rights that are provided to Qualified Plans with respect to shares of mutual funds sold to the general public.

24. Applicants argue that the ability of the Portfolios to sell their shares directly

to Qualified Plans does not create a "senior security" as defined by Section 18(g) of the 1940 Act. As noted above, regardless of the rights and benefits of participants under Qualified Plans, or Variable Contract owners under Variable Contracts, the Qualified Plans and the Separate Accounts have rights only with respect to their respective shares of the Portfolio. They can only redeem such shares at their net asset value. No shareholder of the Portfolios has any preference over any other shareholder with respect to distribution of assets or payment of dividends. Applicants state that in absence of an exemption from Section 18(f), all shares of the Trust that will be sold to Separate Accounts or Qualified Plans will be of the same class of shares.

25. Applicants have determined that no conflicts of interest exist between the Variable Contract owners of the Separate Accounts and Qualified Plan participants with respect to the state insurance commissioners' veto powers over investment objectives. The basic premise of corporate democracy and shareholder voting is that not all shareholders may agree with a particular proposal. The state insurance commissioners have been given the veto power in recognition of the fact the insurance companies usually cannot simply redeem their separate accounts out of one fund and invest in another fund. Generally, time-consuming, complex transactions must be undertaken to accomplish such redemptions and transfers. Conversely, the trustee(s) of Qualified Plans or the participants in participant-directed Qualified Plans could make the decision quickly and could implement the redemption of their shares from the Portfolios and reinvest in another funding vehicle without the same regulatory impediments or, as is the case with most Qualified Plans, even hold cash pending suitable investment.

26. Applicants state that they do not see any greater potential for material irreconcilable conflicts arising between the interests of participants under the Qualified Plans and Variable Contract owners of the Separate Accounts from possible future changes in the federal tax laws than that which already exists between Variable Contract owners.

27. Applicants assert that no policy reasons justify prohibiting a separate account funding scheduled and flexible variable life insurance contracts from relying on rule 6e-2. The interests of scheduled premium variable life Contract owners and flexible premium Variable Contract owners and the regulatory frameworks of rules 6e-2 and 6e-3(T) are sufficiently parallel that the

use of the same separate account to fund both types of contracts should not prejudice the owners of any contracts.

28. Applicants also assert that the requested relief is appropriate and in the public interest because the relief will promote competitiveness in the variable life insurance market. Various factors have limited the number of insurance companies that offer Variable Contracts. These factors include the costs of organizing and operating a funding medium, the lack of expertise with respect to investment management, and the lack of name recognition by the public of certain insurers as investment experts to whom the public feels comfortable entrusting their investment dollars. Applicants argue that use of Portfolios as common investment vehicles for Variable Contracts helps to alleviate these concerns because Participating Insurance Companies benefit not only from the investment and administrative expertise of the Trust's investment adviser, but also from the cost efficiencies and investment flexibility afforded by a large pool of funds. Making the Portfolios available for mixed and shared funding may encourage more insurance companies to offer Variable Contracts and, accordingly, could result in increased competition with respect to both Variable Contract design and pricing, which can be expected to result in more product variation and lower charges. Mixed and shared funding also would benefit Variable Contract owners by eliminating a significant portion of the costs of establishing and administering separate mutual funds. Furthermore, Applicants assert that the sale of shares of the Trust to Qualified Plans, in addition to Separate Accounts of Participating Insurance Companies, would result in an increased amount of assets available for investment by the Trust. This may benefit Variable Contract owners by promoting economies of scale, by permitting increase safety of investments through greater diversification, and by making the addition of new Portfolios more feasible.

Applicants' Conditions

The Applicants have consented to the following conditions:

1. A majority of the Board of the Trust ("Board") shall consist of persons who are not "interested persons" of the Trust as defined by section 2(a)(19) of the 1940 Act and rules thereunder, and as modified by any applicable orders of the Commission, except that, if this condition is not met by reason of death, disqualification, or bona fide resignation of any director(s), then the operation of

this conditions shall be suspended: (i) for a period of 45 days, if the vacancy or vacancies may be filled by the Board; (ii) for a period of 60 days, if a vote of shareholders is required to fill the vacancy or vacancies; or (iii) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the Portfolios for the existence of any material irreconcilable conflict between the interests of the Variable Contract owners of all Separate Accounts investing in any of the Portfolios. A material irreconcilable conflict may arise for a variety of reasons, including: (a) state insurance regulatory authority action; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive 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 a Portfolio are being managed; (e) a difference among voting instructions given by Variable Contract owners; or (f) a decision by a Participating Insurance Company to disregard Variable Contract owners' voting instructions.

3. Participating Insurance Companies and Asset Manager (or any other investment manager of the Trust) and any Qualified Plan that executes a fund participation agreement upon becoming an owner of 10% or more of the assets of any underlying Portfolio of the Trust ("Participants") will report any potential or existing conflicts, of which they become aware, to the Board. Participants will be obligated to assist the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for it to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participant to inform the Board whenever Variable Contract owners' or Plan participants' voting instructions are disregarded. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all Participants investing in a Portfolio under their participation agreements, and those participation agreements shall provide that such responsibilities will be carried out with a view only to the interests of the Variable Contract owners or Plan participants.

4. If a majority of the Board, or a majority of the independent trustees of the Board ("Independent Trustees"), determine that a material irreconcilable

conflict exists, the relevant Participant shall, at its expense and to the extent reasonably practicable (as determined by a majority of Independent Trustees), take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (a) withdrawing the assets allocable to some or all of the Separate Accounts or Plans, as appropriate, from the Portfolios and reinvesting those assets in a different investment medium (including another Applicant, if any) or submitting the question whether such segregation should be implemented to a vote of all affected Variable Contract owners or Plan participants and, as appropriate, segregating the assets of any appropriate group (*i.e.*, annuity contract owners, life insurance contract owners, Variable Contract owners, or Plan participants) that votes in favor of such segregation, or offering to the affected Variable Contract owners or Plan participants, as appropriate 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 Participant's decision to disregard Variable Contract owners' or Plan participants' voting instructions, and that decision represents a minority position or would preclude a majority vote, the Participant may be required, at the election of the relevant Portfolio, to withdraw its Separate Account's Investment therein, 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 determination by the Board that an irreconcilable material conflict exists and to bear the cost of such remedial action shall be a contractual obligation of all Participants under their participation agreements governing participation in the Portfolios and these responsibilities will be carried out with a view only to the interests of the Variable Contract owners or Plan participants.

For purposes of this condition, a majority of Independent Trustees shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Trust or Asset Manager be required to establish a new funding medium for any Variable Contract or Plan investment. No Participant shall be required by this condition to establish a new funding medium for any Variable Contract or Plan investment if an offer to do so has been declined by a vote of a majority of Variable Contract owners materially

affected by the irreconcilable material conflict.

5. The determination by the Board of the existence of an irreconcilable material conflict and its implications shall be made known promptly in writing to all Participants.

6. Participating Insurance Companies will provide pass-through voting privileges to all Variable Contract owners so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners.

Accordingly, Participating Insurance Companies will vote shares of a Portfolio held in their Separate Accounts in a manner consistent with timely voting instructions received from Variable Contract owners. Each Participating Insurance Company also will vote share of a Portfolio held in its Separate Accounts for which no timely voting instructions from Variable Contract owners are received, as well as shares it owns, in the same proportion as those shares for which voting instructions are received. Participating Insurance Companies shall be responsible for assuring that each of their Separate Accounts participating in a Portfolio 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 Separate Accounts investing in a Portfolio shall be a contractual obligation of all Participating Insurance Companies under their participation agreements.

7. The Trust will notify all Participants that prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate. The Trust shall disclose in its Prospectus that: (a) its shares may be offered to insurance company Separate Accounts that fund Variable Contracts of Participating Insurance Companies that may or may not be affiliated with one another, and to Qualified Plans; (b) because of differences of tax treatment or other considerations, the interests of various Variable Contract owners and Qualified Plan participants might at some time be in conflict; and (c) the Board will monitor for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board regarding potential or existing conflicts, and all action of the Board with respect to determining the existence of a conflict, notifying Participants of a conflict, and determining any proposed action adequately remedies a conflict, will be properly recorded in the minutes or other appropriate records, and such

minutes or other records shall be made available to the Commission upon request.

9. If and to the extent Rule 6e-2 or Rule 6e-3(T) are amended, or Rule 6e-3 is adopted, to provided exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested, then the Portfolios and/or the Participants, as appropriate, shall take such steps as may be necessary to comply with Rule 6e-2 and Rule 6e-3(T), as amended, and Rule 6e-3, as adopted, to the extent such rules are applicable.

10. The Trust will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the Trust), and, in particular, the Trust will provide for meetings as required by applicable State law or the Act, including Section 16(c) of the 1940 Act (although the Trust is not one of the trusts described in that section) as well as with Section 16(a) and, if and when applicable, Section 16(b). Further, each Portfolio 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 adopt with respect thereto.

11. The Participants shall, at least annually, submit to the Board such reports, materials or data as the Board may reasonably request so that the Board may fully carry out the obligations imposed upon it by these stated conditions, and said reports, materials, and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the Participants to provide these reports, materials, and data upon reasonable request of the Board shall be a contractual obligation of all Participants under their participation agreements.

12. If a Qualified Plan becomes an owner of ten percent or more of the assets of a Portfolio, such Qualified Plan will execute a fund participation agreement with the Trust on the behalf of such Portfolio. A Qualified Plan shall execute an application containing an acknowledgement of this condition upon such Qualified Plan's initial purchase of the shares of any Portfolio.

Conclusion

For the reasons stated above, Applicants assert that the requested exemptions, in accordance with the standards of Section 6(c), are

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. 95-31238 Filed 12-22-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36601; File No. SR-PHLX-95-39]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Increasing the Maximum Size of Options Orders Eligible for Automatic Execution

December 18, 1995.

On August 21, 1995, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to increase the maximum automatic execution ("AUTO-X") order size eligibility for public customer market and marketable limit orders for all equity and index options from 25 contracts to 50 contracts.

Notice of the proposed rule change was published for comment in the Federal Register on September 26, 1995.³ No comments were received on the proposal.⁴

Generally, public customer market and marketable limit orders for up to 25 option contracts are eligible for execution through the AUTO-X feature of AUTOM.⁵ The PHLX proposes to

¹ 15 U.S.C. 78s(b)(1) (1988).

² 17 CFR 240.19b-4 (1994).

³ See Securities Exchange Act Release No. 36248 (September 19, 1995), 60 FR 49653.

⁴ On December 13, 1995, the PHLX submitted a letter indicating that the Exchange's Automated Options Market ("AUTOM") system and AUTO-X have sufficient capacity to accommodate the proposed rule change. Specifically, the PHLX states that its equity and index option trading floor currently trades approximately 75,000 contracts per day; a small percentage of those orders are filled through AUTO-X. According to the PHLX, AUTOM currently is approximately 30% utilized during peak market activity and can easily support any additional volume associated with the proposal. See Letter from William H. Morgan, Vice President, Trading Systems, PHLX, to Michael Walinskas, Branch Chief, Office of Market Supervision, Commission, dated December 12, 1995 ("December 12 Letter").

⁵ See Securities Exchange Act Release No. 32906 (September 15, 1993), 58 FR 49345 (September 22,

Continued

increase the maximum AUTO-X order size eligibility for public customer market and marketable limit orders for all equity and index options from 25 contracts to 50 contracts. Under the proposal, 50 contracts represents the maximum size of a permissible AUTO-X order, which is determined by the specialist in that option. Consistent with the PHLX's 10-up rule,⁶ the minimum size of the Exchange's AUTO-X guarantee is 10 contracts.

AUTOM, which has operated on a pilot basis since 1988 and was most recently extended through December 31, 1996,⁷ is the PHLX's electronic order

routing, delivery, execution and reporting system for equity and index options. AUTOM is an online system that allows electronics delivery of options orders from member firms directly to the appropriate specialist on the Exchange's trading floor.

In 1990, AUTO-X was approved as part of the AUTOM pilot program.⁸ AUTO-X orders are executed automatically at the disseminated quotation price on the Exchange and reported to the originating firm. Orders that are not eligible for AUTO-X are handled manually by the specialist.

The PHLX believes that the proposal should improve the AUTOM system by offering the benefits of AUTO-X, including prompt and efficient automatic executions at the displayed price, to additional customer orders. The Exchange states that the proposed AUTO-X increase from a maximum of 25 to 50 contracts is in line with prior changes. For example, the PHLX notes that the Commission previously has approved other PHLX proposals to increase the maximum AUTO-X contract size limit.⁹

Further, the Exchange believes that it is appropriate to permit automatic executions of option orders up to 50 contracts for several reasons. First, the PHLX states that AUTO-X orders, although immediately reported with the best bid/offer as the execution price, may be subject to price improvement by the specialist, if a better bid/offer is available. For example, a superior Registered Options Trader ("ROT") bid/offer established immediately prior to the receipt of an AUTO-X order may not be disseminated in time to be matched with the AUTO-X order electronically but the superior bid/offer may be matched with the AUTO-X order through manual intervention by the specialist.¹⁰

Second, the PHLX notes that Exchange rules and policies contain safeguards designed to protect customers, as well as ROTs and specialists, in the event quotations are not up-to-date, not disseminating, or otherwise malfunctioning. For example, in extraordinary (fast) market conditions, quotations are disseminated

with an "F" once the 10-up guarantee on screen markets is suspended pursuant to Option Floor Procedure Advice ("Advice") F-10, "Extraordinary Market Conditions (Fast Markets)." ⁴ In addition, Advice A-13, "Auto Execution Engagement/Disengagement Responsibility," allows a specialist to disengage AUTO-X in extraordinary circumstances, upon approval by two floor officials. The PHLX believes that these provisions serve to protect the integrity of AUTO-X by preventing inaccurate executions.

Third, the Exchange notes that specialists have the flexibility to establish the AUTO-X guarantee size for each option up to the maximum permissible size. In addition, the Exchange's "Wheel" for electronically assigning AUTO-X participation (although not yet operational) is voluntary for ROTs and will provide executions in 10-lot increments.¹² Thus, the PHLX believes that increasing the maximum AUTO-X order size up to 50 contracts does not raise financial viability concerns because ROTs can choose whether to participate on the Wheel and because the Wheel assigns orders in 10-lot increments. With respect to the financial integrity of PHLX specialists and ROTs, the Exchange notes that it monitors compliance with PHLX Rules 703, "Financial Responsibility and Reporting," and 722, "Margin Accounts," on a regular basis.

The PHLX believes that the proposal is consistent with Section 6(b) of the Act, in general, and, in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade and to prevent fraudulent and manipulative acts and practices, as well as to protect investors and the public interests, by extending the benefits of AUTO-X to a larger number of customer orders.

The Commission finds that the proposed rule change is consistent with

¹¹ Under Advice F-10, when a fast market is in effect, displayed options quotes are not firm and the 10-up guarantee is not applicable, although specialists and trading crowds are required to use best efforts to update quotes and fill incoming orders in accordance with the 10-up rule.

¹² The Wheel is an automated mechanism for assigning specialists and ROTs, on a rotating basis, as contra-side participants for AUTO-X orders. Specialists must participate on the Wheel and ROTs may participate on the Wheel in assigned issues. On the Wheel, the specialist receives the first assignment of trades for the day in each respective option. Thereafter, the Wheel assigns trades to ROTs in an order standardized for that day on a random basis. Each 10 lot or order (whichever is smaller) constitutes an assignment. See Securities Exchange Act Release No. 35033 (November 30, 1994), 59 FR 63152 (December 7, 1994) (order approving File No. SR-PHLX-94-32).

1993) (order approving File No. SR-PHLX-92-38). For USTOP 100 Index ("TPX") options, public customer market and marketable limit orders for up to 50 contracts are eligible for AUTO-X. See Securities Exchange Act Release No. 35781 (May 30, 1995), 60 FR 30131 (June 7, 1995) (File No. SR-PHLX-95-29). Orders for up to 500 contracts are eligible for AUTOM. See Securities Exchange Act Release No. 35782 (May 30, 1995), 60 FR 30136 (June 7, 1995) (order approving File No. SR-PHLX-95-30).

⁶ See PHLX Rule 1033(a), "Size of Bid/Offer and 10-up Guarantee."

⁷ See Securities Exchange Act Release No. 36582 (December 13, 1995) (order approving File No. SR-PHLX-95-78). See also Securities Exchange Act Release Nos. 25540 (March 31, 1988), 53 FR 11390 (April 6, 1988) (order approving AUTOM on a pilot basis); 25868 (June 30, 1988), 53 FR 25563 (order approving File No. SR-PHLX-88-22, extending pilot through December 31, 1988); 26354 (December 13, 1988), 53 FR 51185 (order approving File No. SR-PHLX-88-33, extending pilot program through June 30, 1989); 26522 (February 3, 1989), 54 FR 6465 (order approving File No. SR-PHLX-89-1, extending pilot through December 31, 1989); 27599 (January 9, 1990), 55 FR 1751 (order approving File No. SR-PHLX-89-03, extending pilot through June 30, 1990); 28625 (July 26, 1990), 55 FR 31274 (order approving File No. SR-PHLX-90-16, extending pilot through December 31, 1990); 28978 (March 15, 1991), 56 FR 12050 (order approving File No. SR-PHLX-90-34, extending pilot through December 31, 1991); 29837 (October 18, 1991), 56 FR 36496 (order approving File No. SR-PHLX-90-03, extending pilot through December 31, 1993); and 33405 (December 30, 1993), 59 FR 790 (order approving File No. SR-PHLX-90-57, extending pilot through December 31, 1994); 35183 (December 30, 1994), 60 FR 2420 (January 9, 1995) (order approving File No. SR-PHLX-90-41, extending pilot through December 31, 1995); 29662 (September 9, 1991), 56 FR 46816 (order approving File No. SR-PHLX-91-31, permitting AUTO-X orders up to 20 contracts in Duracell options only); 29837 (October 18, 1991), 56 FR 55146 (October 24, 1991) (order approving File No. SR-PHLX-93-33, increasing AUTO-X for equity options to 20 contracts); 33405 (December 30, 1993), 59 FR 790 (order approving File No. SR-PHLX-93-57, extending pilot through December 31, 1994); 34920 (October 31, 1994), 59 FR 55510 (November 7, 1994) (File No. SR-PHLX-94-40, codifying use of AUTOM for index options); 35601 (April 13, 1995), 60 FR 19616 (File No. SR-PHLX-95-18, codifying the use of AUTOM for certain order types); 36429 (October 27, 1995), 60 FR 55874 (November 3, 1995) (File No. SR-PHLX-95-35, allowing broker-dealer USTOP 100 Index option orders to be routed through AUTOM); and 36467 (November 8, 1995), 60 FR 57615 (November 16, 1995) (order approving File No. SR-PHLX-95-33, limiting AUTO-X for National Over-the-Counter Index Options to series where the bid is \$10 or less).

⁸ See Securities Exchange Act Release No. 27599 (January 9, 1990), 55 FR 1751 (January 18, 1990) (order approving File No. SR-PHLX-89-03). In 1991, the Commission approved a PHLX proposal to extend AUTO-X to all equity options. See Securities Exchange Act Release No. 28978 (March 15, 1991), 56 FR 12050 (March 21, 1991) (order approving File No. SR-PHLX-90-34).

⁹ See, e.g., Securities Exchange Act Release No. 29837, *supra* note 7.

¹⁰ But see note 14 and accompanying text regarding the provision of meaningful opportunity for price improvement.

the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Sections 6 and 11A.¹³ The Commission notes that the development and implementation to date of the AUTOM system has provided for more efficient handling and reporting of orders in PHLX equity and index options through the use of new data processing and communications techniques, thereby improving order processing and turnaround time. The Commission does not object at this time to extending the benefits available through the use of an automated system to larger-size customer options orders of up to 50 contracts.

Public customers may benefit from the proposal because public customer orders for up to 50 option contracts may be executed automatically and guaranteed by the specialist at the displayed market quote. In addition, public customers will have the benefit or receiving immediate executions and nearly instantaneous confirmations for orders of up to 50 contracts.¹⁴ The increase in the AUTO-X feature for all equity and index options may also increase the depth and liquidity of the market for the options where the specialist chooses to fill orders to a depth of up to 50 contracts. The Commission notes, however, that AUTO-X currently, and as proposed, does not require an opportunity for price improvement on a systematic basis. The Commission expects the PHLX to examine the feasibility of modifying AUTO-X to provide a mechanism for price improvement on a systematic basis.¹⁵

The Commission also believes, based on representations by the Exchange,¹⁶ that expanding the order eligibility size of AUTO-X for all equity and index options to 50 contracts will not expose the PHLX's options markets or equity

markets to risk of failure or operational break-down. In particular, the Exchange represents that only a small percentage of total daily trades on the PHLX are filled through AUTO-X; in addition, the Exchange notes that, currently, AUTOM is approximately 30% utilized during peak market activity. The Exchange represents that AUTOM can easily support any volume associated with the proposal. In addition, since the AUTOM system is completely independent from the PHLX's Automated Communication and Execution ("PACE") system for routing and executing stock orders, neither AUTOM nor PACE should impact the other during periods of high volume.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁷ that the proposed rule change (SR-PHLX-95-39) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

[FR Doc. 95-31219 Filed 12-22-95; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending 12/15/95

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST-95-936.

Date filed: December 15, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC2 Reso/P 1873 dated December 1, 1995, Middle East-Africa Resolutions r-1—r19, Intended effective date: April 1, 1996, Necessary Government Action Date: no later than February 20, 1996.

Docket Number: OST-95-937.

Date filed: December 15, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC23 Reso/P 0724 dated December 1, 1995, Africa-TC3 Resos, Intended effective date: April 1, 1996, Necessary Government Action Date: no later than February 15, 1996.

Docket Number: OST-95-938.

Date filed: December 15, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC12 Telex Mail Vote 765, Mexico-Germany and Mid Atlantic-Germany fares, r-1—074aa r-2—074w,

Intended effective date: January 20, 1996.

Paulette V. Twine,

Chief Documentary Services Division.

[FR Doc. 95-31249 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-62-P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending December 15, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-95-922.

Date filed: December 11, 1995.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 8, 1996.

Description: Application of Rio Air Express, S.A. dba Skyjet Brazil, requests Amendment of its Foreign Air Carrier Permit to transport belly-cargo and mail in combination with its charter passenger service between Brazil and the United States.

Docket Number: OST-95-923.

Date filed: December 11, 1995.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 8, 1996.

Description: Application of Virgin Atlantic Airways Limited, pursuant to U.S.C. Section 40109 and Subpart Q of the Regulations, requests amendment of its Foreign Air Carrier Permit, to authorize the following air transportation, in addition to scheduled combination air transportation of passengers, cargo, and mail between London, England (Heathrow) and San Francisco, California, for which Virgin Atlantic initially sought an amendment to its foreign air carrier permit on January 11, 1994:

(1) scheduled combination air transportation of passengers, cargo, and mail between London, England (Heathrow) and Washington, DC (Dulles); and

(2) scheduled combination air transportation of passengers, cargo, and

¹³ 15 U.S.C. 78f and 78k-1 (1988).

¹⁴ As noted above, the PHLX's rules will not require a specialist to guarantee AUTO-X orders to a depth of 50 contracts. Instead, the proposal will allow specialists to establish an AUTO-X guarantee for each option up to the permissible size of 50 contracts, with a minimum guarantee of 10 contracts required.

¹⁵ CF. Securities Exchange Act Release Nos. 36310 (September 29, 1995), 60 FR 52792 (October 10, 1995) (rule proposals and amendments to improve the handling and execution of customer orders); and 33894 (April 11, 1994), 59 FR 18429 (April 18, 1994) (order approving File No. SR-Amex-93-32, noting that limiting the automatic execution of orders for Hong Kong Index options to 50 contracts or less will ensure that larger orders are exposed to the floor for potential price improvement).

¹⁶ See December 12, Letter, *Supra* note 4.

¹⁷ 15 U.S.C. 78s(b)(2) (1982).

¹⁸ 17 CFR 200.30-3(a)(12) (1994).

mail between Manchester, England and Orlando, Florida.

Docket Number: OST-95-931.

Date filed: December 15, 1995.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 12, 1996.

Description: Application of Continental Micronesia, Inc. pursuant to 49 U.S.C. Section 41102, applies for renewal of its Route 171 Guam/Saipan-Sapporo/Sendai authority for a five-year period.

Docket Number: OST-95-932.

Date filed: December 15, 1995.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 12, 1996.

Description: Application of Cayman Airways Limited, requests Amendment of its Foreign Air Carrier Permit so as to authorize CAL to serve an additional U.S. point, Orlando, Florida.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95-31248 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-62-P

Federal Aviation Administration

Advisory Circulars: Small Airplanes Airworthiness Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of Advisory Circulars; Part 23 Airplanes.

SUMMARY: The purpose of this notice is to advise the public of advisory circulars (AC's) issued by the Small Airplane Directorate since January 1995. The AC's listed below relate to Part 23 of the Federal Aviation Regulations (FAR) and/or Part 3 of the Civil Air Regulations (CAR). They were issued to inform the aviation public of acceptable means of showing compliance with the Airworthiness Standards in the FAR and/or CAR, but the material is neither mandatory nor regulatory in nature.

FOR FURTHER INFORMATION CONTACT: Ms. Terre Flynn, Standards Staff (ACE-110), Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 601 East 12th Street, Kansas City, Missouri 64106;

commercial telephone number (816) 426-6941.

SUPPLEMENTARY INFORMATION:

Background

These AC's were developed to update existing policy information for small airplane certification programs.

Comments

Interested parties were given the opportunity to review and comment on each AC during the development phase. At that time, notices were published in the Federal Register to announce the availability of, and request written comments, to each proposed AC. Each comment was reviewed and resolved. Appropriate comments were incorporated in the AC.

Distribution

The published AC's are available upon request through the U.S. Department of Transportation, General Services Section, M-45.3, Washington, DC 20590.

ADVISORY CIRCULARS PUBLISHED

AC No	Date	Title
23.1521.1B	3/2/95	Type Certification of Automobile Gasoline in Part 23 Airplanes With Reciprocating Engines.
23.1309-1B	7/28/95	Equipment, Systems, and Installations in Part 23 Airplanes.

In addition to the AC's listed above, Change 2 to FAA Report, FAA P-8110-2, Airship Design Criteria (ADC), was issued 2/6/95. This change adds the requirements for a fly-by-light control system. Civil Aeronautics Manual 3 (CAM 3), Existence of Design Standards for Acceptance Under Primary Category Rule, was issued 3/17/94. A copy of both of these publications may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**.

Issued in Kansas City, Missouri, on December 15, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate Aircraft Certification Office.

[FR Doc. 95-31250 Filed 12-22-95; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

December 18, 1995.

The Department of 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.

U.S. Customs Service (CUS)

OMB Number: 1515-0056.

Form Number: CF 19.

Type of Review: Extension.

Title: Protest.

Description: The CF 19 "Protest" form is used by an importer, filer, or any party at interest to petition the Customs Service, or protest, any action or charge, made by the port director on or against any decisions of the Customs Service, including the legality of all orders and findings entering into the same, as described in 19 U.S.C. 1514(a). The form provides a simple format which can be used by the filer to seek relief from those customs charges.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

Estimated Number of Respondents/Recordkeepers: 3,750.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour, 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 41,250 hours.

OMB Number: 1515-0091.

Form Number: None.

Type of Review: Extension.

Title: Importers of Merchandise Subject to Actual Use Provisions.

Description: This part of the regulation provides that certain items may be admitted duty free such as farming implements, seed, potatoes etc., providing the importer can prove these items were actually used as contemplated by law. The importer must maintain detailed records and furnish a statement of use.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 12,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 12,000 hours.

OMB Number: 1515-0106.

Form Number: None.

Type of Review: Extension.

Title: Special Form of Entry For Exhibition.

Description: This form of entry is needed to provide a means by which Customs may control the entry of materials for exhibits.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 35.

Estimated Burden Hours Per Respondent/Recordkeeper: 40 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 1,400 hours.

OMB Number: 1515-0109.

Form Number: None.

Type of Review: Extension.

Title: Proof of the Use for Rates of Duty Dependent on Actual Use.

Description: The declaration is needed to ensure Customs control over merchandise which is duty free. The declaration shows proof of use and must be submitted within 3 years of the date of entry or withdrawal for consumption.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 700.

Estimated Burden Hours Per Respondent/Recordkeepers: 1 hour, 8 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 4,025 hours.

OMB Number: 1515-0120.

Form Number: None.

Type of Review: Revision.

Title: Commercial Invoices.

Description: The information on the commercial invoice is used for the proper assessment of customs duties. The invoice is attached to the CF 7501. The form is used to assure compliance with statutes and regulations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 350,000.

Estimated Burden Hours Per Respondent: 10 seconds.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 84,000 hours.

OMB Number: 1515-0148.

Form Number: CF 331.

Type of Review: Extension.

Title: Manufacturing drawback Entry and/or Certificate.

Description: The CF 331 serves as an entry, a certificate of manufacture and delivery, or a certificate of deliver (or

combination) necessary in the filing of a claim for a drawback refund.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 3,500.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour, 45 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 124,998 hours.

OMB Number: 1515-0155.

Form Number: None.

Type of Review: Revision.

Title: Approval of Commercial Gaugers and Accreditation of Commercial Laboratories.

Description: Individuals or companies desiring Customs approval to measure bulk products or analyze importations may apply to Customs by letter. This recognition is required of companies wishing to perform such work on imported merchandise.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeeper: 85.

Estimated Burden Hours Per Respondent/Recordkeeper: 6 hours.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 185 hours.

OMB Number: 1515-0158.

Form Number: CF 349.

Type of Review: Extension.

Title: Harbor Maintenance Fee.

Description: This collection of information will be used to certify that nonprofit organizations or cooperatives which own or finance cargo that this intended for use in humanitarian or developmental assistance overseas, are entitled to an exemption from the harbor maintenance fee.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 130.

Estimated Burden Hours Per Respondent/Recordkeeper: 25 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 389 hours.

OMB Number: 1515-0189.

Form Number: None.

Type of Review: Revision.

Title: Petroleum Refineries in Foreign Trade Subzones.

Description: This final rule amends Customs regulations by adding subpart 19 CFR 146.91-96 governing the operations of crude petroleum refineries.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 18.

Estimated Burden Hours Per Respondent/Recordkeeper: 738 hours.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 37,440 hours.

OMB Number: 1515-0191.

Form Number: CF 5106.

Type of Review: Extension.

Title: Importer ID Input Record.

Description: The importers identification number CF 5106 is filed with the first formal entry on the first request for services. The service request will result in the issuance of a bill or refund check upon an adjustment of a cash collection.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: Other (change in name or address).

Estimated Total Reporting Burden: 100 hours.

Clearance Officer: Norman Waits, (202) 927-1551, U.S. Customs Service, Printing and Records Management Branch, Room 6426, 1301 Constitution Avenue, NW., Washington, DC 20229.

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. 95-31228 Filed 12-22-95; 8:45 am]

BILLING CODE 4820-02-P

Public Information Collection Requirements Submitted to OMB for Review

December 7, 1995.

The Department of 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.

Internal Revenue Service (IRS)

OMB Number: 1545-1422.

Regulation ID Number: FI-72-93 NPRM and Temporary.

Type of Review: Extension.

Title: Mark to Market for Dealers in Securities.

Description: This information is required by the Internal Revenue Service to verify compliance with section 475 of the Internal Revenue Code. This information will be used to determine whether the amount of tax has been computed correctly. The likely recordkeepers are businesses and other for-profit institutions.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 25,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 25,000 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. 95-31229 Filed 12-22-95; 8:45 am]

BILLING CODE 4830-01-P

Public Information Collection Requirements Submitted to OMB for Review

December 11, 1995.

The Department of 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 December 22, 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: 1545-1349.

Project Number: SOI-15.

Type of Review: Revision.

Title: 1996 Filing Season Written TeleFile Survey.

Description: This request is for a mail out/mail back survey to obtain more detailed information from taxpayers who use TeleFile than the automated survey can obtain.

Respondents: Individuals or households.

Estimated Number of Respondents: 2,800.

Estimated Burden Hours Per Respondent: 10 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 467 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. 95-31230 Filed 12-22-95; 8:45 am]

BILLING CODE 4830-01-P

Sunshine Act Meetings

Federal Register

Vol. 60, No. 247

Tuesday, December 26, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 60 FR 65092, December 18, 1995.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Thursday, December 21, 1995.

CHANGES IN THE MEETING: The open meeting has been canceled, and the scheduled items were handled via notation voting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 21, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-31312 Filed 12-21-95; 11:04 am]

BILLING CODE 6210-01-P

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 25, 1995 and January 1, 8 and 15, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of December 25—Tentative

There are no meetings scheduled for the Week of December 25.

Week of January 1—Tentative

Friday, January 5

10:00 a.m.

Briefing by NRC Staff on Industry Restructuring and Deregulation (Public Meeting) (Contact: Scott Newberry, 301-415-1183)

Week of January 8—Tentative

There are no meetings scheduled for the Week of January 8.

Week of January 15—Tentative

There are no meetings scheduled for the Week of January 15.

Note: the Nuclear Regulatory Commission is operating under a delegation of authority to Chairman Shirley Ann Jackson, because with three vacancies on the Commission, it is temporarily without a quorum. As a legal matter, therefore, the Sunshine Act does not

apply; but in the interests of openness and public accountability, the Commission will conduct business as though the Sunshine Act were applicable.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415-1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415-1661.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

* * * * *

Dated: December 20, 1995.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 95-31341 Filed 12-21-95; 2:02 pm]

BILLING CODE 7590-01-M

Estimated
Receipts
Federal

Tuesday
December 26, 1995

Part II

Federal Communications Commission

Semiannual Report Payment Accepted
From Non-Federal Sources Under 31
U.S.C. 1353; for the Period Beginning
April 1, 1995 and Ending September 30,
1995; Summary Report; Notices

FEDERAL COMMUNICATIONS COMMISSION**Semiannual Report of Payment Accepted From Non-Federal Sources Under 31 U.S.C. 1353; for the Period Beginning April 1, 1995 and Ending September 30, 1995; Summary Report****Reimbursement/In-kind Payments in Excess of \$250**

Total Number of Sponsored Events: 86.

Total Number of Sponsoring Organizations: 76.

Total Number of Different Commissioners/Employees Attending: 82.

Total Amount of Reimbursement Received

	Check	In-kind
In excess of \$250	\$103,597.12	\$42,437.98
Under \$250 (Detail not included)	948.25	356.60
Total ...	104,545.37	42,794.58

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* ABA 48th Annual Winter Convention.
4. *Sponsor of Event:* Alabama Broadcasters Association—ABA.
5. *Sponsor Address:* 1316 Alford Avenue, Birmingham, AL 35226.
6. *Location of Event:* Montgomery, Alabama.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 02/03–05/95.
9. *Travel Dates:* 02/03–05/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$535.00	.....
2. Hotel Room	102.00	.....
3. Meals	71.50	.....
4. Telephone, Mileage & Taxi	35.51	.....
	744.01	.....

- (b) *Non-Fed Source:* Same as No. 4.
1. *Agency:* Federal Communications Commission.
 2. *Employee:* Kelly Cameron.
Government Position: Attorney, Common Carrier Bureau.
 3. *Event:* Seminar on Satellite Communications.

4. *Sponsor of Event:* AHCIET.
5. *Sponsor Address:* Calle La Pradera No. 510, y San Salvador, Casilla 17–1106942.
6. *Location of Event:* Lima, Peru.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/21–22/94.
9. *Travel Dates:* 07/20–24/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$1188.95	.....
2. Hotel Room .....	.....	.....
3. Meals .....	.....	.....
4. Parking, Mileage & Taxi .....	.....	.....
	1188.95	.....

- (b) *Non-Fed Source:* Same as No. 4.
1. *Agency:* Federal Communications Commission.
 2. *Employee:* Lynn Remly.
Government Position: Attorney, Office of Engineering & Technology.
 3. *Event:* Successful Development Strategies For PCS Conference.
 4. *Sponsor of Event:* AIC Conferences.
 5. *Sponsor Address:* 50 Broad Street, 19th Floor, New York, NY 10004.
 6. *Location of Event:* New York, New York.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 2/28–3/1/95.
 9. *Travel Dates:* 02/27–28/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation .....	.....	\$196.00
2. Hotel Room .....	.....	147.00
3. Meals	\$49.50	.....
4. Taxi	50.00	.....
	99.50	343.00

- (b) *Non-Fed Source:* Same as No. 4.
1. *Agency:* Federal Communications Commission.
 2. *Employee:* Deborah Dupont.
Government Position: Attorney, Common Carrier Bureau.
 3. *Event:* The State Role in Telecommunications Regulation.
 4. *Sponsor of Event:* Albany Law School.
 5. *Sponsor Address:* Government Law Center, Albany Law School, 80 New Scotland Avenue, Albany, NY 12208.
 6. *Location of Event:* Albany, New York.
 7. *Employee's Role:* Speaker.

8. *Dates of Event:* 04/20–21/95.
9. *Travel Dates:* 04/20–21/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$276.00	.....
2. Hotel Room .....	.....	\$49.00
3. Meals	51.00	.....
4. Taxi	34.00	.....
	361.00	49.00

- (b) *Non-Fed Source:* Same as No. 4.
1. *Agency:* Federal Communications Commission.
 2. *Employee:* Larry Atlas.
Government Position: Associate Bureau Chief, Wireless Telecommunications Bureau.
 3. *Event:* International Wireless Communications Expo.
 4. *Sponsor of Event:* Argus Business.
 5. *Sponsor Address:* 214 Massachusetts Avenue NE., Suite 360, Washington, DC 20002.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/25–27/95.
 9. *Travel Dates:* 04/24–26/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$299.00	.....
2. Hotel Room .....	.....	\$300.00
3. Meals	114.00	.....
4. Mileage & Taxi	98.00	.....
	511.00	300.00

- (b) *Non-Fed Source:* Same as No. 4.
1. *Agency:* Federal Communications Commission.
 2. *Employee:* Kathryn M. Garland
Government Position: Chief, Consumer Assistance Branch Wireless Telecommunications Bureau.
 3. *Event:* International Wireless Communications Expo.
 4. *Sponsor of Event:* Argus Business.
 5. *Sponsor Address:* 214 Massachusetts Avenue NE., Suite 360, Washington, DC 20002.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/25–27/95.
 9. *Travel Dates:* 04/24–28/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation		
2. Hotel Room		\$320.76
3. Meals		
4. Telephone		29.82
		350.58

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Ralph A. Haller.
Government Position: Deputy Chief, Wireless Telecommunications Bureau.
3. *Event*: International Wireless Communications Expo.
4. *Sponsor of Event*: Argus Business.
5. *Sponsor Address*: 214 Massachusetts Avenue, N.E., Suite 360, Washington, D.C. 2002.
6. *Location of Event*: Las Vegas, Nevada.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 04/25–27/95.
9. *Travel Dates*: 04/22–05/01/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$263.00	
2. Hotel Room	108.00	
3. Meals	161.50	
4. Parking & Mileage	51.40	
5. Car Rental	70.59	
	654.49	

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: W. Riley Hollingsworth.
Government Position: Deputy Chief, Office of Operations—Gettysburg, PA, Wireless Telecommunications Bureau.
3. *Event*: International Wireless Communications Expo.
4. *Sponsor of Event*: Argus Business.
5. *Sponsor Address*: 214 Massachusetts Avenue, N.E., Suite 360, Washington, D.C. 20002.
6. *Location of Event*: Las Vegas, Nevada.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 04/25–27/95.
9. *Travel Dates*: 04/25–27/95.
10. (a)

Nature of benefit:	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$262.00	
2. Hotel Room		\$224.64
3. Meals	114.00	
4. Parking, Mileage & Taxi	108.20	
	484.20	224.64

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Robert H. McNamara.
Government Position: Acting Chief, Private Radio Division, Wireless Telecommunications Bureau.
3. *Event*: International Wireless Communications Expo.
4. *Sponsor of Event*: Argus Business.
5. *Sponsor Address*: 214 Massachusetts Avenue, N.E., Suite 360, Washington, D.C. 20002.
6. *Location of Event*: Las Vegas, Nevada.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 04/25–27/95.
9. *Travel Dates*: 04/ /95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$263.00	
2. Hotel Room		\$200.00
3. Meals	95.00	
4. Mileage & Taxi	48.50	
	406.50	200.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Mary P. McNanus.
Government Position: Legal Advisor to Commissioner Susan Ness.
3. *Event*: Film Series "Women in the Public Sphere".
4. *Sponsor of Event*: Annenberg School for Communication, University of Pennsylvania.
5. *Sponsor Address*: 3620 Walnut Street, Philadelphia, PA 19104-6220.
6. *Location of Event*: Philadelphia, Pennsylvania.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 01/26/95.
9. *Travel Dates*: 01/26/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$104.00	
2. Hotel Room		
3. Meals	25.50	
4. Parking	10.00	
	139.50	

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Kathleen Collins.
Government Position: Attorney, International Bureau.
3. *Event*: Telecommunications Management Education in the Czech Republic, Hungary & Poland.
4. *Sponsor of Event*: Business-Higher Education Forum.
5. *Sponsor Address*: One Dupont Circle, Suite 800, Washington, DC 20036.
6. *Location of Event*: Boulder, Colorado.
7. *Employee's Role*: Participate in Meeting.
8. *Dates of Event*: 10/18–19/94.
9. *Travel Dates*: 10/18–19/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$658.65	
2. Hotel Room		\$119.41
3. Meals	76.00	
4. Parking & Taxi	65.00	
	799.65	119.41

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Mary E. Burns.
Government Position: Chief, Consumer Protection Division, Cable Services Bureau.
3. *Event*: Western Cable Show.
4. *Sponsor of Event*: California Cable Television Association—CCTA.
5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
6. *Location of Event*: Anaheim, California.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 11/30–12/02/94.
9. *Travel Dates*: 11/29–12/01/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$341.00	.....
2. Hotel Room .....	.....	\$320.92
3. Meals	85.50	.....
4. Taxi	21.50	.....
	448.00	320.92

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James Casserly.
Government Position: Senior Legal Advisor to Commissioner Susan Ness.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$317.00	.....
2. Hotel Room .....	.....	\$300.00
3. Meals .....	.....	136.00
4. Taxi .....	.....	.....
	317.00	436.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James R. Coltharp.
Government Position: Special Advisor to Commissioner Andrew C. Barrett.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/30–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$317.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	\$203.40
3. Meals	104.50	45.70
4. Taxi & Telephone	18.00	.....
	439.50	249.10

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$392.00	.....
2. Hotel Room .....	.....	\$203.40
3. Meals	23.29	.....
4. Taxi & Telephone	93.00	.....
	508.29	203.40

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Michael L. Katz.
Government Position: Chief, Economist, Office of Plans & Policy.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/30–12/01/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$356.00	.....
2. Hotel Room .....	.....	\$203.40

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	57.00	.....
4. Taxi	39.00	.....
	452.00	203.40

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Blair S. Levin.
Government Position: Chief of Staff to Chairman Reed E. Hundt.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/01/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$392.00	.....
2. Hotel Room .....	.....	203.40
3. Meals	85.50	26.77
4. Mileage & Parking	35.50	.....
5. Telephone, Faxes & Movie .....	.....	39.70
	513.00	269.87

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Mary P. McManus.
Government Position: Legal Advisor to Commissioner Susan Ness.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$356.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	\$300.00
3. Meals .....	.....	136.00
	356.00	436.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Susan Ness.
Government Position: Commissioner.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12–01/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$317.00	.....
2. Hotel Room .....	.....	\$200.00
3. Meals .....	.....	102.00
4. Taxi & Telephone .....	.....	.....
	317.00	302.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Maureen A. O'Connell.
Government Position: Legal Advisor to Commissioner James H. Quello.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/30–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$353.00	.....
2. Hotel Room .....	.....	\$142.00
3. Meals	85.50	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi, Parking & Mileage	25.00	.....
	463.50	142.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James W. Olson.
Government Position: Chief, Competition Division, Cable Services Bureau.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 10. *Travel Dates*: 12/29–12/04/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$395.00	.....
2. Hotel Room .....	.....	\$549.18
3. Meals	16.50	51.99
4. Taxi & Telephone	42.75	3.90
5. Car Rental	39.87	.....
	494.12	605.07

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Ronald Parver.
Government Position: Chief, Technical Services Team, Cable Services Bureau.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/01/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$392.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	\$203.40
3. Meals	104.50	.....
4. Taxi	74.00	.....
	570.50	203.40

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Lisa B. Smith.
Government Position: Legal Advisor to Commissioner Andrew C. Barrett.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$396.00	\$
2. Hotel Room .....	.....	305.10
3. Meals	114.00	.....
4. Taxi	20.00	.....
	530.00	305.10

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Merrill Spiegel.
Government Position: Special Assistant to Chairman Reed E. Hundt.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/30–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$392.00	.....
2. Hotel Room .....	.....	171.45

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	123.50	.....
4. Taxi	90.00	.....
	605.50	171.45

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Melissa Waksman.
Government Position: Senior Attorney, Cable Services Bureau.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/02/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$79.00	.....
2. Hotel Room		\$305.10
3. Meals		39.49
4. Telephone		19.17
	79.00	363.76

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: John P. Wong.
Government Position: Deputy Chief, Technical Services Team, Cable Services Bureau.
 3. *Event*: Western Cable Show.
 4. *Sponsor of Event*: California Cable Television Association—CCTA.
 5. *Sponsor Address*: 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/30–12/02/94.
 9. *Travel Dates*: 11/29–12/01/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$392.00	.....
2. Hotel Room		\$305.10

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	142.50	.....
4. Mileage, & Parking	44.00	.....
	578.50	305.10

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Robert W. Spangler.
Government Position: Deputy Chief, Enforcement Division, Common Carrier Bureau.
 3. *Event*: 1995 Winter Conference, "Protection for the 90s".
 4. *Sponsor of Event*: Communication Fraud Control Association—CFCA.
 5. *Sponsor Address*: 1990 M Street, NW., Suite 508, Washington, DC 20036.
 6. *Location of Event*: Orlando, Florida.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 02/22–24/95.
 9. *Travel Dates*: 02/22–23/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$380.00	.....
2. Hotel Room	49.95	.....
3. Meals	45.00	.....
4. Telephone, Mileage & Taxi	34.25	.....
	509.20	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Michael L. Katz.
Government Position: Chief Economist, Office of Plans & Policy.
 3. *Event*: Convergence '95 Conference.
 4. *Sponsor of Event*: Chilton Communications.
 5. *Sponsor Address*: 600 S. Cherry Street, Suite 400, Denver, CO 80222.
 6. *Location of Event*: Chicago, Illinois.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 04/19–21/95.
 9. *Travel Dates*: 04/19–20/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$152.00	.....
2. Hotel Room	104.00	.....
3. Meals	57.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi	67.75	.....
	380.75	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Aileen A. Pisciotta.
Government Position: Chief, Planning & Negotiations Division, International Bureau.
 3. *Event*: Tenth National & First Andean.
 4. *Sponsor of Event*: Colombian Telecommunications Research Center—CINTEL.
 5. *Sponsor Address*: Av. 9 No. 118–85, Santa Fe de Bogota, Columbia.
 6. *Location of Event*: Cartagena, Columbia.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/10–12/95.
 9. *Travel Dates*: 05/09–12/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation		\$875.95
2. Hotel Room		327.12
3. Meals		200.00
		1403.07

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Kathleen B. Levitz.
Government Position: Deputy Chief, Common Carrier Bureau.
 3. *Event*: Conference on "International Simple Resale".
 4. *Sponsor of Event*: CommEd Limited.
 5. *Sponsor Address*: Communications House, 137 Dulwich Road, London SE24 ONG.
 6. *Location of Event*: London, England.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 11/17–18/94.
 9. *Travel Dates*: 11/15–20/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$561.35	.....
2. Hotel Room		\$340.00

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	150.50	.....
4. Taxi & Telephone .	90.93	.....
	802.78	340.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event*: Conference on "Access Networks".
4. *Sponsor of Event*: CommEd Limited.
5. *Sponsor Address*: Communications House, 137 Dulwich Road, London SE24 ONG.
6. *Location of Event*: London, England.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 12/15-16/94.
9. *Travel Dates*: 12/13-16/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation		\$1087.65
2. Hotel Room		441.00
3. Meals	50.65	258.00
4. Taxi	9.38	.....
	60.03	1786.65

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Mark A. Corbitt.
Government Position: Director, Technology Policy, Office of Plans & Policy.
3. *Event*: Product Definition Summit.
4. *Sponsor of Event*: CMP Publishing—Electronic Engineering Times & OEM Magazine.
5. *Sponsor Address*: Attn: Irene McCarty, 600 Community Drive, Manhasset, NY 11030.
6. *Location of Event*: San Francisco, California.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 04/21/95.
9. *Travel Dates*: 4/20-21/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$135.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room		99.00
3. Meals	57.00	.....
4. Taxi	76.00	.....
	268.00	99.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Brian F. Fontes.
Government Position: Legal Advisor to Commissioner James H. Quello.
3. *Event*: CS First Boston.
4. *Sponsor of Event*: CS First Boston Corp.
5. *Sponsor Address*: 55 East 52nd Street, New York City, NY 10055.
6. *Location of Event*: New York City, New York.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 12/06/93.
9. *Travel Dates*: 12/05-06/93.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$142.00	.....
2. Hotel Room		\$254.82
3. Meals	66.50	.....
4. Taxi & Parking	29.00	.....
	237.50	254.82

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Gregory J. Vogt.
Government Position: Deputy Chief, Cable Services Bureau.
3. *Event*: Annual Legislative Conference.
4. *Sponsor of Event*: Cable Television Association of New York.
5. *Sponsor Address*: 126 State Street, Third Floor, Albany, NY 12207.
6. *Location of Event*: Albany, New York.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 05/15/95.
9. *Travel Dates*: 05/15/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Airline Ticket	\$276.00	.....
2. Hotel Room .....		.....
3. Meals	3.26	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Parking, Mileage & Taxi	26.20	.....
	305.46	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Peter F. Cowhey.
Government Position: Chief, Multilateral & Development Branch, International Bureau.
3. *Event*: Digital World Conference.
4. *Sponsor of Event*: Digital World.
5. *Sponsor Address*: 303 Vintage Park Drive, Foster City, CA 94404.
6. *Location of Event*: Los Angeles, California.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 06/04/95.
9. *Travel Dates*: 06/04-07/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation		\$1369.38
2. Hotel Room
3. Meals		1369.38

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Bruce A. Franca.
Government Position: Deputy Chief Engineer, Office of Engineering & Technology.
3. *Event*: 1995 Winter International Consumer Electronics Show.
4. *Sponsor of Event*: Electronic Industries Association—EIA.
5. *Sponsor Address*: 2500 Wilson Boulevard Arlington, VA 22201-3834.
6. *Location of Event*: Las Vegas, Nevada.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 01/06-09/95.
9. *Travel Dates*: 01/05-07/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$35.00	\$494.50
2. Hotel Room		477.00
3. Meals	152.00	.....
4. Parking	27.00	.....
	214.00	971.50

(b) *Non-Fed Source*: Same as No. 4.
1. *Agency*: Federal Communications Commission.

2. *Employee*: Reed E. Hundt.

Government Position: Chairman.

3. *Event*: 1995 Winter International Consumer Electronics Show.

4. *Sponsor of Event*: Electronic Industries Association—EIA.

5. *Sponsor Address*: 2500 Wilson Boulevard, Arlington, VA 22201–3834.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 01/06–09/95.

9. *Travel Dates*: 01/05–06/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$921.00	.....
2. Hotel Room .....	.....	\$172.72
3. Meals	66.50	.....
4. Taxi	20.00	.....
	1007.50	172.72

(b) *Non-Fed Source*: Same as No. 4.
1. *Agency*: Federal Communications Commission.

2. *Employee*: Michael Katz.

Government Position: Chief Economist, Office of Plans & Policy.

3. *Event*: 1995 Winter International Consumer Electronics Show.

4. *Sponsor of Event*: Electronic Industries Association—EIA.

5. *Sponsor Address*: 2500 Wilson Boulevard Arlington, VA 22201–3834.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 01/06–08/95.

9. *Travel Dates*: 01/06–08/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....
2. Hotel Room .....	.....	\$148.00
3. Meals	38.00	.....
4. Taxi	17.00	.....
	364.00	148.00

(b) *Non-Fed Source*: Same as No. 4.
1. *Agency*: Federal Communications Commission.

2. *Employee*: Saul Shapiro.

Government Position: Director, Technology Policy, Office of Plans & Policy.

3. *Event*: 1995 Winter International Consumer Electronics Show.

4. *Sponsor of Event*: Electronic Industries Association—EIA.

5. *Sponsor Address*: 2500 Wilson Boulevard, Arlington, VA 22201–3834.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Assist Chairman in preparing for Keynote Address.

8. *Dates of Event*: 01/06–08/95.

9. *Travel Dates*: 01/05–08/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$668.00	.....
2. Hotel Room .....	.....	\$222.00
3. Meals	6.18	.....
4. Telephone & Taxi	35.50	.....
	709.68	222.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Thomas P. Stanley.

Government Position: Chief Engineer, Office of Plans & Policy.

3. *Event*: 1995 Winter International Consumer Electronics Show.

4. *Sponsor of Event*: Electronic Industries Association—EIA.

5. *Sponsor Address*: 2500 Wilson Boulevard, Arlington, VA 22201–3834.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/06–08/95.

9. *Travel Dates*: 01/05–09/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$	\$554.00
2. Hotel Room .....	.....	276.00
3. Meals	15.00	.....
4. Taxi	35.00	.....
	50.00	830.50

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: R. Alan Stillwell.

Government Position: Industry Economist, Office of Engineering & Technology.

3. *Event*: 1995 Winter International Consumer Electronics Show.

4. *Sponsor of Event*: Electronic Industries Association—EIA.

5. *Sponsor Address*: 2500 Wilson Boulevard, Arlington, VA 22201–3834.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/06–08/95.

9. *Travel Dates*: 01/5–9/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$	\$494.50
2. Hotel Room .....	.....	636.00
3. Meals	190.00	.....
4. Mileage & Taxi	23.40	.....
	213.40	1130.50

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Rachelle B. Chong.

Government Position: Commissioner.

3. *Event*: 1995 FCBA Annual Seminar.

4. *Sponsor of Event*: Federal Communications Bar Association—FBCA.

5. *Sponsor Address*: 1722 Eye Street, N.W., Suite 300, Washington, DC 20006.

6. *Location of Event*: Hot Springs, Virginia.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 05/19–21/95.

9. *Travel Dates*: 05/19–21/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$126.00	.....
2. Hotel Room .....	.....	432.64
3. Meals .....	.....	100.00
	126.00	532.64

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: James R. Coltharp.

Government Position: Special Advisor to Commissioner Andrew C. Barrett.

3. *Event*: 1995 FCBA Annual Seminar.

4. *Sponsor of Event*: Federal Communications Bar Association—FBCA.

5. *Sponsor Address*: 1722 Eye Street NW., Suite 300, Washington, DC 20006.

6. *Location of Event*: Hot Springs, Virginia.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 05/19–21/95.

9. *Travel Dates*: 05/19–21/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$126.00	.....
2. Hotel Room .....	.....	\$216.00
3. Meals & Registration .....	.....	100.00
	126.00	316.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Jane E. Mago.
3. *Government Position*: Senior Advisor to Commissioner Rachelle B. Chong.
4. *Sponsor of Event*: Federal Communications Bar Association—FBCA.
5. *Sponsor Address*: 1722 Eye Street NW., Suite 300, Washington, DC 20006.
6. *Location of Event*: Hot Springs, Virginia.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 05/19–21/95.
9. *Travel Dates*: 05/19–21/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$120.00	.....
2. Hotel Room .....	.....	\$713.84
3. Meals .....	.....	100.00
	120.00	813.84

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Kenneth M. Ackerman.
3. *Government Position*: Chief, Accounting Systems Branch, Common Carrier Bureau.
4. *Sponsor of Event*: Frederick & Warinner.
5. *Sponsor Address*: 8400 West 110th Street, Suite 450, Overland Park, KS 66210.
6. *Location of Event*: Phoenix, Arizona.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 12/12–13/94.
9. *Travel Dates*: 12/11–13/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$325.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	364.16	.....
3. Meals	102.00	.....
4. Taxi, Mileage & Parking	64.00	.....
	555.16	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Scott B. Harris.
3. *Government Position*: Chief, International Bureau.
4. *Sponsor of Event*: Financial Times Business Enterprises Limited.
5. *Sponsor Address*: 102–108 Clerkenwell Road London EC1M 5SA.
6. *Location of Event*: London, England.
7. *Employee's Role*: Presentation at Conference.
8. *Dates of Event*: 02/08/95.
9. *Travel Dates*: 02/7–10/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$836.95	.....
2. Hotel Room .....	.....	220.00
3. Meals	14.57	.....
4. Taxi	203.10	.....
	1054.62	220.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Charles W. Kelley.
3. *Government Position*: Chief, Enforcement Division, Mass Media Bureau.
4. *Sponsor of Event*: Georgia Association of Broadcasters Inc.—GAB.
5. *Sponsor Address*: Attn: William G. Sanders, 8010 Roswell Road, Suite 260, Atlanta, GA 30350.
6. *Location of Event*: La Grange, Georgia.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 06/16–18/95.
9. *Travel Dates*: 6/16–18/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$415.00	.....
2. Hotel Room .....	.....	\$200.00
3. Meals	71.50	.....
4. Car Rental & Parking	110.75	.....
	597.25	200.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Mark A. Corbitt.
3. *Government Position*: Telecommunications Policy Analyst, Office of Plans & Policy.
4. *Sponsor of Event*: Home Automation Association—HAA.
5. *Sponsor Address*: 808 17th Street, N.W., Suite 200, Washington, D.C. 20006.
6. *Location of Event*: Chicago, Illinois.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 06/29–30/95.
9. *Travel Dates*: 6/28–29/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$152.00	.....
2. Hotel Room .....	.....	\$104.00
3. Meals .....	.....	.....
4. Taxi .....	.....	.....
	152.00	104.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission
2. *Employee*: Jonathan V. Cohen.
3. *Government Position*: Attorney, Office of Plans & Policy.
4. *Sponsor of Event*: Hanifen, Imhoff Inc.
5. *Sponsor Address*: 1126 17th Street, Suite 1600, Denver, CO 80201.
6. *Location of Event*: Beaver Creek, Colorado.
7. *Employee's Role*: Presentation at Conference.
8. *Dates of Event*: 03/09/95.
9. *Travel Dates*: 03/08–11/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$276.00	.....
2. Hotel Room .....	.....	810.00
3. Meals	28.84	.....
4. Taxi	172.58	.....
	477.42	810.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Robert F. Cleveland.
Government Position: Physical Scientist, Office of Engineering & Technology.
3. *Event*: IBA Fall Meeting.
4. *Sponsor of Event*: International Bar Association—IBA.
5. *Sponsor Address*: Golderg, Godles, Wiener & Wright Law Offices, International Bar Association, 1229 19th Street, N.W., Washington, D.C. 20036.
6. *Location of Event*: New Orleans, Louisiana.
7. *Employee's Role*: Participate in a session on mobile satellite systems.
8. *Dates of Event*: 10/10–14/93.
9. *Travel Dates*: 10/12–13/93.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$429.00	.....
2. Hotel Room	84.25	.....
3. Meals	59.50	.....
4. Taxi	56.00	.....
	628.75	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Byron F. Marchant.
Government Position: Legal Advisor to Commissioner Andrew C. Barrett.
3. *Event*: IBA Fall Meeting.
4. *Sponsor of Event*: International Bar Association—IBA.
5. *Sponsor Address*: Golderg, Godles, Wiener & Wright Law Offices, International Bar Association, 1229 19th Street, NW., Washington, DC 20036.
6. *Location of Event*: New Orleans, Louisiana.
7. *Employee's Role*: Participate in a session on mobile satellite systems.
8. *Dates of Event*: 10/10–14/93.
9. *Travel Dates*: 10/11/93.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$429.00	.....
2. Hotel Room	83.25	.....
3. Meals	25.50	.....
4. Taxi	54.00	.....
	591.75	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Susan Ness.
Government Position: Commissioner.
3. *Event*: Broadcast Pioneers 1995.
4. *Sponsor of Event*: International Bar Association—IBA.
5. *Sponsor Address*: 11595 North Meridian Street, Suite 300, Carmel, IN 46032.
6. *Location of Event*: Indianapolis, Indiana.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 04/19/95.
9. *Travel Dates*: 04/19–20/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Airline Ticket	\$404.00	.....
2. Hotel Room .....	.....	71.00
3. Meals .....	.....	.....
	404.00	71.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Ralph A. Haller.
Government Position: Deputy Chief, Wireless, Telecommunications Bureau.
3. *Event*: Mobile Insights '95.
4. *Sponsor of Event*: International Data Corporation & Mobile Computing Insights Inc.
5. *Sponsor Address*: 20823 Stevens Creek Blvd., Suite 275, Cupertino, CA 95014.
6. *Location of Event*: Scottsdale, Arizona.
7. *Employee's Role*: Keynote Speaker.
8. *Dates of Event*: 01/29–02/01/95.
9. *Travel Dates*: 01/29–02/01/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$272.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	\$300.00
3. Meals	119.00	.....
4. Taxi & Car Rental	112.61	.....
	503.61	300.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Rachelle B. Chong.
Government Position: Commissioner.
3. *Event*: Pan-Asian Telecommunications Summit 1994.
4. *Sponsor of Event*: Institute for International Research—IIR.
5. *Sponsor Address*: 1804–5 Seaview Commercial Building, 21–24 Connaught Road West, Hong Kong.
6. *Location of Event*: Singapore, Japan.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 12/05–07/94.
9. *Travel Dates*: 12/02–08/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$2546.95	.....
2. Hotel Room .....	.....	\$325.76
3. Meals	198.00	.....
4. Taxi, Fax & Telephone	149.97	.....
	2894.92	325.76

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event*: Personal Communications Services Conference.
4. *Sponsor of Event*: Institute for International Research—IIR.
5. *Sponsor Address*: Attn: Bridgit Fitzgerald, Glen House, 200/208 Tottenham Court Road, London W1P 9LA.
6. *Location of Event*: Paris, France.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 01/23–25/95.
9. *Travel Dates*: 01/21–25/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$521.65

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	144.00
3. Meals	\$34.81	.....
4. Taxi	84.09	.....
	118.90	665.65

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: James R. Coltharp.

Government Position: Special Advisor to Commissioner Andrew C. Barrett.

3. *Event*: Third Annual Conference on Communications, & Media Finance.

4. *Sponsor of Event*: Institute for International Research—IIR.

5. *Sponsor Address*: 708 Third Avenue, 4th Floor, New York, NY 10017-4103.

6. *Location of Event*: New York City, New York.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 02/27-28/95.

9. *Travel Dates*: 02/26-27/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$138.00	.....
2. Hotel Room .....	.....	\$234.16
3. Meals .....	.....	.....
4. Taxi .....	.....	.....
	138.00	234.16

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Scott B. Harris.

Government Position: Chief, International Bureau.

3. *Event*: International Mobile Satellite Conference.

4. *Sponsor of Event*: Industry Canada.

5. *Sponsor Address*: Communications Research Centre, 3701 Carling Avenue, P.O. Box 11490, Station H, Ottawa, Ontario, K2H 8S2 Canada.

6. *Location of Event*: Ottawa, Canada.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 06/06/95.

9. *Travel Dates*: 06/06/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Airline Ticket	\$425.74	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	.....
3. Meals	39.75	.....
4. Taxi	58.40	.....
	523.89	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: A. Richard Metzger, Jr.

Government Position: Deputy Chief of Operations, Common Carrier Bureau.

3. *Event*: INGAA's Legal Committee.

4. *Sponsor of Event*: Interstate Natural Gas Association of America—INGAA.

5. *Sponsor Address*: 555 13th Street, NW., #300W, Washington, DC 20004.

6. *Location of Event*: Orlando, Florida.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 03/27/95.

9. *Travel Dates*: 03/26-27/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$398.00	.....
2. Hotel Room .....	.....	122.00
3. Meals	52.00	.....
4. Taxi	71.75	.....
	521.75	122.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Andrew C. Barrett.

Government Position: Commissioner.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/22-26/95.

9. *Travel Dates*: 01/21-24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$284.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	222.00	.....
3. Meals	142.50	.....
4. Taxi	132.50	.....
	781.00	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Rachelle B. Chong.

Government Position: Commissioner.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/22-26/95.

9. *Travel Dates*: 01/21-24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....
2. Hotel Room	206.97	.....
3. Meals	142.50	.....
4. Faxes, Telephone & Taxi	144.66	.....
	803.13	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Lyndon Boozer.

Government Position: Legislative Affairs Specialist, Office of Legislative & Intergovernmental Affairs.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE

5. *Sponsor Address*: 1320 Nineteenth Street, NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/22-26/95.

9. *Travel Dates*: 01/21-23/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$316.00	.....
2. Hotel Room	138.00	.....
3. Meals	85.50	.....
4. Taxi	30.00	.....
	569.50	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Judith Harris.

Government Position: Director, Office of Legislative & Intergovernmental Affairs.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations, Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street, NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/22–26/95.

9. *Travel Dates*: 01/21–23/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$314.00	.....
2. Hotel Room	137.98	.....
3. Meals	95.00	.....
4. Telephone & Taxi	28.75	.....
	575.73	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Meredith J. Jones.

Government Position: Chief Cable Services Bureau.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street, NW., Suite 300, Washington DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 1/22–26/95.

9. *Travel Dates*: 01/21–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....
2. Hotel Room	206.97	.....
3. Meals	152.00	.....
4. Taxi	41.00	.....
	708.97	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Michael L. Katz.

Government Position: Chief Economist Office of Plans & Policy.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street, NW., Suite 300, Washington DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 01/22–26/95.

9. *Travel Dates*: 01/22–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$308.00	.....
2. Hotel Room	138.00	.....
3. Meals	95.00	.....
4. Taxi	42.00	.....
	583.00	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Charles Kelley.

Government Position: Chief, Enforcement Division, Mass Media Bureau.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street, NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/22–26/95.

9. *Travel Dates*: 01/21–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$284.00	.....
2. Hotel Room	206.97	.....
3. Meals	142.50	.....
4. Taxi	17.50	.....
	650.97	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Barbara A. Kreisman.

Government Position: Chief, Video Services Mass Media Bureau.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street, NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 01/22–24/95.

9. *Travel Dates*: 01/22–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$381.00	.....
2. Hotel Room	138.00	.....
3. Meals	104.50	.....
4. Taxi	64.00	.....
	687.50	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Blair S. Levin.

Government Position: Chief of Staff.

3. *Event*: INTV/NATPE Joint Convention.

4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 01/22–26/95.
 9. *Travel Dates*: 01/22–24/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$308.00	.....
2. Hotel Room	138.00	.....
3. Meals	85.50	.....
4. Parking & Taxi	28.00	.....
5. Telephone	36.91	.....
	596.41	.....

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Jane Mego.
Government Position: Senior Legal Advisor to Commissioner Rachelle Chong.
 3. *Event*: INTV/NATPE Joint Convention.
 4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.
 5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 01/22–26/95.
 9. *Travel Dates*: 01/21–24/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....
2. Hotel Room	207.00	.....
3. Meals	133.00	.....
4. Parking & Taxi	57.00	.....
	706.00	.....

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Susan Ness.
Government Position: Commissioner.
 3. *Event*: INTV/NATPE Joint Convention.
 4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.
 5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 01/22–26/95.
 9. *Travel Dates*: 1/22–24/95.
 10. (a)

Nature of benefit	(c) Type and amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$888.00	.....
2. Hotel Room	137.98	.....
3. Meals	104.50	.....
4. Taxi	100.05	.....
5. Telephone & Faxes	30.75	.....
	\$1261.28	.....

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Maureen O' Connell.
Government Position: Legal Advisor to Commissioner James H. Quello.
 3. *Event*: INTV/NATPE Joint Convention.
 4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.
 5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 01/22–26/95.
 9. *Travel Dates*: 1/22–25/95.
 10. (a)

Nature of Benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$342.00	.....
2. Hotel Room	137.98	.....
3. Meals	77.00	.....
4. Telephone & Taxi	124.00	.....
	\$680.98	.....

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James H. Quello.
Government Position: Commissioner.
 3. *Event*: INTV/NATPE Joint Convention.
 4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executive—NATPE.
 5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 01/22–26/95.
 9. *Travel Dates*: 01/21–25/95.
 10. (a)

Nature of benefit	(c) Type & Amount of Payment	
	Check	In-kind
1. Roundtrip Transportation	\$310.00	.....
2. Hotel Room	281.52	.....
3. Meals	171.00	.....
4. Telephone & Taxi	74.02	.....
	836.54	.....

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: David R. Siddall.
Government Position: Legal Advisor to Commissioner Susan Ness.
 3. *Event*: INTV/NATPE Joint Convention.
 4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executive—NATPE.
 5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 01/22–26/95.
 9. *Travel Dates*: 01/21–24/95.
 10. (a)

Nature of Benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$888.00	.....
2. Hotel Room	137.98	.....
3. Meals	104.50	.....
4. Taxi	88.80	.....
5. Telephone & Taxi	32.86	.....
	1,252.14	.....

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Lisa B. Smith.
Government Position: Legal Advisor to Commissioner Andrew C. Barrett.
 3. *Event*: INTV/NATPE Joint Convention.
 4. *Sponsor of Event*: Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.
 5. *Sponsor Address*: 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event:* Las Vegas, Nevada.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 01/22–26/95.

9. *Travel Dates:* 01/21–25/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$287.00	.....
2. Hotel Room	276.00	.....
3. Meals	171.00	.....
4. Telephone & Taxi	162.00	.....
	896.00	.....

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Merrill Spiegel.

Government Position: Special Assistant to Chairman Reed E. Hundt.

3. *Event:* INTV/NATPE Joint Convention.

4. *Sponsor of Event:* Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address:* 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event:* Las Vegas, Nevada.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 01/22–26/95.

9. *Travel Dates:* 01/21–25/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$312.00	.....
2. Hotel Room	276.00	.....
3. Meals	180.00	.....
4. Telephone & Taxi	124.75	.....
	893.25	.....

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Martin L. Stern.

Government Position: Deputy Chief, Competition Division Office of the General Counsel.

3. *Event:* INTV/NATPE Joint Convention.

4. *Sponsor of Event:* Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address:* 1320 Nineteenth Street NW., Suite 300, Washington DC 20036.

6. *Location of Event:* Las Vegas, Nevada.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 01/22–26/95.

9. *Travel Dates:* 01/22–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....
2. Hotel Room	138.00	.....
3. Meals .....	.....	.....
4. Taxi	47.00	.....
	\$494.00	.....

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Roy J. Stewart.

Government Position: Chief, Mass Media Bureau.

3. *Event:* INTV/NATPE Joint Convention.

4. *Sponsor of Event:* Association of Independent Television Stations Inc.—INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address:* 1320 Nineteenth Street NW., Suite 300, Washington DC 20036.

6. *Location of Event:* Las Vegas, Nevada.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 01/22–26/95.

9. *Travel Dates:* 01/22–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$285.00	.....
2. Hotel Room	206.97	.....
3. Meals	142.50	.....
4. Parking, Mileage & Taxi	64.00	.....
5. Telephone	2.57	.....
	701.04	.....

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Gregory Vogt.

Government Position: Deputy Chief, Cable Services Bureau.

3. *Event:* INTV/NATPE Joint Convention.

4. *Sponsor of Event:* Association of Independent Television Stations Inc.—

INTV & National Association of Television Program Executives—NATPE.

5. *Sponsor Address:* 1320 Nineteenth Street NW., Suite 300, Washington, DC 20036.

6. *Location of Event:* Las Vegas, Nevada.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 01/22–26/95.

9. *Travel Dates:* 01/22–24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$308.00	.....
2. Hotel Room	138.00	.....
3. Meals	85.50	.....
4. Telephone, Mileage & Taxi	37.00	.....
	568.50	.....

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* James R. Coltharp.

Government Position: Special Advisor to Commissioner Andrew C. Barrett.

3. *Event:* 90th Annual Convention of ITA.

4. *Sponsor of Event:* Illinois Telephone Association—ITA.

5. *Sponsor Address:* P.O. Box 730, 300 East Monroe Street, Springfield, IL 62705.

6. *Location of Event:* Lake Geneva, Wisconsin.

7. *Employee's Role:* Speaker.

8. *Dates of Event:* 6/25–27/95.

9. *Travel Dates:* 6/25–26/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$227.00	.....
2. Hotel Room .....	.....	135.63
3. Meals	66.50	11.22
4. Parking & Telephone	18.00	.....
5. Car Rental & Gas	90.30	4.50
	401.80	151.35

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Thomas P. Stanley.

Government Position: Chief Engineer, Office of Plans & Policy.

3. *Event:* Commsphere 95.

4. *Sponsor of Event:* International Union for Radio Science.

5. *Sponsor Address*: Dr. Joseph Shapira, 23 Sweden Street, Haifa, Israel 34980.

6. *Location of Event*: Eilat, Israel.

7. *Employee's Role*: Participation in two Sessions.

8. *Dates of Event*: 01/22–27/95.

9. *Travel Dates*: 01/20–28/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$1355.95	.....
2. Hotel Room .....	.....	.....
3. Meals .....	.....	.....
	1355.95	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: James H. Quello.
Government Position: Commissioner.

3. *Event*: KBA's Spring Convention.

4. *Sponsor of Event*: Kentucky Broadcasters Association—KBA.

5. *Sponsor Address*: Attn: J. T. Whitlock, WLBN/WLSK Station, Radio Station Road, P.O. Box 680, Lebanon, KY 40033.

6. *Location of Event*: Louisville, Kentucky.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/15–17/95.

9. *Travel Dates*: 05/15–16/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$399.00	.....
2. Hotel Room	60.00	.....
3. Meals	42.50	.....
4. Taxi	51.00	.....
	492.50	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Thomas P. Stanley.
Government Position: Chief Engineer, Office Plans & Policy.

3. *Event*: KTIS '95.

4. *Sponsor of Event*: Korea Telecom.
5. *Sponsor Address*: 17, Woomyeondong, Seocho-gu, Seoul, 137–792, Korea.

6. *Location of Event*: Seoul, Korea.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 07/11–12/95.

9. *Travel Dates*: 07/08–13/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$1390.95	.....
2. Hotel Room	820.00	.....
3. Meals	618.00	.....
	\$2828.95	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.

3. *Event*: LAB's 1995 Annual Convention.

4. *Sponsor of Event*: Louisiana Association of Broadcasters—LAB.

5. *Sponsor Address*: 8762 Quarters Lake Road, Baton Rouge, LA 70809.

6. *Location of Event*: Baton Rouge, Louisiana.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 02/09–11/95.

9. *Travel Dates*: 02/09–12/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$216.00	.....
2. Hotel Room	162.00	.....
3. Meals	112.50	.....
4. Mileage & Taxi	33.00	.....
	\$523.50	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Bruce A. Franca.
Government Position: Deputy Chief, Office of Engineering & Technology.

3. *Event*: Global Telecommunications Conference.

4. *Sponsor of Event*: Lehman Brothers Inc.

5. *Sponsor Address*: 3 World Financial Center New York, NY 10285.

6. *Location of Event*: New York City, New York.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 12/07/94.

9. *Travel Dates*: 12/07/94.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$490.09	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	.....
3. Meals	28.50	.....
4. Taxi, Mileage & Telephone	78.50	.....
	597.09	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Charles W. Kelley.
Government Position: Chief, Enforcement, Mass Media Bureau.

3. *Event*: Great Lake Boardcasting Conference.

4. *Sponsor of Event*: Michigan Association of Broadcasters—MAB.

5. *Sponsor Address*: 819 N.

Washington Avenue, Lansing, MI 48906.

6. *Location of Event*: Lansing, Michigan.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 02/21/95.

9. *Travel Dates*: 02/20–21/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$582.00	.....
2. Hotel Room	54.00	.....
3. Meals	37.50	.....
4. Parking	10.00	.....
	683.50	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.

3. *Event*: MAB Convention.

4. *Sponsor of Event*: Mississippi Association of Broadcasters—MAB.

5. *Sponsor Address*: 15 Northtown Drive, Suite A, Jackson, MS 39211.

6. *Location of Event*: Biloxi, Mississippi.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 06/15–18/95.

9. *Travel Dates*: 6/16–18/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$301.00	.....
2. Hotel Room	142.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	90.00	.....
4. Taxi & Telephone .	58.05	.....
	591.05	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Charles W. Kelley.

Government Position: Chief, Enforcement Division, Mass Media Bureau.

3. *Event*: 45th Annual MBA Convention.

4. *Sponsor of Event*: Minnesota Broadcasters Association—MBA.

5. *Sponsor Address*: 3517 Raleigh Avenue, P.O. Box 16030, St. Louis, MN 55416-0030.

6. *Location of Event*: Willmar, Minnesota.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 10/06-08/94.

9. *Travel Dates*: 10/7-8/94.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	97.00	\$247.50
3. Meals	217.75	82.61
4. Taxi, & Telephone	55.03	.....
	1082.13	330.11

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Donald H. Gips.

Government Position: Deputy Chief, Office of Plans & Policy.

3. *Event*: Worldwide Telecommunications Conference.

4. *Sponsor Event*: McKinsey & Co.

5. *Sponsor Address*: Attn: Peter Bisson, 55 East 52 Street, 18th Floor, New York, NY 10122.

6. *Location of Event*: Boca Raton, Florida.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 04/06/95.

9. *Travel Dates*: 06/04-07/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals .....	.....	.....
4. Umbrella Rental ....	.....	7.42
	401.00	357.96

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Karen F. Kornbluh.

Government Position: Telecommunications Policy Analyst, Office of Plans & Policy.

3. *Event*: Worldwide Telecommunications Conference.

4. *Sponsor of Event*: McKinsey & Co.

5. *Sponsor Address*: Attn: Peter Bisson, 55 East 52 Street, 18th Floor, New York, NY 10122.

6. *Location of Event*: Boca Raton, Florida.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/06/95.

9. *Travel Dates*: 04/06-07/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$418.00	.....
2. Hotel Room	40.00	.....
3. Meals .....	.....	.....
4. Taxi & Telephone .	15.00	.....
	473.00	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Mark Nadel.

Government Position: Attorney Advisor, Common Carrier Bureau.

3. *Event*: Symposium on Universal Service Obligation.

4. *Sponsor of Event*: Mercury Communications.

5. *Sponsor Address*: St. Giles Court, 24 Castile Street, Cambridge, CB3 0AJ UK.

6. *Location of Event*: Cambridge, United Kingdom.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 12/12-13/94.

9. *Travel Dates*: 12/09-14/94.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$462.00	.....
2. Hotel Room .....	.....	\$350.54
3. Meals .....	.....	.....
4. Taxi,	36.00	.....
5. Movie & Telephone .....	.....	37.27
	498.00	387.81

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Reed E. Hundt.

Government Position: Chairman.

3. *Event*: Worldwide Telecommunications Conference.

4. *Sponsor of Event*: McKinsey & Co.

5. *Sponsor Address*: Attn: Peter Bisson, 55 East 52 Street, 18th Floor, New York, NY 10122.

6. *Location of Event*: Boca Raton, Florida.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 04/06/95.

9. *Travel Dates*: 04/06-07/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$401.00	.....
2. Hotel Room .....	.....	350.54
3. Meals .....	.....	7.69
4. Telephone .....	.....	.75
	401.00	358.98

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Andrew C. Barrett.

Government Position: Commissioner.

3. *Event*: Telecommunications in the Next Millennium.

4. *Sponsor of Event*: MFS Communications Company, Inc.

5. *Sponsor Address*: Government Affairs Office, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007.

6. *Location of Event*: London, England.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/25/95.

9. *Travel Dates*: 5/23-27/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$712.35	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$401.00	.....
2. Hotel Room .....	.....	350.54

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Airline Ticket	\$738.05	.....
2. Hotel Room .....	.....	\$870.00

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	382.50	.....
4. Taxi	42.50	.....
	\$1163.05	\$870.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Michael Katz.
Government Position: Chief Economist, Office of Plans & Policy.
 3. *Event*: Convergence/Interactive Television Conference.
 4. *Sponsor of Event*: Multichannel CommPerspectives.
 5. *Sponsor Address*: 600 S. Cherry Street, Suite 400, Denver, CO 80222.
 6. *Location of Event*: Philadelphia, Pennsylvania.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 02/15–17/95.
 9. *Travel Dates*: 02/15–17/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$104.00	.....
2. Hotel Room	107.35	.....
3. Meals	38.00	.....
4. Taxi	26.00	.....
	275.35	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Saul T. Shapiro.
Government Position: Director, Technology Policy Office of Plans & Policy.
 3. *Event*: Convergence/Interactive Television Conference.
 4. *Sponsor of Event*: Multichannel CommPerspectives.
 5. *Sponsor Address*: 600 S. Cherry Street, Suite 400, Denver, CO 80222.
 6. *Location of Event*: Philadelphia, Pennsylvania.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 02/15–17/95.
 9. *Travel Dates*: 02/16/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$104.00	.....
2. Hotel Room	107.35	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	2.05	.....
4. Taxi	22.50	.....
	235.90	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Beverly G. Baker.
Government Position: Chief, Compliance & Information Bureau.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 04/09–13/95.
 9. *Travel Dates*: 04/10–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$484.00	.....
2. Hotel Room	207.36	.....
3. Meals	142.50	.....
4. Taxi & Telephone	43.75	.....
	877.61	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Andrew C. Barrett.
Government Position: Commissioner.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 04/09–13/95.
 9. *Travel Dates*: 04/11–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$268.00	.....
2. Hotel Room	207.36	.....
3. Meals	114.00	.....
4. Taxi & Fax	118.50	.....
	707.86	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.

2. *Employee*: Lauren J. Belvin.
Government Position: Senior Legal Advisor to Commissioner James H. Quello.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/11–12/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$299.00	.....
2. Hotel Room	296.00	.....
3. Meals	180.50	.....
4. Taxi & Telephone	73.57	.....
	\$849.07	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.

2. *Employee*: Rachelle B. Chong.

Government Position: Commissioner.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street, N.W., Washington, D.C. 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/08–14/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room	414.72	.....
3. Meals	256.50	.....
4. Taxi, Fax & Telephone	83.99	.....
	1055.21	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.

2. *Employee*: Robert F. Cleveland.

Government Position: Physical Scientist, Office of Engineering & Technology.

3. *Event:* NAB's Annual Convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/09–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room	275.40	.....
3. Meals	142.50	.....
4. Taxi & Telephone	58.00	.....
	775.90	.....

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Larry D. Eads.
Government Position: Chief, Audio Services Division, Mass Media Bureau.
 3. *Event:* NAB's Annual Convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/11–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room .....	.....	\$138.24
3. Meals	104.50	.....
4. Taxi & Mileage	47.80	.....
	590.54	.....

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Robert D. Greenberg.
Government Position: Assistant Chief, FM Branch, Mass Media Bureau.
 3. *Event:* NAB's Annual Convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.

8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/10–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$344.00	.....
2. Hotel Room .....	.....	\$311.04
3. Meals	142.50	.....
4. Taxi & Telephone	57.50	.....
	544.00	311.04

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* William H. Hassinger.
Government Position: Assistant Chief, Engineering, Mass Media Bureau.
 3. *Event:* NAB's Annual Convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/10–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$264.00	.....
2. Hotel Room	222.00	.....
3. Meals	133.00	.....
4. Taxi & Mileage	60.80	.....
	679.80	.....

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Reed E. Hundt.
Government Position: Chairman.
 3. *Event:* NAB's Annual Convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/09–11/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	138.24	.....
3. Meals	95.00	.....
4. Telephone	59.00	.....
	592.24	.....

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Charles W. Kelley.
Government Position: Chief, Enforcement Division, Mass Media Bureau.
 3. *Event:* NAB's Annual Convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/08–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$264.00	.....
2. Hotel Room	345.60	.....
3. Meals	218.50	.....
4. Taxi & Telephone	38.50	.....
	866.60	.....

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* William E. Kennard.
Government Position: General Counsel.
 3. *Event:* NAB's Annual convention.
 4. *Sponsor of Event:* National Association of Broadcasters—NAB.
 5. *Sponsor Address:* 2001 Pennsylvania Ave., N.W., 11th Floor, Washington, D.C. 20006.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/09–13/95.
 9. *Travel Dates:* 04/07–12/95
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room .....	.....	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals .....	.....	.....
4. Taxi	47.50	.....
	347.50	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Barbara A. Kreisman.

Government Position: Chief, Video Services Division, Mass Media Bureau.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street NW., Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/09–12/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$299.00	.....
2. Hotel Room	207.36	.....
3. Meals	114.00	.....
4. Taxi & Telephone	185.21	.....
	805.57	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Blair S. Levin.

Government Position: Chief of Staff to Chairman Reed E. Hundt.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street NW., Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/09–13/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room	138.24	.....
3. Meals	95.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi, Mileage & Parking	73.92	.....
	607.16	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Jane E. Mago.

Government Position: Senior Legal Advisor to Commissioner Rachelle B. Chong.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street, N.W., Washington, D.C. 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/08–12/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room	276.48	.....
3. Meals	180.50	.....
4. Taxi	59.50	.....
	816.48	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: John T. Nakahata.

Government Position: Attorney Advisor, for Chairman Reed E. Hundt.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street, N.W., Washington, D.C. 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/09–11/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room	138.24	.....
3. Meals	95.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi, Copies & Telephone	71.86	.....
	605.10	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Susan Ness.

Government Position: Commissioner.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Speaker/Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/09–11/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$270.00	.....
2. Hotel Room	124.24	.....
3. Meals	95.50	.....
4. Taxi & Telephone .....	.....	.....
	489.74	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Maureen O'Connell.

Government Position: Legal Advisor to Commissioner James H. Quello.

3. *Event*: NAB's Annual Convention.

4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/10–12/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$341.00	.....
2. Hotel Room	69.12	.....
3. Meals	85.50	.....
4. Taxi & Telephone	138.84	.....
	634.46	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James H. Quello.
Government Position: Commissioner.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 04/09–13/95.
 9. *Travel Dates*: 04/08–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room	370.00	.....
3. Meals	218.50	.....
4. Taxi & Telephone	130.34	.....
	1018.84	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: David R. Siddall.
Government Position: Legal Advisor to Commissioner Susan Ness.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: Attn: Sabrina Coleman, 2001 Pennsylvania Avenue, NW., 11th Floor, Washington, DC 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 04/09–13/95.
 9. *Travel Dates*: 04/09–13/95.
 10. (a)

Nature of benefit:	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip transportation	\$400.00	.....
2. Hotel Room	\$207.36	.....
3. Meals	123.50	.....
	730.86	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Lisa B. Smith.
Government Position: Legal Advisor to Commissioner Andrew C. Barrett.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.

5. *Sponsor Address*: Attn: Sabrina Coleman, 2001 Pennsylvania Avenue, N.W., 11th Floor, Washington, D.C. 20006.

6. *Location of Event*: Las Vegas, Nevada.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/09–13/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$343.00	.....
2. Hotel Room	276.48	.....
3. Meals	171.00	.....
4. Taxi & Telephone	89.50	.....
	879.98	.....

(b). *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Richard M. Smith.
Government Position: Chief, Office of Engineering & Technology.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1771 N Street, N.W., Washington, D.C. 20036.
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 04/09–13/95.
 9. *Travel Dates*: 04/08–14/95.
 10. (a)

Nature of benefit	(c) Type & account of payment	
	Check	In-kind
1. Roundtrip Transportation	\$308.00	.....
2. Hotel Room	414.72	.....
3. Meals	256.50	.....
4. Taxi, Mileage & Parking	47.00	.....
	1026.22	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
 3. *Event*: NAB's Annual Convention.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1717 N Street, N.W., Washington DC 20036
 6. *Location of Event*: Las Vegas, Nevada.
 7. *Employee's Role*: Panelist.

8. *Dates of Event*: 04/09–13/95.

9. *Travel Dates*: 04/08–12/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$264.00	.....
2. Hotel Room	276.46	.....
3. Meals	180.00	.....
4. Mileage & Parking	57.00	.....
5. Telephone	4.41	.....
	\$781.87	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Andrew C. Barrett.
Government Position: Commissioner.
 3. *Event*: NAB Radio Show.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1771 N Street, N.W., Washington DC 20036–2891.
 6. *Location of Event*: Los Angeles, California.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 10/12–15/94.
 9. *Travel Dates*: 10/08–15/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$21.00	.....
2. Hotel Room	202.92	.....
3. Meals	95.00	.....
4. Taxi, Mileage & Telephone	46.00	.....
	\$364.92	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: David R. Siddall.
Government Position: Legal Advisor to Commissioner Susan Ness.
 3. *Event*: NAB Radio Show.
 4. *Sponsor of Event*: National Association of Broadcasters—NAB.
 5. *Sponsor Address*: 1771 N Street, NW., Washington, DC 20036–2891.
 6. *Location of Event*: Los Angeles, California.
 7. *Employee's Role*: Participant in a Answer Service.
 8. *Dates of Event*: 10/12–15/94.
 9. *Travel Dates*: 10/12–15/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$392.00	.....
2. Hotel Room	304.38	.....
3. Meals	104.00	.....
4. Taxi, Mileage & Telephone	50.00	.....
	850.38	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Thomas Power.
Government Position: Attorney Advisory, Policy & Rules Division, Cable Services Bureau.
 3. *Event*: North Central Cable Show.
 4. *Sponsor of Event*: North Central Cable Television Association—NCCTA.
 5. *Sponsor Address*: 450 North Syndicate.
 6. *Location of Event*: Minneapolis, Minnesota.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 03/27/95.
 9. *Travel Dates*: 03/26–27/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$364.00	.....
2. Hotel Room .....	.....	.....
3. Meals	59.50	.....
	423.50	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Anthony L. Williams.
Government Position: Director, Office of Small Business Activity.
 3. *Event*: 8th Annual NAMIC/NCTA Urban Markets Seminar.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
 6. *Location of Event*: New York City, New York.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 09/22–23/94.
 9. *Travel Dates*: 09/21–22/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$196.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	138.50	120.81
3. Meals	57.00	.....
4. Parking, Mileage & Taxi	48.00	.....
5. Telephone	10.71	.....
	450.21	120.81

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Lauren J. Belvin.
Government Position: Senior Legal Advisor to Commissioner James H. Quello.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/06–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00	.....
2. Hotel Room	278.00	.....
3. Meals	153.00	.....
4. Telephone & Taxi	95.47	.....
	\$916.47	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Mary Ellen Burns.
Government Position: Chief, Consumer Protection Division, Cable Services Bureau.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., NW., Washington, DC 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/08–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00	.....
2. Hotel Room	139.00	.....
3. Meals	76.50	.....
4. Telephone & Taxi	16.12	.....
	621.62	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Rachelle B. Chong.
Government Position: Commissioner.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., NW., Washington, DC 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/06–09/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$444.00	.....
2. Hotel Room	208.50	.....
3. Meals	127.50	.....
4. Taxi	97.00	.....
	877.00	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James R. Coltharp.
Government Position: Special Advisor to Commissioner Andrew C. Barrett.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/06–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$417.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	139.00	.....
3. Meals	85.00	.....
4. Fax, Telephone & Taxi	83.12	.....
	724.12	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Reed E. Hundt.
Government Position: Chairman.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/08–09/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00	.....
2. Hotel Room	69.50	.....
3. Meals	59.50	.....
4. Telephone	20.29	.....
	539.29	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: William E. Johnson.
Government Position: Deputy Chief for Policy, Cable Services Bureau.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., NW., Washington, D.C. 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/07–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00	.....
2. Hotel Room	139.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	119.00	.....
4. Telephone & Taxi	61.93	.....
	\$709.93	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., NW., Washington, D.C. 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/07–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$469.00	.....
2. Hotel Room	208.50	.....
3. Meals	110.50	.....
4. Fax, Telephone & Taxi	45.60	.....
	833.60	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: William E. Kennard.
Government Position: General Counsel.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W., Washington, DC 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/08–09/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00	.....
2. Hotel Room	86.45	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals .....	.....	.....
4. Fax & Taxi	24.50	.....
	500.95	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Gary M. Laden.
Government Position: Chief, Policy & Rules Division Cable Services Bureau.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W., Washington, DC 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/07–09/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00	.....
2. Hotel Room	139.00	.....
3. Meals	59.50	.....
4. Taxi	10.95	.....
	599.45	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Jill M. Luckett.
Government Position: Special Advisor to Commissioner Rachelle B. Chong.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., N.W. Washington, D.C. 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/06–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$444.00	.....
2. Hotel Room	278.00	.....
3. Meals	153.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Parking	26.00 .....	.....
	901.00 .....	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: John T. Nakahata.

Government Position: Special Assistant to Chairman Reed H. Hundt.

3. *Event*: 44th Annual Convention & Exposition.

4. *Sponsor of Event*: National Cable Television Association—NCTA.

5. *Sponsor Address*: 1724

Massachusetts Ave., N.W., Washington, D.C. 20036.

6. *Location of Event*: Dallas, Texas.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/07–10/95.

9. *Travel Dates*: 05/08–10/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00 .....	.....
2. Hotel Room	139.00 .....	.....
3. Meals	85.00 .....	.....
4. Copies & Telephone	66.20 .....	.....
	680.20 .....	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Maureen O'Connell.

Government Position: Legal Advisor to Commissioner James H. Quello.

3. *Event*: 44th Annual Convention & Exposition.

4. *Sponsor of Event*: National Cable Television Association—NCTA.

5. *Sponsor Address*: 1724

Massachusetts Ave., NW., Washington, DC 20036.

6. *Location of Event*: Dallas, Texas.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/07–10/95.

9. *Travel Dates*: 05/08–10/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$440.00 .....	.....
2. Hotel Room	139.00 .....	.....
3. Meals	93.50 .....	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi, Telephone & Fax	67.02 .....	.....
	739.52 .....	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: James H. Quello.

Government Position: Commissioner.

3. *Event*: 44th Annual Convention & Exposition.

4. *Sponsor of Event*: National Cable Television Association—NCTA.

5. *Sponsor Address*: 1724

Massachusetts Ave., NW., Washington, DC 20036.

6. *Location of Event*: Dallas, Texas.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/07–10/95.

9. *Travel Dates*: 05/06–07/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00 .....	.....
2. Hotel Room	139.00 .....	.....
3. Meals	59.50 .....	.....
4. Taxi	37.00 .....	.....
	625.50 .....	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Lisa B. Smith.

Government Position: Legal Advisor to Commissioner Andrew C. Barrett.

3. *Event*: 44th Annual Convention & Exposition.

4. *Sponsor of Event*: National Cable Television Association—NCTA.

5. *Sponsor Address*: 1724

Massachusetts Ave., NW., Washington, DC 20036.

6. *Location of Event*: Dallas, Texas.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/07–10/95.

9. *Travel Dates*: 05/08–10/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00 .....	.....
2. Hotel Room	139.00 .....	.....
3. Meals	85.00 .....	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi	108.10 .....	.....
	722.10 .....	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: R. Alan Stillwell.

Government Position: Industry Economist, Office of Engineering & Technology.

3. *Event*: 44th Annual Convention & Exposition.

4. *Sponsor of Event*: National Cable Television Association—NCTA.

5. *Sponsor Address*: 1724

Massachusetts Ave., NW., Washington, DC 20036.

6. *Location of Event*: Dallas, Texas.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 05/07–10/95.

9. *Travel Dates*: 05/08–11/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00 .....	.....
2. Hotel Room	208.50 .....	.....
3. Meals	119.00 .....	.....
4. Mileage, Telephone & Taxi	12.24 .....	.....
	729.74 .....	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Gregory J. Jogt.

Government Position: Deputy Chief, Cable Services Bureau.

3. *Event*: 44th Annual Convention & Exposition.

4. *Sponsor of Event*: National Cable Television Association—NCTA.

5. *Sponsor Address*: 1724

Massachusetts Ave., NW., Washington, DC 20036.

6. *Location of Event*: Dallas, Texas.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 05/07–10/95.

9. *Travel Dates*: 05/07–10/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$390.00 .....	.....
2. Hotel Room	208.50 .....	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	119.00	.....
4. Mileage & Telephone	7.74	.....
	725.24	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Kathleen M.H. Wallman.
Government Position: Chief, Common Carrier Bureau.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., NW., Washington, DC 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/08–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$444.00	.....
2. Hotel Room	139.00	.....
3. Meals	85.00	.....
4. Fax & Taxi	81.20	.....
	749.20	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Richard K. Welch.
Government Position: Legal Advisor to Commissioner Rachelle B. Chong.
 3. *Event*: 44th Annual Convention & Exposition.
 4. *Sponsor of Event*: National Cable Television Association—NCTA.
 5. *Sponsor Address*: 1724 Massachusetts Ave., NW., Washington, DC 20036.
 6. *Location of Event*: Dallas, Texas.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 05/07–10/95.
 9. *Travel Dates*: 05/07–10/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$444.00	.....
2. Hotel Room	208.50	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	119.00	.....
4. Fax, Mileage & Taxi	53.36	.....
	824.86	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Karen E. Watson.
Government Position: Director, Office of Public Affairs.
 3. *Event*: 1994 Retirement & Benefits Forum.
 4. *Sponsor of Event*: National Education Association—NEA.
 5. *Sponsor Address*: 1201 16th Street, NW., Washington, DC 20036–3290.
 6. *Location of Event*: Maui, Hawaii.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 10/12–16/94.
 9. *Travel Dates*: 10/12–16/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$889.86	.....
2. Hotel Room .....	.....	\$603.72
3. Meals	123.09	.....
4. Taxi & Telephone	149.00	.....
	1161.95	603.72

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Greg J. Vogt.
Government Position: Deputy Chief, Cable Services Bureau.
 3. *Event*: NECTA Annual Convention & Exhibition.
 4. *Sponsor of Event*: New England Cable Television Association—NECTA.
 5. *Sponsor Address*: 100 Grandview Road, Suite 201, Braintree, MA 02184.
 6. *Location of Event*: Newport, Rhode Island.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 07/24–27/95.
 9. *Travel Dates*: 07/24–26/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$198.00	.....
2. Hotel Room .....	.....	\$290.00
3. Meals	93.50	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Mileage & Taxi	27.20	100.00
	318.70	390.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Robert H. Ratcliffe.
Government Position: Assistant Chief for Law, Mass Media Bureau.
 3. *Event*: NJBA Annual Convention.
 4. *Sponsor of Event*: New Jersey Broadcasters Association—NJBA.
 5. *Sponsor Address*: Attn: Philip H. Roberts, 7 Centre Drive, Suite One, Jamesburg, NJ 08831.
 6. *Location of Event*: Atlantic City, New Jersey.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 06/12–14/95.
 9. *Travel Dates*: 06/12–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Airline Ticket	\$64.00	.....
2. Hotel Room	96.32	.....
3. Meals	66.50	.....
4. Telephone	4.89	.....
	231.71	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
 3. *Event*: NJBA Annual Convention.
 4. *Sponsor of Event*: New Jersey Broadcasters Association—NJBA.
 5. *Sponsor Address*: Attn: Philip H. Roberts, 7 Centre Drive, Suite One, Jamesburg, NJ 08831.
 6. *Location of Event*: Atlantic City, New Jersey.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 06/12–14/95.
 9. *Travel Dates*: 6/12–13/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Airline Ticket	\$71.00	.....
2. Hotel Room	96.32	.....
3. Meals	66.50	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi & Mileage	18.00 .....	.....
	251.82 .....	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Barbara A. Kreisman.
Government Position: Chief, Video Services Division, Mass Media Bureau.
 3. *Event*: New Mexico Broadcasters Convention.
 4. *Sponsor of Event*: New Mexico Broadcasters Association—NMBA.
 5. *Sponsor Address*: 790—9D Tramway Lane NE., Albuquerque, NM 87122.
 6. *Location of Event*: Albuquerque, New Mexico.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/04—07/95.
 9. *Travel Dates*: 5/04—06/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$353.00 .....	.....
2. Hotel Room	120.00 .....	.....
3. Meals	85.00 .....	.....
4. Taxi & Telephone	26.43 .....	.....
	584.43 .....	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
 3. *Event*: New Mexico Broadcasters Annual Convention.
 4. *Sponsor of Event*: New Mexico Broadcasters Association—NMBA.
 5. *Sponsor Address*: 790—9D Tramway Lane NE., Albuquerque, NM 87122.
 6. *Location of Event*: Albuquerque, New Mexico.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/04—07/95.
 9. *Travel Dates*: 05/04—06/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$353.00 .....	.....
2. Hotel Room	120.00 .....	.....
3. Meals	85.00 .....	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
4. Taxi	43.00 .....	.....
	601.00 .....	.....

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Reed E. Hundt.
Government Position: Chairman.
 3. *Event*: NTCA Annual Meeting.
 4. *Sponsor of Event*: National Telephone Cooperative Association—NTCA.
 5. *Sponsor Address*: 2626 Pennsylvania Avenue, NW., Washington, DC 20037—1695.
 6. *Location of Event*: San Francisco, California.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 02/08/95.
 9. *Travel Dates*: 02/07—08/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$341.00 .....	.....
2. Hotel Room .....	.....	.....
3. Meals	57.00	\$36.24
4. Taxi & Telephone	35.00	13.91
	433.00	50.15

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Andrew C. Barrett.
Government Position: Commissioner.
 3. *Event*: OAB's Spring Convention.
 4. *Sponsor of Event*: Ohio Association of Broadcasters—OAB.
 5. *Sponsor Address*: 88 East Broad Street, Suite 1780, Columbus, OH 43215.
 6. *Location of Event*: Cleveland, Ohio.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 04/19—20/95.
 9. *Travel Dates*: 04/19—20/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$198.00 .....	.....
2. Hotel Room .....	.....	\$125.95
3. Meals	38.00	13.06
4. Taxi	55.00 .....	.....
5. Telephone .....	.....	.75
	291.00	139.76

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Kelly Cameron.
Government Position: Attorney, Common Carrier Bureau.
 3. *Event*: Seminar of Interconnection.
 4. *Sponsor of Event*: Organismo Supervisor de Inversion Privada en Telecomunicaciones—OSIPTEL.
 5. *Sponsor Address*: Camino Real Torre, El Pilar Piso 13, San Isidro, Peru.
 6. *Location of Event*: Lima, Peru.
 7. *Employee's Role*: Lecturer.
 8. *Dates of Event*: 09/01—02/94.
 9. *Travel Dates*: 08/31—09/04/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation .....	.....	\$1205.00
2. Hotel Room .....	.....	306.00
3. Meals	\$231.00 .....	.....
4. Parking, Mileage & Taxi	47.00 .....	.....
	278.00	1511.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Donald K. Stockdale.
Government Position: Attorney Advisor, Policy Division, Common Carrier Bureau.
 3. *Event*: Annual Summer Convention.
 4. *Sponsor of Event*: Oklahoma Telephone Association.
 5. *Sponsor Address*: 2200 Classen Boulevard, Suite 850, Oklahoma, OK 73106.
 6. *Location of Event*: Lake Ozark, Missouri.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 06/11—14/95.
 9. *Travel Dates*: 06/11—14/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$746.00
2. Hotel Room	67.47
3. Meals	97.40
	910.87

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Ervin S. Duggan.
Government Position: Commissioner.

3. *Event*: Symposium.
 4. *Sponsor of Event*: Public Broadcasting Service—PBS.
 5. *Sponsor Address*: 1320 Braddock Place, Alexandria, VA 22314.
 6. *Location of Event*: Austin, Texas.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 11/04–05/93.
 9. *Travel Dates*: 11/03–06/93.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$435.00	.....
2. Hotel Room .....	.....	\$288.00
3. Meals	97.50	.....
4. Taxi	31.50	.....
	564.00	288.00

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: James W. Olson.
Government Position: Chief, Competition Division, Office General Counsel.
 3. *Event*: PCCA's 50th Annual Convention.
 4. *Sponsor of Event*: Power Communication Contractors Association—PCCA.
 5. *Sponsor Address*: National Capital Office, 6301 Stevenson Avenue, Suite One, Alexandria, VA 22304.
 6. *Location of Event*: Carlsbad, California.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 02/25–03/01/95.
 9. *Travel Dates*: 02/25–03/01/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$267.00	.....
2. Hotel Room .....	.....	\$165.00
3. Meals	114.00	.....
4. Car Rental, Gas & Taxi	168.19	.....
5. Telephone	100.91	.....
	650.10	165.00

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
 3. *Event*: PICT Conference.
 4. *Sponsor of Event*: Programme on Information & Communication Technologies—PICT.

5. *Sponsor Address*: Attn: Helen Foster, Program Administrator, Brunel University, Uxbridge Middlesex, UB8 3PH United Kingdom.
 6. *Location of Event*: London, England.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 05/10–12/95.
 9. *Travel Dates*: 05/06–14/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation .....	.....	\$696.95
2. Hotel Room .....	.....	612.00
3. Meals .....	.....	360.00
4. Taxi, Parking & Mileage	\$105.69	.....
	105.69	1668.95

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Steven C. Funkhouser.
Government Position: Public Utilities Specialist Common Carrier Bureau.
 3. *Event*: Tariff Training for Pacific/Nevada Bell.
 4. *Sponsor of Event*: Pacific Telesis Companies.
 5. *Sponsor Address*: 1275 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20004.
 6. *Location of Event*: San Francisco, California.
 7. *Employee's Role*: Conduct a Seminar on Tariff Process.
 8. *Dates of Event*: 11/02–05/94.
 9. *Travel Dates*: 11/02–11/05/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$631.00	.....
2. Hotel Room .....	.....	\$244.16
3. Meals	76.00	.....
4. Taxi, Mileage & Telephone	82.63	.....
	789.63	244.16

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Judith A. Nitsche.
Government Position: Chief, Tariff Review Branch, Common Carrier Bureau.
 3. *Event*: Tariff Training for Pacific/Nevada Bell.
 4. *Sponsor of Event*: Pacific Telesis Companies.

5. *Sponsor Address*: 1275 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20004.
 6. *Location of Event*: San Francisco, California.
 7. *Employee's Role*: Conduct a Seminar on Tariff Process.
 8. *Dates of Event*: 11/02–04/94.
 9. *Travel Dates*: 11/02–11/05/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$631.00	.....
2. Hotel Room .....	.....	\$244.16
3. Meals	76.00	.....
4. Taxi & Telephone	108.50	.....
	815.50	244.16

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: John Scott IV.
Government Position: Economist, Common Carrier Bureau.
 3. *Event*: Tariff Training for Pacific/Nevada Bell.
 4. *Sponsor of Event*: Pacific Telesis Companies.
 5. *Sponsor Address*: 1275 Pennsylvania Avenue, N.W., Suite 400, Washington, D.C. 20004.
 6. *Location of Event*: San Francisco, California.
 7. *Employee's Role*: Conduct a Seminar on Tariff Process.
 8. *Dates of Event*: 11/02–04/94.
 9. *Travel Dates*: 11/02–11/04/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$631.00	.....
2. Hotel Room .....	.....	\$244.16
3. Meals	66.50	.....
4. Taxi, Mileage & Telephone	65.85	.....
	763.35	244.16

- (b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Ralph A. Haller.
Government Position: Deputy Chief, Wireless Bureau.
 3. *Event*: Forum "Wiring Society for the 21st Century".
 4. *Sponsor of Event*: Scientific American.
 5. *Sponsor Address*: 415 Madison Avenue New York, NY 10017.

6. *Location of Event:* San Francisco, California.
 7. *Employee's Role:* Panelist.
 8. *Dates of Event:* 04/11/95.
 9. *Travel Dates:* 04/09–12/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$341.00	.....
2. Hotel Room .....	.....	\$500.00
3. Meals	133.00	.....
4. Parking, Mileage & Taxi	89.40	.....
	563.40	500.00

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Richard M. Smith.
Government Position: Chief, Office of Engineering & Technology.
 3. *Event:* Emerging Technologies Conference.
 4. *Sponsor of Event:* Society of Cable Television Engineers Inc.—SCTE.
 5. *Sponsor Address:* 669 Exton Commons, Exton, PA 19341–2401.
 6. *Location of Event:* Orlando, Florida.
 7. *Employee's Role:* Keynote Speaker.
 8. *Dates of Event:* 01/05/95.
 9. *Travel Dates:* 01/04–06/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	In-kind
	Check	
1. Roundtrip Transportation	\$566.00	.....
2. Hotel Room .....	.....	\$264.00
3. Meals	75.00	.....
4. Parking, Mileage & Taxi	43.53	.....
	684.53	264.00

- (b) *None-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Michael L. Lance.
Government Position: Electronics Engineer, Engineering & Technical Services Division, Cable Services Bureau.
 3. *Event:* Cable-Tec Expo '95.
 4. *Sponsor of Event:* Society of Cable Television, Engineers—SCTE.
 5. *Sponsor Address:* 669 Exton Commons Exton, PA 19341.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Speaker.

8. *Dates of Event:* 06/15–16/95.
 9. *Travel Dates:* 6/13–17/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel .....	.....	\$380.00
3. Meals	180.50	.....
4. Taxi, Mileage & Fax	46.50	.....
	527.00	380.00

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Priya Shrinivasan.
Government Position: Electronics Engineer, Engineering & Technical Services Division, Cable Services Bureau.
 3. *Event:* Cable-Tec Expo '95.
 4. *Sponsor of Event:* Society of Cable Television Engineers—SCTE.
 5. *Sponsor Address:* 669 Exton Commons, Exton, PA 19341.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 06/15–16/95.
 9. *Travel Dates:* 06/13–18/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room .....	.....	380.00
3. Meals	180.50	.....
4. Taxi, Shuttle & Telephone	83.88	.....
	564.38	380.00

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* John P. Wong.
Government Position: Chief, Engineering & Technical Services Division, Cable Services Bureau.
 3. *Event:* Cable-Tec Expo '95.
 4. *Sponsor of Event:* Society of Cable Television Engineers—SCTE.
 5. *Sponsor Address:* 669 Exton Commons, Exton, PA 19341.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 06/15–16/95.
 9. *Travel Dates:* 06/13–17/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room .....	.....	\$380.00
3. Meals	180.50	.....
4. Taxi, Parking & Mileage	90.40	.....
	570.90	380.00

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Priscilla M. Wu.
Government Position: Electronics Engineer, Engineering & Technical Services Division, Cable Services Bureau.
 3. *Event:* Cable-Tec Expo '95.
 4. *Sponsor of Event:* Society of Cable Television Engineers—SCTE.
 5. *Sponsor Address:* 669 Exton Commons, Exton, PA 19341.
 6. *Location of Event:* Las Vegas, Nevada.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 06/15–16/95.
 9. *Travel Dates:* 06/13–17/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$300.00	.....
2. Hotel Room .....	.....	\$380.00
3. Meals	180.50	.....
4. Taxi, Mileage & Telephone	53.72	.....
	534.22	380.00

- (b) *Non-Fed Source:* Same as No. 4.
 1. *Agency:* Federal Communications Commission.
 2. *Employee:* Julius P. Knapp.
Government Position: Chief, Equipment Authorization Division, Office of Engineering & Technology.
 3. *Event:* EMC Conference '96.
 4. *Sponsor of Event:* Singapore Institute of Standards & Industrial Research—SISIR.
 5. *Sponsor Address:* EMC Centre, 1 Science Park Drive, Singapore 0511.
 6. *Location of Event:* Singapore.
 7. *Employee's Role:* Speaker.
 8. *Dates of Event:* 04/25–26/95.
 9. *Travel Dates:* 04/22–28/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$1754.95	.....
2. Hotel Room .....	.....	\$574.20
3. Meals	369.00	144.00
4. Parking, Mileage & Taxi	83.40	.....
	2207.35	718.20

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Robert W. Spangler.

Government Position: Deputy Chief, Enforcement Division Common Carrier Bureau.

3. *Event*: TCA Conference & Exposition.

4. *Sponsor of Event*: Telecommunications Association—TCA.

5. *Sponsor Address*: 701 North Haven Avenue, Suite 200, Ontario, CA 91764-4925.

6. *Location of Event*: San Diego, California.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 10/03-07/94.

9. *Travel Dates*: 10/04-06/94.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$315.00	.....
2. Hotel Room	156.00	.....
3. Meals	104.50	.....
4. Taxi & Mileage	28.25	.....
	603.75	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Susan Cosentino.

Government Position: Attorney, Cable Services Bureau.

3. *Event*: 35th Annual Trade Show and Convention.

4. *Sponsor of Event*: Texas Cable TV Association—TCTVA.

5. *Sponsor Address*: P.O. Box 13518, Austin, Texas 78711.

6. *Location of Event*: San Antonio, Texas.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 02/22-24/95.

9. *Travel Dates*: 02/22-24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$303.00	.....
2. Hotel Room	77.00	.....
3. Meals	59.50	.....
4. Taxi & Parking	45.80	.....
	485.30	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: John Morabito.

Government Position: Legal Assistant to Chief, Common Carrier Bureau.

3. *Event*: 35th Annual Trade Show and Convention.

4. *Sponsor of Event*: Texas Cable TV Association—TCTVA.

5. *Sponsor Address*: P.O. Box 13518, Austin, Texas 78711.

6. *Location of Event*: San Antonio, Texas.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 02/22-24/95.

9. *Travel Dates*: 02/22-23/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$190.00	.....
2. Hotel Room .....	.....	\$234.60
3. Meals	59.50	.....
4. Taxi	59.00	.....
	308.50	234.60

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Ronald Parver.

Government Position: Attorney, Cable Services Bureau.

3. *Event*: 35th Annual Trade Show and Convention.

4. *Sponsor of Event*: Texas Cable TV Association—TCTVA.

5. *Sponsor Address*: P.O. Box 13518, Austin, Texas 78711.

6. *Location of Event*: San Antonio, Texas.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 02/22-24/95.

9. *Travel Dates*: 02/21-24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room	345.00	.....
3. Meals	127.50	.....
4. Telephone & Taxi	91.49	.....
	872.99	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: Gregory J. Vogt.

Government Position: Deputy Chief, Cable Services Bureau.

3. *Event*: 35th Annual Trade Show and Convention.

4. *Sponsor of Event*: Texas Cable TV Association—TCTVA.

5. *Sponsor Address*: P.O. Box 13518, Austin, Texas 78711.

6. *Location of Event*: San Antonio, Texas.

7. *Employee's Role*: Panelist.

8. *Dates of Event*: 02/22-24/95.

9. *Travel Dates*: 02/22-24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$303.00	.....
2. Hotel Room	234.60	.....
3. Meals	5.95	.....
4. Taxi	61.00	.....
	604.55	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.

2. *Employee*: John Wong.

Government Position: Attorney, Cable Services Bureau.

3. *Event*: 35th Annual Trade Show and Convention.

4. *Sponsor of Event*: Texas Cable TV Association—TCTVA.

5. *Sponsor Address*: P.O. Box 13518, Austin, Texas 78711.

6. *Location of Event*: San Antonio, Texas.

7. *Employee's Role*: Speaker.

8. *Dates of Event*: 02/22-24/95.

9. *Travel Dates*: 02/21-24/95.

10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$309.00	.....
2. Hotel Room	345.00	.....

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
3. Meals	127.50	.....
4. Parking, Mileage & Taxi	46.40	.....
5. Official Luggage ...	10.00	.....
	837.90	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: James D. Schlichting.
Government Position: Chief, Policy & Program Planning Division, Common Carrier Bureau.
3. *Event*: Unbundling the Local Exchange Network Conference.
4. *Sponsor of Event*: TeleStrategies Inc.
5. *Sponsor Address*: 1355 Beverly Road, Suite 110, Mclean, VA 22101-3641.
6. *Location of Event*: Chicago, Illinois.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 06/21-22/95.
9. *Travel Dates*: 06/20-21/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$152.00	.....
2. Hotel Room .....	.....	.....
3. Meals	31.50	\$16.00
4. Taxi	60.00	.....
	243.50	16.00

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Andrew C. Barrett.
Government Position: Commissioner.
3. *Event*: TIA Global Information Infrastructure Summit.
4. *Sponsor of Event*: Telecommunications Industry Association—TIA.
5. *Sponsor Address*: 2500 Wilson Boulevard, Suite 300, Arlington, VA 22201.
6. *Location of Event*: Warsaw, Poland.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 07/09-11/95.
9. *Travel Dates*: 7/06-11/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$1707.35

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
2. Hotel Room .....	.....	1660.99
3. Meals	\$409.50	.....
4. Taxi	20.00	.....
	429.50	3368.34

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Thomas P. Stanley.
Government Position: Chief Engineer, Office of Plans & Policy.
3. *Event*: ITU-R Task Group 8/1.
4. *Sponsor of Event*: Telecommunications Industry Association—TIA.
5. *Sponsor Address*: Mr. Eric Schimmel, 2500 Wilson Boulevard, Suite 300, Arlington, VA 22201.
6. *Location of Event*: San Diego, California.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 02/08/95.
9. *Travel Dates*: 02/05-08/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$132.00	.....
2. Hotel Room	234.57	.....
3. Meals	35.27	.....
4. Parking & Taxi	81.00	.....
5. Car Rental & Gas ..	79.08	.....
	561.92	.....

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Leslia A. Wall.
Government Position: Chief, Sampling & Measurements Branch, Office of Engineering & Technology.
3. *Event*: Seminar entitled "An Overview of Regulations & Procedures in the Telecommunications Industry in Canada, United States & Mexico.
4. *Sponsor of Event*: Telecommunications Industry Association—TIA.
5. *Sponsor Address*: 2001 Pennsylvania Avenue, NW., Suite 800, Washington, DC 20006-1813.
6. *Location of Event*: Mexico City, Mexico.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 01/17-18/95.
9. *Travel Dates*: 01/16-19/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation .....	.....	\$422.45
2. Hotel Room	\$466.50	.....
3. Meals	135.87	.....
4. Parking, Mileage & Taxi	65.98	.....
	668.35	422.45

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Andrew C. Barrett.
Government Position: Commissioner.
3. *Event*: International Conference on "Television Regulation."
4. *Sponsor of Event*: Istituto Di Diritto, Privato, Facolta Di Giurisprudenza, Universita Di Genova.
5. *Sponsor Address*: Universita Di Genova, VIA BALBI 22, 16126 Genova.
6. *Location of Event*: Genoa, Italy.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 04/07-08/95.
9. *Travel Dates*: 04/05-09/95.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$1302.00
2. Hotel Room	837.72
3. Meals
4. Taxi, Mileage & Telephone
	2139.72

(b) *Non-Fed Source*: Same as No. 4.

1. *Agency*: Federal Communications Commission.
2. *Employee*: Donna N. Lampert.
Government Position: Attorney, Common Carrier Bureau.
3. *Event*: International Conference on the Convergence of Communications Technologies.
4. *Sponsor of Event*: Universite du Quebec a Montreal—UQAM.
5. *Sponsor Address*: Case postale 8888, succursale, Centre-Ville, Montreal (Quebec) Canada, H3C 3P8.
6. *Location of Event*: Montreal, Canada.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 09/29-10/01/94.
9. *Travel Dates*: 09/29-10/01/94.
10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation		\$687.67
2. Hotel Room		193.72
3. Meals	\$205.00	
4. Taxi, Mileage & Taxi	133.35	
	338.35	881.39

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Michael L. Katz.
Government Position: Chief Economist, Office of Plans & Policy.
 3. *Event*: SUPERCOR '95.
 4. *Sponsor of Event*: United States Telephone Association—USTA & Telecommunications Industry Association—TIA.
 5. *Sponsor Address*: 1401 H Street, NW., Suite 600, Washington, DC 20005.
 6. *Location of Event*: Anaheim, California.
 7. *Employee's Role*: Panelist.
 8. *Dates of Event*: 03/20–23/95.
 9. *Travel Dates*: 03/20–21/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$284	
2. Hotel Room		\$102.00
3. Meals	47.50	
4. Taxi	41.00	
	372.50	102.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: W. Riley Hollingsworth.
Government Position: Deputy Chief, Office of Operations—Gettysburg, PA, Wireless Telecommunications Bureau.
 3. *Event*: 1995 Annual Conference & Exhibition.
 4. *Sponsor of Event*: UTC Telecommunications Association.
 5. *Sponsor Address*: 1140 Connecticut Avenue, NW., Suite 1140, Washington, DC 20036.
 6. *Location of Event*: Minneapolis, Minnesota.

7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 07/31–8/04/95.
 9. *Travel Dates*: 08/02–05/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$289.00	
2. Hotel Room		\$339.00
3. Meals	93.50	
4. Parking, Taxi & Mileage	92.05	
5. Telephone & Tolls	4.40	
	478.95	339.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Renee Licht.
Government Position: Deputy Chief, Mass Media Bureau.
 3. *Event*: VAB Annual Convention.
 4. *Sponsor of Event*: Vermont Association of Broadcasters.
 5. *Sponsor Address*: 15 West Patterson Street, Barre, VT 05641.
 6. *Location of Event*: Stowe, Vermont.
 7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 06/09–11/95.
 9. *Travel Dates*: 06/09–11/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$493.00	
2. Hotel Room		\$100.00
3. Meals		
	493.00	100.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Ralph A. Haller.
Government Position: Chief, Private Radio Bureau.
 3. *Event*: WirelessWorld Conference & Exposition.
 4. *Sponsor of Event*: WirelessWorld.
 5. *Sponsor Address*: 9800 Metcalf Avenue, P.O. Box 12901, Overland Park, KS 66212–2215.
 6. *Location of Event*: Orlando, Florida.

7. *Employee's Role*: Speaker.
 8. *Dates of Event*: 10/03–05/94.
 9. *Travel Dates*: 10/04–07/94.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation	\$408.00	
2. Hotel Room		\$150.00
3. Meals	52.50	
4. Taxi, Mileage & Telephone	28.51	
	489.01	150.00

(b) *Non-Fed Source*: Same as No. 4.
 1. *Agency*: Federal Communications Commission.
 2. *Employee*: Evan R. Kwerel.
Government Position: Senior Economist, Office of Plans & Policy.
 3. *Event*: Workshop on Rules for Spectrum Auctions.
 4. *Sponsor of Event*: World Bank.
 5. *Sponsor Address*: Attn: Sandra Vivas, 1818 H Street, N.W., Room G4031, Washington, D.C. 20433.
 6. *Location of Event*: Mexico City, Mexico.
 7. *Employee's Role*: Participant in Workshop.
 8. *Dates of Event*: 06/12/95.
 9. *Travel Dates*: 06/11–14/95.
 10. (a)

Nature of benefit	(c) Type & amount of payment	
	Check	In-kind
1. Roundtrip Transportation		\$431.95
2. Hotel Room	\$524.49	
3. Meals	45.15	
4. Taxi & Telephone	67.93	
	637.57	431.95

(b) *Non-Fed Source*: Same as No. 4.
 Federal Communications Commission.
 William F. Caton,
Acting Secretary.
 [FR Doc. 95–30695 Filed 12–22–95; 8:45 am]
 BILLING CODE 6712–01–M

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REMINDERS

The rules and proposed rules in this list were editorially

compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

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Rural Housing Service and Rural Business-Cooperative Service; nomenclature changes; published 12-26-95

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Special education and rehabilitative services:
American Indians with disabilities; vocational rehabilitation service projects; published 11-24-95

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Practice and procedure:
Hydroelectric projects; charges and fees
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Land Management Bureau

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LIBRARY OF CONGRESS Copyright Office, Library of Congress

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PERSONNEL MANAGEMENT OFFICE

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TRANSPORTATION DEPARTMENT

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Miscellaneous amendments; published 12-26-95

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Innovative project grants program on highway safety; CFR part removed; published 11-24-95

Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment--
Replaceable lenses on integral beam and replaceable bulb headlamps; published 11-24-95

Nonconforming vehicles imported into United States; adoption of continuous entry bond as alternative to single entry bond; published 11-24-95

TREASURY DEPARTMENT Thrift Supervision Office

Savings associations:
Loans to one borrower and technical amendments; published 12-26-95

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Electric and hybrid vehicle and methane transportation research; CFR parts removed; comments due by 1-4-96; published 12-5-95

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Societe Nationale Industrielle Aerospatiale and Eurocopter France; comments due by 1-2-96; published 11-1-95

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-026-00001-8)	\$5.00	Jan. 1, 1995
3 (1994 Compilation and Parts 100 and 101)	(869-026-00002-6)	40.00	¹ Jan. 1, 1995
4	(869-026-00003-4)	5.50	Jan. 1, 1995
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27-45	(869-026-00008-5)	14.00	Jan. 1, 1995
46-51	(869-026-00009-3)	21.00	Jan. 1, 1995
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900-999	(869-026-00016-6)	32.00	Jan. 1, 1995
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240-End	(869-026-00056-5)	30.00	Apr. 1, 1995
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500-End	(869-026-00066-2)	34.00	Apr. 1, 1995
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23	(869-026-00078-6)	22.00	Apr. 1, 1995
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§§ 1.301-1.400	(869-026-00090-5)	17.00	Apr. 1, 1995
§§ 1.401-1.440	(869-026-00091-3)	30.00	Apr. 1, 1995
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§§ 1.501-1.640	(869-026-00093-0)	21.00	Apr. 1, 1995
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§§ 1.908-1.1000	(869-026-00096-4)	27.00	Apr. 1, 1995
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300-499	(869-026-00103-1)	24.00	Apr. 1, 1995	425-699	(869-026-00156-1)	30.00	July 1, 1995
500-599	(869-026-00104-9)	6.00	⁴ Apr. 1, 1990	700-789	(869-026-00157-0)	25.00	July 1, 1995
600-End	(869-026-00105-7)	8.00	Apr. 1, 1995	790-End	(869-026-00158-8)	15.00	July 1, 1995
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1-199	(869-026-00106-5)	37.00	Apr. 1, 1995	1, 1-1 to 1-10		13.00	³ July 1, 1984
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28 Parts:				3-6		14.00	³ July 1, 1984
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29 Parts:				9		13.00	³ July 1, 1984
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1910.999)	(869-026-00114-6)	33.00	July 1, 1995	1-100	(869-026-00159-6)	9.50	July 1, 1995
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35	(869-026-00136-7)	12.00	July 1, 1995	40-69	(869-022-00182-5)	14.00	Oct. 1, 1994
36 Parts				70-79	(869-022-00183-3)	24.00	Oct. 1, 1994
1-199	(869-026-00137-5)	15.00	July 1, 1995	80-End	(869-022-00184-1)	26.00	Oct. 1, 1994
200-End	(869-026-00138-3)	37.00	July 1, 1995	48 Chapters:			
37	(869-026-00139-1)	20.00	July 1, 1995	1 (Parts 1-51)	(869-022-00185-0)	36.00	Oct. 1, 1994
38 Parts:				1 (Parts 52-99)	(869-022-00186-8)	23.00	Oct. 1, 1994
0-17	(869-026-00140-5)	30.00	July 1, 1995	2 (Parts 201-251)	(869-022-00187-6)	16.00	Oct. 1, 1994
18-End	(869-026-00141-3)	30.00	July 1, 1995	2 (Parts 252-299)	(869-022-00188-4)	13.00	Oct. 1, 1994
39	(869-026-00142-1)	17.00	July 1, 1995	3-6	(869-022-00189-2)	23.00	Oct. 1, 1994
40 Parts:				7-14	(869-022-00190-6)	30.00	Oct. 1, 1994
1-51	(869-026-00143-0)	40.00	July 1, 1995	15-28	(869-022-00191-4)	32.00	Oct. 1, 1994
52	(869-026-00144-8)	39.00	July 1, 1995	29-End	(869-022-00192-2)	17.00	Oct. 1, 1994
53-59	(869-026-00145-6)	11.00	July 1, 1995	49 Parts:			
60	(869-026-00146-4)	36.00	July 1, 1995	1-99	(869-022-00193-1)	24.00	Oct. 1, 1994
61-71	(869-026-00147-2)	36.00	July 1, 1995	100-177	(869-022-00194-9)	30.00	Oct. 1, 1994
81-85	(869-022-00145-1)	23.00	July 1, 1994	178-199	(869-022-00195-7)	21.00	Oct. 1, 1994
86-99	(869-022-00146-9)	41.00	July 1, 1994	200-399	(869-022-00196-5)	30.00	Oct. 1, 1994
87-149	(869-026-00150-2)	41.00	July 1, 1995	400-999	(869-022-00197-3)	35.00	Oct. 1, 1994
150-189	(869-026-00151-1)	25.00	July 1, 1995	*1000-1199	(869-026-00201-1)	18.00	Oct. 1, 1995
190-259	(869-026-00152-9)	17.00	July 1, 1995	1200-End	(869-022-00199-0)	15.00	Oct. 1, 1994
260-299	(869-026-00153-7)	40.00	July 1, 1995	50 Parts:			
300-399	(869-026-00154-5)	21.00	July 1, 1995	1-199	(869-022-00200-7)	25.00	Oct. 1, 1994
				200-599	(869-022-00201-5)	22.00	Oct. 1, 1994
				600-End	(869-022-00202-3)	27.00	Oct. 1, 1994

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