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Thursday
February 22, 1996

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

WASHINGTON, DC

[Two Sessions]

WHEN: March 12, 1996 at 9:00 am and March 26, 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)

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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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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

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1948

RIN 0570–AA15

Intermediary Relending Program Loan Limits

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: The Rural Business-Cooperative Service (RBS) is the successor to the Rural Business and Cooperative Development Service (RBCDS), which was the successor to the Rural Development Administration (RDA), which was the successor to the Farmers Home Administration (FmHA).

RBS is amending the regulations for the Intermediary Relending Program (IRP) to raise the loan limit. This action is needed to allow intermediaries that have received and successfully used the maximum amount of IRP loans allowed by the current regulations, and have need for additional funds, to be eligible to apply for such additional funds. The intended effect is to raise the maximum outstanding IRP indebtedness of an intermediary to $4 million, from the current limit of $2 million, for a period to end at the close of business on August 28, 1996. IRP loan funds per intermediary will not exceed $2 million for loans approved after August 28, 1996.

DATES: Effective February 22, 1996. Comments must be received on or before April 22, 1996.

ADDRESSES: Submit written comments in duplicate to the Director, Regulations and Paperwork Management Division, Rural Economic and Community Development, USDA, Ag. Box 0743, Washington, DC 20250–0743. All written comments will be available for public inspection during regular working hours at the above office, located in Room 6348, South Agricultural Building, 14th and Independence Avenue SW, Washington DC.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Specialist, RBS, USDA, Ag. box 1521, Washington, DC 20250–1521, Telephone (202) 720–6819.

SUPPLEMENTARY INFORMATION:

Classification

This interim final rule has been determined to be ''not-significant'' and has not been reviewed by OMB.

Program Affected

The catalog of Federal Domestic Assistance program impacted by this action is: 10.767, Intermediary Relending Program.

Intergovernmental Review

As set forth in the final rule and related Notice to 7 CFR part 3015, subpart V, 48 FR 29112, June 24, 1983, this program is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. The Agency conducts intergovernmental consultation in the manner delineated in FmHA Instruction 1940–J, ''Intergovernmental Review of Farmers Home Administration Programs and Activities.''

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0575–0130 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This interim rule does not revise or impose any new information collection or record keeping requirements from those approved by OMB. Please send written comments to the Office of Information Regulatory Affairs, OMB, Attention: Desk Officer for USDA, Washington, DC 20503. Please send a copy of your comments to Jack Holston, Agency Clearance Officer, USDA, Ag. box 0743, Washington, DC 20250.

Civil Justice Reform

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with the regulations of the agency at 7 CFR 1900 subpart B or those regulations published by the Department of Agriculture to implement the provisions of the National Appeals Division as mandated by the Department of Agriculture Reorganization Act of 1994 must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time. This document has been reviewed in accordance with Executive Order 12778. It is the determination of this Agency that this action does not unduly burden the Federal Court System in that it meets all applicable standards provided in section 2 of the Executive Order.

Environmental Impact Statement

This action has been reviewed in accordance with FmHA Instruction 1940–G, ''Environmental Program.'' Rural Business-Cooperative Service has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Unfunded Mandate

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, RBS must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal Mandates'' that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more

in any one year. When such a statement is needed for a rule, section 205 of UMRA generally requires RBS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no federal Mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus today's rule is not subject to the requirements of sections 202 and 205 of UMRA.

Background

This regulatory package is an agency initiative to make the IRP more effective at stimulating rural community economic development. The current regulation prohibits approval of any IRP loan that would result in any one intermediary having an outstanding IRP indebtedness exceeding $2 million. RBS is still not encouraging initial loans of more than $2 million. However, some intermediaries have received and reloaned $2 million and have demand for additional funding to meet the needs of the communities they serve.

The primary reason for this action is to allow subsequent loans to those successful intermediaries that have reached the current limit. Intermediaries in several States including; Vermont, Maine, Minnesota, Michigan, Colorado, North Carolina, Oklahoma, and Louisiana are currently at the limit of $2 million, and faced by additional demand for funds. Because of this program's role in the President's Rural Development Initiative, the fact that the efforts of some successful lenders are impeded by the $2 million limit, and the potential of attracting other lenders as a result of efforts to target the program more effectively to underserved areas, a decision has been made to increase the maximum loan limit to $4 million for a maximum period ending August 28. The anticipated benefits are increased lending activity, particularly by successful lenders and the creation of new business opportunities and employment, particularly in areas experiencing economic distress.

There are no anticipated costs associated with this decision. The cost of expanding the potential of the program is already built into the budget estimates and there should be no increase in delinquencies because of this action.

Discussion of Interim Final Rule

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, the Agency is making this action effective upon publication in the Federal Register without securing prior public comment. It would be contrary to the public interest to wait for public comment before implementing an increase in the loan ceiling. There is an immediate need to provide funds to the public to help alleviate severe economic hardship which exists in many rural areas as a result of high unemployment and poverty level wages. Numerous intermediaries have received the maximum of $2 million, have successfully used the funds to assist rural businesses, and have urgent need for additional loan funds. These intermediaries have proven their ability to play a major and successful role in stimulating the economy and developing jobs in rural areas experiencing high unemployment and depressed economies. Increasing the loan ceiling quickly will allow them to receive additional funds to continue to provide needed assistance. Delaying action will only deprive them of opportunities to provide assistance. Comments will be accepted for 60 days after publication and, if appropriate, adjustments will be made in the regulation based on the comments.

List of Subjects in 7 CFR Part 1948

Business and industry, Credit, Economic development, Rural areas.

Accordingly, Part 1948, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended as follows:

PART 1948—RURAL DEVELOPMENT

1. The authority citation for part 1948 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1932 note; 7 CFR 2.23, and 2.70.

Subpart C—Intermediary Relending Program (IRP)

2. Section 1948.103 is amended by revising paragraph (c) (4) to read as follows:

§ 1948.103 Eligibility requirements.

* * * * *

(c) * * *

(4) The total amount of Agency loan funds requested by the intermediary plus the outstanding balance of existing IRP loan(s) will meet one of the following conditions:

(i) IRP loan funds will not exceed $4 million per intermediary for loans approved on or before August 28, 1996.

(ii) IRP loan funds will not exceed $2 million per intermediary for loans approved after August 28, 1996.

* * * * *

Dated: February 7, 1996.

Wally B. Beyer,

Acting Under Secretary for Rural Economic and Community Development.

[FR Doc. 96–4018 Filed 2–21–96; 8:45 am]

BILLING CODE 3410–32–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 30, 40, 50, 60, 61, 70, and 72

RIN 3150–AF45

Employee Protection Policies; Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations related to notices to workers and to employee protection policies. This action is necessary to require the use of an updated NRC Form 3, update a telephone number, and to clarify the applicability of employment discrimination policies.

EFFECTIVE DATE: The final rule is effective April 22, 1996, unless significant adverse comments are received by March 25, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6196, e-mail MFH@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Background

The purpose of these amendments to 10 CFR Part 19, and related sections, is to promulgate a change to incorporate a reference to the most recent revision of NRC Form 3, update a telephone number, and clarify the applicability of employment discrimination policies to 10 CFR Parts 61 and 76.

NRC regulations in § 19.11, ''Posting of notices to workers,'' specify the June 1993 revision of NRC Form 3, ''Notice to Employees,'' and an old NRC telephone number for obtaining NRC Form 3. A new version of the form was issued in January 1996, and because licensees and applicants are required to prominently post the most current version of NRC Form 3, § 19.11 is being updated. Related sections in Parts 30, 40, 50, 60, 61, 70, and 72 also have the old NRC telephone number and are being updated.

The primary differences between the old and new NRC Form 3 are related to reporting violations and safety concerns, the addition of an NRC Safety Hotline and other NRC toll-free numbers, what constitutes discrimination, the realignment of NRC Regions, and the actions NRC will take for allegations of harassment, intimidation, or discrimination.

NRC regulations in § 19.20, ''Employee protection,'' were adopted in July 1982. Part 61, ''Licensing Requirements for Land Disposal of Radioactive Waste,'' was adopted in 1982 (47 FR 57446; December 27, 1982); and Part 76, ''Certification of Gaseous Diffusion Plants,'' was adopted in 1994 (59 FR 48944; September 23, 1994). Both Parts 61 and 76 adopted the July 1982 employee protection provisions incorporated into Parts 30, 40, 50, 60, 70, and 72. Section 19.20 is being updated to refer to Parts 61 and 76 for consistency and clarification of employee protection policies.

Electronic Access

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and databases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703–321–3339, or by using Telnet via Internet, fedworld.gov. If using 703–321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

Procedural Background

Because NRC considers this action noncontroversial and routine, we are approving it without seeking public comments on proposed amendments. This action will become effective on April 22, 1996. However, if the NRC receives significant adverse comments by March 25, 1996, then the NRC will publish a document that withdraws this action, and will address the comments received in response to the requested revisions which have been proposed for approval and are being concurrently published in the proposed rules section of this Federal Register. Comments will be addressed in the final rule on this proposal. The NRC will not initiate a second comment period on this action.

Environmental Impact: Categorical Exclusion

The Commission has determined that this final rule is the type of action described in categorical exclusions 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paper Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval 3150–0044, 10 CFR Part 19; 3150–0017, 10 CFR Part 30; 3150–0020, 10 CFR Part 40; 3150–0011, 10 CFR Part 50; 3150–0127, 10 CFR Part 60; 3150–0135, 10 CFR Part 61; 3150–0009, 10 CFR Part 70; and 3150–0132, 10 CFR Part 72.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

A regulatory analysis has not been prepared for this Direct Final Rule because this rule is considered minor and not a substantial amendment; it has no economic impact on NRC licensees or the public.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact upon a substantial number of small entities.

Any small entity subject to this regulation which determines that,

because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates the following:

(a) The licensee's size and how the regulation would result in a significant economic burden upon the licensee as compared to the economic burden on a larger licensee.

(b) How the regulations could be modified to take into account the licensee's differing needs or capabilities.

(c) The benefits that would accrue, or the detriments that would be avoided, if the regulations were modified as suggested by the licensee.

(d) How the regulation, as modified, would more closely equalize the impact of regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individual or group.

(e) How the regulation, as modified, would still adequately protect public health and safety.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this rule, and therefore, a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Special nuclear material.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 19, 30, 40, 50, 60, 61, 70, and 72.

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for Part 19 continues to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282, 2297f); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

2. In § 19.11, the note following paragraph (c) is removed and paragraph (c) is revised to read as follows:

§ 19.11 Posting of notices to workers.

* * * * *

(c)(1) Each licensee and each applicant for a specific license shall prominently post NRC Form 3 (Revision dated January 1996), ''Notice to Employees.''

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

3. Section 19.20 is revised to read as follows:

§ 19.20 Employee protection.

Employment discrimination by a licensee (or a holder of a certificate of compliance issued pursuant to Part 76) or a contractor or subcontractor of a licensee (or a holder of a certificate of compliance issued pursuant to Part 76) against an employee for engaging in protected activities under this part or Parts 30, 40, 50, 60, 61, 70, 72, 76, or 150 of this chapter is prohibited.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

4. The authority citation for Part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

5. In § 30.7, the note to paragraph (e)(2) is redesignated as paragraph (e)(3) and revised to read as follows:

§ 30.7 Employee protection.

* * * * *

(e) * * *

(3) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

6. The authority citation for part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232,

2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

7. In § 40.7, the note to paragraph (e)(2) is redesignated as paragraph (e)(3) and revised to read as follows:

§ 40.7 Employee protection.

* * * * *

(e) * * *

(3) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

8. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat 3123, (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C 2237).

9. In § 50.7, paragraph (e) is redesignated as (e)(1) and the note to paragraph (e) is redesignated as paragraph (e)(2) and revised to read as follows:

§ 50.7 Employee protection.

* * * * *

(e) * * *

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN GEOLOGIC REPOSITORIES

10. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141) and Pub. L. 102–486, sec 2902, 106 Stat. 3123 (42 U.S.C. 5851).

11. In § 60.9, paragraph (e) is redesignated as (e)(1) and the note to paragraph (e) is redesignated as paragraph (e)(2) and revised to read as follows:

§ 60.9 Employee protection.

* * * * *

(e) * * *

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

12. The authority citation for Part 61 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851) and Pub. L. 102–486, sec 2902, 106 Stat. 3123, (42 U.S.C. 5851).

13. In § 61.9, paragraph (e) is redesignated as (e)(1) and the note to paragraph (e) is redesignated as paragraph (e)(2) and revised to read as follows:

§ 61.9 Employee protection.

* * * * *

(e) * * *

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

14. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

15. In § 70.7, the note to paragraph (e)(2) is redesignated as paragraph (e)(3) and revised to read as follows:

§ 70.7 Employee protection.

* * * * *

(e) * * *

(3) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

16. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat.

929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

17. In § 72.10, paragraph (e)(2) is revised to read as follows:

§ 72.10 Employee protection.

* * * * *

(e) * * *

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at (301) 415–7230.

* * * * *

Dated at Rockville, Maryland this 7th day of February, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 96–3936 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–ANE–08; Amendment 39–9459; AD 95–26–01]

Airworthiness Directives; AlliedSignal, Inc. (formerly Textron Lycoming) Models LTS101–650B1, –750B1, –650C, and –750C Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to AlliedSignal, Inc. (formerly Textron Lycoming) Models LTS101–650B1, –750B1, –650C, and –750C turboshaft engines, that requires installation of an improved power turbine (PT) rotor and electronic PT rotor overspeed controller as a terminating action to the currently required inspections of AD 88–14–01. This amendment is prompted by reports of additional bearing failures since publication of AD 88–14–01, including one additional uncontained PT disk failure. The actions specified by this AD are intended to prevent PT overspeed and uncontained engine failure.

DATES: Effective April 22, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 22, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from AlliedSignal Inc., 550 Main Street, Stratford, CT 06497. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7148, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: On May 26, 1988, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 88–14–01, Amendment 39–5952 (53 FR 25317, July 6, 1988), to require initial and repetitive inspections of the engine lubrication and bearing systems on AlliedSignal, Inc. (formerly Textron Lycoming) LTS101 series turboshaft engines. That action was prompted by reports of four uncontained power turbine (PT) disk failures. Subsequent investigation revealed that the PT disk failures were caused by bearing failures resulting in PT shaft disengagement from the gear train drive, unloading the PT and causing rotor overspeed. Two other PT disk failures involved No. 4 bearing failure, followed by power pinion gear teeth failure, thereby unloading the PT and causing PT rotor overspeed. This condition, if not corrected, could result in PT overspeed and uncontained engine failure.

Since the issuance of that AD, the FAA has received reports of additional bearing failures with resultant loss of PT rotor location, including one additional uncontained PT disk failure. In order to minimize the possibility of an uncontained engine failure, the manufacturer has developed an improved PT rotor with retention capability and an improved electronic PT rotor overspeed controller. These improvements are only available for AlliedSignal, Inc. Models LTS101–650B1, –750B1, –650C, and –750C turboshaft engines, installed on Bell Helicopter Textron 222 series and Messerschmitt-Bolkow-Blohm (MBB) BK117 series helicopters.

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to AlliedSignal, Inc. (formerly Textron Lycoming) Models LTS101–650B1, –750B1, –650C, and –750C turboshaft engines was published in the Federal Register on May 19, 1995 (60 FR 26846). That action proposed to require installation of an improved PT rotor with retention capability and an electronic PT rotor overspeed controller at the next shop visit when the PT rotor is removed after the effective date of this AD, but prior to December 31, 1997, as a terminating action to the currently required inspections of AD 88–14–01.

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

One commenter states that the requirement to incorporate an electronic PT overspeed controller should be deleted from the AD, as the additional economic impact is not justified from the basis of increased safety, or the basis of reliability in adverse operating conditions. The FAA does not concur. The FAA has determined that the electronic PT overspeed controller will increase flight safety by providing overspeed protection in the event of a No. 4 bearing failure. As stated in the NPRM, the current PT rotor overspeed controller, in two cases of No. 4 bearing failure, has allowed PT rotor overspeed and uncontained PT disk failures. The FAA has also determined that the electronic PT overspeed protection system provides an acceptable level of reliability in adverse environmental operating conditions consistent with that required for engine digital electronic controls.

One commenter states that the pneumatic portion of the PT retention system should be enabled in lieu of

installation of the electronic PT overspeed controller, as this would be a more cost effective improvement. The FAA does not concur. The pneumatic portion of the PT retention system would not provide overspeed protection in the event of a No. 4 bearing failure. Available data shows that the pneumatic portion of the PT retention system provides automatic shutdown only in the event of loss of PT rotor axial location.

One commenter states that the requirements of AD 88–14–01 should be continued with no terminating actions, thereby continuing preventive maintenance benefits. The FAA does not concur. The FAA has approved incorporation of applicable ongoing maintenance requirements currently in AD 88–14–01 into the applicable AlliedSignal, Inc. LTS101 engine maintenance manual requirements. The FAA considers that incorporation of these requirements into the maintenance manuals will provide desirable preventive maintenance actions for the AlliedSignal, Inc. LTS101 engine, while the design modifications proposed would alleviate the additional record-keeping burden imposed by AD 88–14–01.

One commenter states that the compliance timetable for incorporation of electronic PT rotor overspeed controller should be revised to allow installation at a scheduled aircraft inspection rather than at the next PT rotor removal. This change is requested because incorporation of electronic PT rotor overspeed controller at the next PT rotor removal may not be logistically supportable due to the increased rate of PT rotor removals resulting from another field management plan. The FAA concurs. Adoption of the revised timetable will minimize the possible logistic impact of the original compliance timetable while still providing the equivalent level of safety proposed by the NPRM.

One commenter states that the proposed AD should apply only for engines that do not incorporate the insertable blade PT rotor. The FAA concurs in part. The PT rotor with retention capability, to be required by the proposed rule, is the same as the insertable blade PT rotor. Therefore, the PT rotor installation required by the proposed rule would be previously accomplished for engines with the insertable blade PT rotor. However, as addressed in a previous comment, the FAA has determined that installation of the electronic PT overspeed controller is required for all engines regardless of the P/N PT rotor installed, in order to provide overspeed protection in the event of a No. 4 bearing failure.

One commenter states that the economic impact of the proposed rule should be revised to reflect installation of aircraft electronics necessary for operation of the electronic overspeed system. The FAA concurs, and has adjusted the economic impact to reflect the associated increase in the cost impact.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will not increase the scope of the AD.

There are approximately 950 engines of the affected design in the worldwide fleet. The FAA estimates that 95 engines installed on aircraft of U.S. registry will be affected by the requirement to install the PT rotor with improved retention, that it will take approximately 10 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $44,400 per engine. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $4,275,000 for installation of the PT rotor with improved retention.

In addition, the FAA estimates that 576 engines installed on aircraft of U.S. registry will be affected by the requirement to install the electronic PT rotor overspeed controller, that it will take approximately 3 work hours per engine to accomplish the required action, and that the average labor rate is $60 per work hour. Required parts cost for the electronic PT rotor overspeed controller installation is $5,825. Based on these figures, the cost impact of installing the electronic PT rotor overspeed controller would be $3,458,880.

There are approximately 288 aircraft of U.S. registry that would be affected by the requirement to install aircraft electronics necessary for the functioning of the electronic PT rotor overspeed controller. It would take approximately 80 work hours per aircraft to accomplish the proposed actions, and the average labor rate is $60 per work hour. Required parts for the aircraft installation would be approximately $4,531. Based on these figures, the cost impact of installing the aircraft electronics for the electronic PT rotor overspeed controller would be $2,287,328. Therefore, the revised total cost impact of all the actions of the proposed AD on U.S. operators is estimated to be $10,421,208.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–26–01 AlliedSignal, Inc.: Amendment 39–9459 Docket 95–ANE–08.

Applicability: AlliedSignal, Inc. (formerly Textron Lycoming) Model LTS101–650B1, –750B1, –650C, and –750C turboshaft engines installed on Bell Helicopter Textron 222 series and Messerschmitt-Bolkow-Blohm (MBB) BK117 series helicopters.

Note: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the

owner/operator must use the authority provided in paragraph (d) 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 engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent power turbine (PT) overspeed and uncontained engine failure, accomplish the following:

(a) Install the improved PT rotor with retention capability at the next shop visit when the PT rotor is removed after the effective date of this AD, but prior to December 31, 1997, in accordance with the following Textron Lycoming Service Bulletins (SB):

Engine model	SB No.	Rev.	Date
LTS101–650B1	LTS101B–72–50–0122	4	June 17, 1991.
LTS101–750B1 or –650B1	LTS101B–72–50–0116	6	August 14, 1992.
LTS101–650C and –750C Series	LTS101C–72–50–0119	2	June 17, 1991.

(b) Install the improved electronic PT rotor overspeed controller concurrently with the PT rotor installation required by paragraph (a) of this AD, or at the next airframe 600 hour inspection point after the effective date of this AD, whichever occurs later, in accordance with the following Textron Lycoming SB:

Engine model	SB No.	Rev.	Date
LTS101–650B1	LTS101B–73–10–0127	2	August 14, 1992.
LTS101–750B1	LTS101B–73–10–0127	2	August 14, 1992.
LTS101–650C and –750C Series	LTS101C–73–10–0129	3	August 14, 1992.

(c) Installation of the improved PT rotor with retention capability and the improved electronic PT rotor overspeed controller in accordance with paragraphs (a) and (b) of this AD constitutes terminating action to the inspection requirements of AD 88–14–01.

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

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

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

(f) The actions required by this AD shall be done in accordance with the following service bulletins:

Document No.	Pages	Revision	Date
LTS101B–72–50–0122	1–11	4	June 17, 1991.
Total pages:	11		
LTS101B–72–50–0116	1–10	6	August 14, 1992.
Total pages:	10		
LTS101C–72–50–0119	1–11	2	June 17, 1991.
Total pages:	11		
LTS101B–73–10–0127	1–13	2	August 14, 1992.
Total pages:	13		
LTS101C–73–10–0129	1–14	3	August 14, 1992.
Total pages:	14		

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AlliedSignal Inc., 550 Main Street, Stratford, CT 06497. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on April 22, 1996.

Issued in Burlington, Massachusetts, on January 24, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–2589 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–CE–32–AD; Amendment 39–9510; AD 96–03–13]

Airworthiness Directives; Beech Aircraft Corporation 90, 99, 100, and 200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Beech Aircraft Corporation (Beech) 90, 99, 100, and 200 series airplanes. This action requires inspecting the main landing gear drag leg lock link to ensure that the hole for the roll pin is drilled completely through both walls of the main landing gear drag leg lock link and, if not drilled completely through both link walls, replacing any main landing gear drag leg lock link. An incident in which the left main landing gear collapsed on one of the affected airplanes prompted this action. Investigation revealed that the roll pin hole was not completely drilled

through both walls of the drag leg lock link. The actions specified by this AD are intended to prevent main landing gear collapse caused by drag leg lock link failure, which could result in loss of control of the airplane.

DATES: Effective April 1, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 1, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE-32–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4124; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Beech Aircraft Corporation 90, 99, 100, and 200 series airplanes was published in the Federal Register on August 16, 1995 (60 FR 42479). The action proposed to require inspecting the main landing gear drag leg lock link to ensure that the hole for the roll pin is drilled through both walls of the link and, if not drilled completely through both link walls, replacing any main landing gear drag leg lock link. Accomplishment of the proposed action would be in accordance with Beech Service Bulletin No. 2607, Revision 1, dated April 1995.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 2,229 airplanes in the U.S. registry will be affected by this AD action, that it will take approximately 5 work hours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $100 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $891,600. This figure is based on the assumption that all of the affected airplanes have incorrectly drilled drag leg lock links and that none of the owners/operators of the affected airplanes have replaced the incorrectly drilled links.

Beech has informed the FAA that parts have been distributed to equip approximately 648 airplanes. Assuming that these distributed parts are incorporated on the affected airplanes, the cost of the proposed AD would be reduced by $259,200 from $891,600 to $632,400. In addition, the FAA believes that a majority of the affected airplanes will not have incorrectly drilled links, thereby further reducing the cost impact of the proposed AD upon the public.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

AD No.96–03–13 Beech Aircraft Corporation: Amendment 39–9510; Docket No. 95–CE–32–AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Models	Serial Numbers
F90	LA–2 through LA–236.
99, 99A, A99A, B99, and C99.	U–1 through U–239.
100 and A100	B–1 through B–94 and B–100 through B–247.
B100	BE–1 through BE–137.
200 and B200	BB–2, BB–6 through BB–1157, BB–1159 through BB–1166, and BB–1168 through BB–1192.
200T and B200T	BT–1 through BT–30.
200C and B200C	BL–1 through BL–72.
200CT and B200CT	BN–1 through BN–4.
65–A90–2(RU–21B)	LS–1 through LS–3.
65–A90–3(RU–21C)	LT–1 through LT–2.
200 (A100–1)	BB–3 through BB–5.
A100 (U–21F)	B–95 through B–99.
A200 (C–12A and C–12C).	BC–1 through BC–75, and BD–1 through BD–30.
A200C (UC–12B)	BJ–1 through BJ–66.
A200CT (C–12D)	BP–1, BP–22, and BP–24 through BP–45.
A200CT (FWC–12D)	BP–7 through BP–11.
A200CT (RC–12D)	GR–1 through GR–13.
A200CT (RC–12H)	GR–14 through GR–19.
A200CT (RC–12G)	FC–1 through FC–3.

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 request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent main landing gear collapse caused by drag leg lock link failure, which could result in loss of control of the airplane, accomplish the following:

(a) Inspect the main landing gear drag leg lock link to ensure that the hole for the roll pin is drilled completely through both walls of the link in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech Service Bulletin No. 2607, Revision 1, dated April 1995.

(b) Prior to further flight, replace any drag leg lock link that does not have the roll pin hole drilled through both walls of the link. Accomplish this replacement in accordance with the applicable maintenance manual.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(e) The inspections and replacements required by this AD shall be done in accordance with Beech Service Bulletin No. 2607, Revision 1, dated April 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(f) This amendment (39-9510) becomes effective on April 1, 1996.

Issued in Kansas City, Missouri, on January 31, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–2588 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–CE–02–AD; Amendment 39–9509; AD 96–03–12]

Airworthiness Directives; Glasflugel Model Mosquito Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Glasflugel Model Mosquito sailplanes. This action requires modifying the mounting studs on the lifting/tilting frame of the canopy system, repetitively inspecting the mounting stud, and incorporating flight manual revisions that specify a warning on emergency canopy deployment failure. Canopy system problems discovered during routine checks and periodic inspections of these sailplanes prompted the proposed action. The actions specified in this proposed AD are intended to prevent canopy system failure, which could result in loss of control of the sailplane.

DATES: Effective April 1, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 1, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from Glasflugel c/o Hansjorg Streifeneder, Glasfaser-Flugzeug Service, Hofener Weg, D 72582 Grabenstetten, Germany, telephone number 49.73.82.10.32. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–02–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Herman C. Belderok, Project Officer, Sailplanes, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that applies to Glasflugel Model Mosquito sailplanes was published in the Federal Register on September 15, 1995 (60 FR 47899). This action proposed to require the following:

- Inspecting the mounting studs on the canopy lifting/tilting frame for wear, repetitively inspecting the mounting stud every 100 hours time-in-service (TIS) thereafter,
- Measuring the diameter of the mounting stud, and if it is less than 5 mm (0.2 inch) increasing the diameter to 6 mm (0.24 inch) and,
- Incorporating a change to the Mosquito flight manual on page 19, paragraph 3.3 by inserting the following language:

> ''Whenever the canopy emergency jettison knob is pulled and prior to each flight, if no locking thread is used, it should be ensured that the Pip pins are fully pushed home, so that the locking balls are clear of and behind their fittings.''

Initially, the compliance time of this AD is in calendar time instead of hours time-in-service (TIS). The average monthly usage of the affected sailplanes ranges throughout the fleet. For example, one owner may operate the sailplane 25 hours in one week, while another operator may operate the sailplane 25 hours in one year. For this reason, the FAA has determined that, in order to ensure that all of the owners/operators of the affected sailplanes initially inspect the canopy system and incorporate the flight manual revisions within a reasonable amount of time, a calendar compliance time is imposed.

Accomplishment of these actions will be in accordance with Glasflugel Technical Note (TN) 303–18, dated March 1, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 40 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 workhours per sailplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $10 per sailplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $5,200. This figure is based on the assumption that no affected owner/operator of the affected sailplanes has incorporated the

modification or accomplished the inspection.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

96–03–12 Glasflugel: Amendment 39–9509; Docket No. 93–CE–02–AD.

Applicability: Model Mosquito Sailplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each sailplane 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 sailplanes 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 (f) 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 sailplane from the applicability of this AD.

Compliance: Required as indicated in the body of this AD.

To prevent canopy system failure, which could result in loss of control of the sailplane, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, unless already accomplished, and thereafter at the intervals not to exceed 100 hours time-in-service (TIS), inspect the mounting studs on the canopy lifting/tilting frame for evidence of wear and diameter specifications in accordance with the *Actions* section in Glasflugel Technical Note (TN) 303–18, dated March 1, 1991.

(b) If during any of the inspections required by paragraph (a) of this AD, the mounting stud is found worn or the diameter measures less than 5 mm (0.2 inch), prior to further flight, increase the diameter to 6 mm (0. 24 inch) in accordance with paragraph 1 of the *Actions* section in Glasflugel TN 303–18, dated March 1, 1991.

(c) Within the next 30 calendar days after the effective date of this AD, unless already accomplished, incorporate the following language on page 19, paragraph 3.3 of the Mosquito flight manual:

''Whenever the canopy emergency jettison knob is pulled and prior to each flight, if no locking thread is used, it should be ensured that the Pip pins are fully pushed home, so that the locking balls are clear of and behind their fittings.''

(d) Incorporating the flight manual revision as required by paragraph (c) of this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the sailplane's records showing compliance with this AD in accordance with section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

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

(f) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety, may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(g) The inspections, modifications, and installations required by this AD shall be done in accordance with Glasflugel Technical Note 303–18, dated March 1, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Glasflugel c/o Hansjorg Streifeneder, Glasfaser-Flugzeug Service, Hofener Weg, D 72582 Grabenstetten, Germany, telephone number 49.73.82.10.32. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(h) This amendment (39–9509) becomes effective on April 1, 1996.

Issued in Kansas City, Missouri on February 1, 1996.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–2682 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 95–ANE–61]

Amendment to Class E Airspace; Worcester, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Class E airspace at Worcester, MA (ORH). With the commissioning of the Automated Surface Observation System (ASOS) at the Worcester Municipal Airport, weather reporting is now continuously available at that airport. This action is necessary to establish controlled airspace extending upward from the surface for aircraft operating under instrument flight rules (IFR) to and from the Worcester Municipal Airport during the times when the air traffic control tower is closed.

EFFECTIVE DATE: 0901 UTC, April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, System Management Branch, ANE–533, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7533; fax (617) 238–7596.

SUPPLEMENTARY INFORMATION:

History

On December 20, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Class E surface

area at the Worcester Municipal Airport, Worcester, MA (ORH). Since the air traffic control tower (ATCT) at Worcester does not operate continuously, aircraft operating under instrument flight rules (IFR) to and from Worcester did not have the benefit of weather reports from the airport during the times when the tower is closed. That lack of continuous weather reporting required that the controlled airspace for Worcester could not extend to the surface. Recently, however, an Automated Surface Observation System (ASOS) was commissioned at Worcester, making weather reporting now available continuously. As result, this action is necessary to establish controlled airspace extending from the surface for those aircraft operating to and from Worcester under IFR during the times when the ATCT is closed.

Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. One comment was received from the National Oceanic and Atmospheric Administration's Charting Division which noted a typographic error in the description of the airspace as published. The FAA has corrected that error. Class E airspace designations for airspace areas extending upward from the surface of the earth in the vicinity of airports are published in paragraph 6002 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at ORH. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this regulation (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact will be so minimal. Since this routine matter will only affect air traffic procedures and air navigation, it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Subpart E—Class E Airspace

* * * * *

Paragraph 6002 Class E surface areas extending upward from the surface of the earth.

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ANE MA E2 Worcester, MA [New]

Worcester Municipal Airport, MA
(Lat. 42°16′02″N, long. 71°52′32″W)

That airspace extending upward from the surface within a 4.2-mile radius of Worcester Municipal Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Burlington, MA, on February 13, 1996.

Eileen Seaman,

Acting Manager, Air Traffic Division, New England Region.

[FR Doc. 96–3863 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 18 and 113

[T.D. 96–18]

RIN 1515–AB67

Warehouse Withdrawals; Aircraft Fuel Supplies; Pipeline Transportation in Bond of Merchandise

AGENCY: Customs Service, Treasury.

ACTION: Notice of interim regulations, solicitation of comments.

SUMMARY: The amendments contained in this document are being published as interim regulations to implement certain statutory amendments to the Customs laws regarding recordkeeping for merchandise transported by pipeline and duty-free withdrawals from Customs bonded warehouses of aircraft turbine fuel. These statutory amendments are contained in the Customs modernization provisions of the North American Free Trade Agreement Implementation Act. Also, the interim regulations clarify the procedures applicable to aircraft turbine fuel which is withdrawn from a Customs bonded warehouse for certain duty-free use and is commingled with other lots of fuel before being so used.

DATES: Interim rule effective April 8, 1996; comments must be received on or before March 25, 1996.

ADDRESSES: Written comments (preferably in triplicate) must be submitted to U.S. Customs Service, ATTN: Regulations Branch, Franklin Court, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and may be inspected at the Regulations Branch, 1099 14th Street, NW., Suite 4000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William G. Rosoff, Office of Regulations and Rulings, (202–482–7040).

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the President of the U.S. signed into law the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057). Title VI of this Act, popularly known as the Customs Modernization Act (the Act) amended certain Customs laws. Section 664 of the Act amended the Customs laws by the insertion of a new section 553a, Tariff Act of 1930 (19 U.S.C. 1553a), and section 665 of the Act amended section 557(a), Tariff Act of 1930, as amended (19 U.S.C. 1557(a)).

Under the new 19 U.S.C. 1553a, merchandise in Customs custody that is transported by pipeline may be accounted for on a quantitative basis. The term ''merchandise in Customs custody,'' is meant to comprise bonded merchandise (*e.g.*, merchandise which has not been entered for consumption, including merchandise transported in bond, merchandise from a Customs bonded warehouse, or merchandise from a foreign trade zone) (see legislative history for this provision in H.R.Rep.No. 103–361, 103d Cong., 1st Sess., Pt. 1, 150–151 (1993), and S.Rep.No. 103–189, 103d Cong., 1st Sess., 97 (1993)). Section 1553a

provides for the use of the bill of lading or equivalent document of receipt, issued by the pipeline carrier to the shipper and accepted by the consignee, to account for the quantity of merchandise transported and to maintain the identity of that merchandise. Unless Customs has reasonable cause to suspect fraud, the provision authorizes Customs to accept the bill of lading, or equivalent document of receipt, for this purpose. Under 19 U.S.C. 1553a, the shipper, pipeline operator, and consignee are subject to the recordkeeping requirements of sections 508 and 509, Tariff Act of 1930, as amended (19 U.S.C. 1508, 1509).

The background to, and reasons for, the addition of 19 U.S.C. 1553a to the Customs laws are explained in the legislative history for the Act (H.Rep.No. 361, *ibid.*, and S.Rep.No. 189, *ibid.*). Currently, there is no provision in the Customs laws or regulations governing the transportation of bonded merchandise by pipeline. The general provisions currently governing transportation in bond (entry for immediate transportation and entry for transportation and exportation; sections 552 and 553, Tariff Act of 1930, as amended (19 U.S.C. 1552, 1553)), do not authorize the commingling of bonded merchandise with non-bonded merchandise in the transportation. Most merchandise transported by pipeline is commingled and is susceptible to quantitative accounting (see H.Rep.No. 189, *ibid.*). Analogous to the amendment to 19 U.S.C. 1557(a) (discussed below), the new provision permits the effective use of modern fuel transportation systems and will reduce administrative costs and paperwork for the industry and the Government.

Under the amendment to 19 U.S.C. 1557(a), turbine fuel may be withdrawn from a Customs bonded warehouse for use under section 309, Tariff Act of 1930, as amended (19 U.S.C. 1309), without the payment of duty if an amount equal to the quantity of fuel withdrawn is shown to be used as provided for in section 1309 within 30 days of withdrawal. Under section 1309, in part, articles may be withdrawn from any Customs bonded warehouse free of duty for supplies of foreign or U.S. vessels or aircraft actually engaged in foreign trade or trade between the U.S. and any of its possessions, or between Hawaii and any other part of the U.S. or between Alaska and any other part of the U.S. Section 1309 contains an exception under which the provisions for free withdrawals in that section are not applicable to petroleum products for vessels or aircraft in voyages or flights exclusively between Hawaii or Alaska and any airport or Pacific coast seaport of the U.S.

Under the amended 19 U.S.C. 1557(a), duties are required to be deposited on turbine fuel which was withdrawn in excess of the quantity shown to have been used under 19 U.S.C. 1309 during the 30-day period following withdrawal of the fuel. Such duties must be deposited by the 40th day after the date of withdrawal of the fuel. Interest on the duties is payable from the date of withdrawal.

The background to, and reasons for, the amendment to 19 U.S.C. 1557(a) are explained in the legislative history for the Act (H.Rep.No. 361, *ibid.*, and S.Rep.No. 189, *ibid.*). According to these reports, the nature of major airport fueling systems is that different lots (bonded, imported, domestic, etc.) of turbine fuel are commingled in a common hydrant system. Under the law and regulations before the amendment of 19 U.S.C. 1557(a), Customs considered withdrawal of fuel from storage tanks at airports into the common hydrant system as withdrawal from bonding. Therefore, in order for such bonded fuel to qualify for the duty-free treatment authorized under 19 U.S.C. 1309, Customs required daily accounting for the commingled bonded fuel.

According to the industry, identifying the turbine fuel which is used for flights qualifying under 19 U.S.C. 1309 and that used for non-qualifying flights at the time that turbine fuel is entered into the common hydrant system is impracticable and, if possible, would result in great administrative expense and excessive paperwork. Alternatively, requiring multiple hydrant systems (for different lots of turbine fuel) is physically impracticable at most airports and would also result in great expense.

According to this legislative history, the amendment to 19 U.S.C. 1557(a) will permit the effective use of modern fueling systems at U.S. airports. It will also permit the intended use of existing law (*i.e.*, 19 U.S.C. 1309) permitting the duty-free withdrawal of supplies for qualifying aircraft. Further, it will substantially reduce administrative costs and paperwork for the industry and administrative costs for the Government.

Because Customs is aware of some confusion regarding the possibility of similar treatment of turbine fuel removed from a foreign trade zone for flights qualifying under 19 U.S.C. 1309, we are noting in this document that there is no provision for foreign trade zones in the Act similar to the amendment to 19 U.S.C. 1557(a) effected by section 665 of the Act. It is true that the legislative history to section 637 of the Act amending the statute governing formal entry (19 U.S.C. 1484) indicates that Congress intended that Customs, in developing regulations for periodic entry, should allow for weekly and monthly entries for merchandise shipments from general purpose foreign trade zones and subzones (see H.Rep.No. 361, *ibid.*, at 136). The amendments effected by section 637 of the Act, however, are general amendments regarding formal entry requirements and procedures, under which amendments to the regulations governing formal entry (see parts 141, 142, and 143) are under consideration. By contrast, the sections of the Act implemented by this document are specific provisions relating to the subject matter of this document, and not to removals of turbine fuel from foreign trade zones. As stated above, no such provision (*i.e.*, specifically governing removal from a foreign trade zone of turbine fuel for use on qualifying flights under 19 U.S.C. 1309) was enacted in the Act. Therefore, because this document is intended to implement the specific provisions effected by sections 664 and 665 of the Act, no specific provision is promulgated in this document providing for periodic entries of turbine fuel removed from a foreign trade zone for use on qualifying flights under 19 U.S.C. 1309. (We do note, however, that the regulations implementing section 664 of the Act may affect turbine fuel removed from a foreign trade zone and transported by pipeline to the location where it may be loaded on qualifying flights under 19 U.S.C. 1309.)

Pipeline Transportation in Bond

The Customs Regulations generally pertaining to the transportation of merchandise in bond are currently found in part 18. These interim regulations implement the new 19 U.S.C. 1553a by the addition to part 18 of a new § 18.31. Generally, this new § 18.31 provides that merchandise may be transported by pipeline under the procedures provided for in part 18, unless otherwise specifically provided. The new § 18.31 provides for the acceptance by Customs of a bill of lading or equivalent document of receipt to account for the quantity of merchandise transported and to maintain the identity of the merchandise, under the circumstances provided in the statute (*i.e.*, the bill of lading or equivalent document of receipt must be issued by the pipeline operator to the shipper and accepted by

the consignee and there must be no reasonable cause for Customs to suspect fraud).

Basically, the new § 18.31 adopts the current procedures for transportation in bond, as applicable to pipeline transportation. That is, generally, merchandise to be transported in bond between ports in the U.S. is delivered to a common carrier, contract carrier, freight forwarder, or private carrier bonded for that purpose. The carrier prepares an in-bond document and takes receipt of the merchandise. The in-bond document (which also serves as the transportation entry or withdrawal), with receipt of the merchandise by the carrier noted thereon, together with a Customs control card or carnet, is used as the in-bond manifest for the merchandise to its port of destination.

Delivery of the merchandise at the port of destination is required within 30 days after the date of receipt by the carrier at the port of origin, or 60 days after such date if the merchandise is transported on board a vessel engaged in the coastwise trade (except for transit air cargo in which case 10 days is given, under § 122.118). Within 2 days of arrival of the merchandise at the port of destination, the delivering carrier is required to report the arrival to Customs by surrendering the in-bond manifest to Customs at that port.

Under its bond, the initial carrier is responsible for any shortage, irregular delivery, or nondelivery at the port of destination or exportation. Specific provision is made for transshipment to one or more other conveyances, diversion to a different port, the different kinds of transportation entry or withdrawal which may be made (*i.e.,* for immediate transportation, exportation, and transportation and exportation), change of the foreign destination of merchandise entered or withdrawn for transportation and exportation, retention of merchandise on the dock, and the splitting of a shipment of merchandise for exportation.

In addition to incorporating these general requirements, the new § 18.31 provides for the inclusion of the bill of lading or equivalent document of receipt with the Customs in-bond document for merchandise to be transported in bond by pipeline. Provided that there are no discrepancies between the bill of lading or equivalent document of receipt and the other documents making up the in-bond manifest for the merchandise, and provided that Customs has no reasonable cause to suspect fraud, the bill of lading or equivalent document of receipt is to be accepted by Customs at the port of destination or exportation as establishing the quantity and identity of the merchandise transported.

In cases in which the initial carrier transfers or transships merchandise to another conveyance or carrier, the new § 18.31 generally adopts the procedures in the current provision for transshipment (§ 18.3). Basically, those procedures require the in-bond document accompanying the merchandise to be presented to Customs at the place of transshipment for execution of a certificate of transfer on the document. The notated document then accompanies the merchandise to its port of destination or exportation. If the merchandise is to be transshipped to more than one conveyance, additional copies of the in-bond document are required.

In addition to these procedures, the new § 18.31 provides that, if a pipeline is the initial carrier, a copy of the bill of lading or equivalent document of receipt shall be delivered to the person in charge of the conveyance to which the merchandise is transferred, and if the merchandise is transferred to more than one conveyance, to the person in charge of each of the conveyances. If the initial carrier is not a pipeline, the new § 18.31 provides for the delivery, along with the in-bond document, of the bill of lading or equivalent document of receipt issued by the pipeline operator to the shipper to the appropriate Customs official at the port of destination or exportation. As is currently provided in § 18.3, the in-bond document will be executed by Customs with the certificate of transfer in either case (*i.e.,* if a pipeline is the initial carrier or if the initial carrier is not a pipeline).

The new § 18.31 also makes it clear, as is currently provided in part 18 (see § 18.8), that the initial carrier is responsible for any discrepancies, including shortages, irregular deliveries, or nondeliveries at the port of destination or exportation. As provided in 19 U.S.C. 1553a, the new § 18.31 provides that the shipper, pipeline operator, and consignee are subject to the recordkeeping requirements in 19 U.S.C. 1508 and 19 U.S.C. 1509, as provided in 19 CFR part 162.

To make it clear to the public that the Customs Regulations pertaining to transportation in bond apply to transportation by pipeline, the definition of ''common carrier'' in § 18.1(a)(1) is amended to specifically include a common carrier of merchandise owning or operating a pipeline.

Withdrawal of Fuel From Warehouse

The Customs Regulations pertaining to the withdrawal of merchandise from a Customs bonded warehouse are found in part 144. Under § 144.35, the withdrawal from warehouse of supplies and equipment for vessels and aircraft are provided for in subpart D of part 144 and §§ 10.59 through 10.65. The latter contain specific provisions on the duty-free treatment of supplies for foreign or U.S. vessels and aircraft actually engaged in foreign trade under 19 U.S.C. 1309. Pursuant to § 10.59(d), although the provisions in §§ 10.59 through 10.64 are written in terms of vessels, they are made applicable to aircraft insofar as they may be so applicable. Specific provisions for the withdrawal of fuel as supplies under 19 U.S.C. 1309 for vessels or aircraft are provided in § 10.62.

These interim regulations implement the amendment to 19 U.S.C. 1557(a) by the addition of a new § 10.62b to part 10. Under the new § 10.62b, turbine fuel intended for use as supplies on aircraft under 19 U.S.C. 1309 which is withdrawn from a Customs bonded warehouse is entitled to duty-free treatment under 19 U.S.C. 1309 if an amount equal to or exceeding the quantity of such fuel is established to have been used on aircraft qualifying for duty-free treatment under 19 U.S.C. 1309 within 30 days after the withdrawal of the fuel from the Customs bonded warehouse. For the procedures for such withdrawals, § 10.62b adopts the procedures now provided for in §§ 10.59 through 10.65. Section 10.62b provides that withdrawals under that provision shall be annotated to show the kind of withdrawal.

If less fuel than was withdrawn is used within 30 days of withdrawal on qualifying aircraft, a withdrawal for consumption must be filed and duties must be paid for the excess of fuel withdrawn over that used on qualifying aircraft. The withdrawal for consumption must be filed and the duties must be paid, with interest, by the 40th day after the date of withdrawal of the fuel. Interest is calculated from the date of withdrawal at the rate of interest established under 26 U.S.C. 6621.

The new § 10.62b provides for two alternative ways of establishing use by qualifying aircraft of fuel in an amount equal to or exceeding the quantity of the fuel withdrawn under the provision.

In the first alternative, the person withdrawing the aircraft turbine fuel submits records (*e.g.,* ''uplift'' or refueling tickets) prepared in the normal course of business effecting the transfer

to aircraft of fuel in an amount equal to or exceeding the quantity of the fuel withdrawn which is not entered and on which duties are not paid and objective evidence that the aircraft to which the fuel was transferred were actually used in trade qualifying for the privileges provided in 19 U.S.C. 1309. These records must identify the aircraft to which the fuel is transferred by aircraft company name, flight number, flight origin and destination, and date of flight, or other means of identification satisfactory to Customs.

In the second alternative, the person withdrawing the aircraft turbine fuel files a certification (documentary or electronic) certifying: (1) The intended use under 19 U.S.C. 1309 of all of the fuel withdrawn; (2) the transfer to qualifying aircraft within 30 days of the date of withdrawal from warehouse of an amount of fuel equal to or exceeding the quantity of the fuel withdrawn which is not entered and on which duties are not paid; (3) the use of all aircraft onto which the fuel, which is not entered and on which duties are not paid, was uplifted in trade qualifying for treatment under 19 U.S.C. 1309; and (4) that the person making the certification has evidence (documentary or electronic) available for Customs inspection at a named place which supports each of these statements. Under the second alternative, the person making the certification must promptly provide evidence supporting the claim, including the records described in the other alternative means of establishing use of the fuel on a qualifying aircraft (above), upon request by Customs. The records or certification are required to be submitted to Customs by the 40th day after the date of withdrawal of the fuel unless the fuel was withdrawn under a blanket permit to withdraw, in which case the records or certification are required to be submitted by the 40th day after all of the fuel covered by the blanket permit has been withdrawn.

The new § 10.62b provides for liquidated damages against the person withdrawing turbine fuel under the section, under the provisions of § 113.62, for failure to account for such turbine fuel. Failure to account for such turbine fuel includes: (1) The failure to file, within 40 days from the date of withdrawal, a withdrawal for consumption and pay applicable duty, with interest, on the quantity of fuel withdrawn in excess of the quantity of fuel established to have been used on qualifying aircraft within 30 days of withdrawal; (2) the failure to timely file the evidence or certification, provided for in the new § 10.62b, establishing such use of the fuel which is not entered and on which duties are not paid; or (3) the failure to promptly provide, upon request by Customs, the evidence required to support the claim for treatment under the new § 10.62b. A conforming amendment is made to § 113.62, containing the basic importation and entry bond conditions.

The new § 10.62b provides that ''blanket'' withdrawals, under existing regulations except as specifically provided in the provision, may be used for withdrawals under this provision. Under a blanket withdrawal, all or part of the merchandise entered into a warehouse may be withdrawn, at different times if desired, without further Customs approval (*i.e.,* after approval of the blanket permit) (see 19 CFR 19.6(d)).

Because it is anticipated that blanket withdrawals will be the predominant form of withdrawal under the amended 19 U.S.C. 1557(a) and because of the need for certainty as to the time of withdrawal under the amended 19 U.S.C. 1557(a), we are describing in detail the requirements and procedures for blanket withdrawals under § 10.62b. As noted above, unless otherwise provided in § 10.62b, these procedures are provided for in existing regulations, specific provisions of which are cited in the following description, along with citations to the appropriate paragraphs in the new § 10.62b.

As is true currently under § 10.62, blanket withdrawals under § 10.62b may only be used when all of the turbine fuel in a Customs bonded tank is intended only for loading duty-free as supplies on aircraft qualifying for the privileges provided for in 19 U.S.C. 1309 (§ 10.62(a)). Unlike other blanket withdrawals (see §§ 10.62(a) and 19.6(d)(1)), turbine fuel withdrawn under these blanket withdrawal procedures may be delivered at ports other than the port of withdrawal (§ 10.62b(g)(2)).

Applications for permission for blanket withdrawals under § 10.62b are filed with Customs by the withdrawer on the warehouse entry, or on the warehouse entry/entry summary when used as an entry (§ 10.62b(g)(1)). The warehouse entry or entry/entry summary must be annotated to indicate that permission for blanket withdrawal is sought (§§ 19.6(d)(1) and 10.62b(g)(1)). Customs acceptance of a properly completed application for a blanket permit to withdraw constitutes approval of the blanket permit to withdraw (§ 10.62b(g)(3)).

A copy of the approved blanket permit to withdraw is delivered to the warehouse proprietor after which fuel may be withdrawn under the terms of the permit (§ 10.62b(g)(4)). The blanket permit may be revoked by Customs in favor of individual applications and permits if the permit is found to be used for other purposes or if necessary to protect the revenue or properly enforce any law or regulation administered by Customs (§ 19.6(d)(1)). Withdrawals under an approved blanket permit may be made without any further Customs approval and are documented by the placement in the warehouse proprietor's permit file folder of a copy of a commercially acceptable document of receipt (such as a ''withdrawal ticket'') issued by the warehouse proprietor, identified with a unique alpha-numeric code (§§ 19.6(d)(2) and 10.62b (g)(4) and (g)(5)). These documents of receipt are required to contain the identity of the withdrawer, identity of the warehouse and tank from which the fuel is withdrawn, date of withdrawal, type of merchandise withdrawn, and quantity of merchandise withdrawn (§ 10.62b(g)(5) (i) through (v)).

For blanket withdrawals, the date of withdrawal, for purposes of calculating the 30-day period in which fuel must be used on qualifying aircraft under 19 U.S.C. 1557(a), begins with the date on which physical removal of the fuel from the warehouse commences (§ 10.62b(g)(6)). That is, if removal of fuel begins at 10:00 PM on ''day one'' and is not completed until some time on ''day two'' or later, all of the fuel must be used on qualifying aircraft within 30 days from ''day one'' to qualify for treatment under that provision.

If, within the 30-day period following withdrawal under a blanket permit, less fuel is used on qualifying aircraft than was withdrawn, a withdrawal for consumption must be filed and duties must be paid for the excess of fuel withdrawn over that used on qualifying aircraft. As provided by the amended 19 U.S.C. 1557(a) and these interim regulations (§ 10.62b(e)), the withdrawal for consumption must be filed and the duties must be paid, with interest, by the 40th day after the date of withdrawal of the fuel.

When all of the fuel covered by an entry for which a blanket permit to withdraw was issued has been withdrawn, the warehouse proprietor prepares a blanket permit summary on a copy of Customs Form 7506 or a form on the letterhead of the proprietor, bearing the words ''BLANKET PERMIT SUMMARY'' in capital letters conspicuously printed or stamped in the top margin (§§ 19.6(d)(4) and 10.62b(g)(7)). The blanket permit summary is required to provide an accounting of the disposition of the merchandise covered by the blanket

permit by stating, in summary form, the unique alpha-numeric codes for, and information required on the withdrawal documents, as well as the identity of the warehouse entry to which the withdrawals are attributed (§§ 19.6(d)(4) and 10.62b(g)(7)). The warehouse proprietor is required to certify on the blanket permit summary that the merchandise listed therein was withdrawn in compliance with §§ 10.62, 10.62b, and 19.6(d) (§§ 19.6(d)(4) and 10.62b(g)(8)). The blanket permit summary is placed in the warehouse proprietor's permit file folder and treated as provided in § 19.12, regarding warehouse recordkeeping, storage, and security requirements (§ 19.6(d)(4)).

By the 40th day after all of the fuel covered by the blanket permit has been withdrawn, the person withdrawing aircraft turbine fuel is required to submit to Customs either the records or the evidence provided for in § 10.62b(c) (§ 10.62b(d) and (g)(9)). Discretionary authority is given to the port director to require submission of a summary of these records or evidence, along with the evidence required to establish use of fuel on qualifying aircraft, in electronic form. Such submissions must be in a format compatible with Customs systems (§ 10.62b(g)(9)).

The new § 10.62b provides that the person withdrawing aircraft turbine fuel from warehouse under the provision is subject to the recordkeeping requirements in 19 U.S.C. 1508 and 19 U.S.C. 1509, as provided for in part 162.

Conforming amendments are made to the general provisions for withdrawal under 19 U.S.C. 1309 in §§ 10.60 and 10.62. In the case of the amendment to § 10.60, the amendment concerns the general requirement that supplies to be used at a port other than the port of withdrawal from warehouse must be withdrawn on a withdrawal for transportation in bond. The amendment makes it clear that this general requirement is inapplicable in the case of withdrawals under the new § 10.62b. In the case of the amendment to § 10.62, the amendment alerts the public to the fact that there is an alternative provision for aircraft turbine fuel withdrawn from warehouse, provided for in § 10.62b, to the general procedures and requirements for withdrawal of bunker fuel under 19 U.S.C. 1309.

The interim regulation also promulgates by regulation, in the new § 10.62b, a position taken by Customs in interpretative rulings regarding the commingling in a single hydrant fueling system of aircraft turbine fuel from a Customs bonded warehouse with domestic or other fuel when the fuel from the warehouse is intended for use under 19 U.S.C. 1309. Generally, under these rulings, dated October 20, 1989 (File: 221483), May 8, 1990 (File: 222258), and April 29, 1991 (File: 222914), Customs permitted such commingling if two basic conditions were met. The first of these conditions was that the hydrant system must be physically configured so that once the fuel from the warehouse was introduced or commingled into the single hydrant system, it could not be removed otherwise than by being pumped into aircraft. The second of these conditions was that the commingled fuel must be accounted for on the basis of a 24-hour accounting period (*i.e.*, entry must be made and duty paid for any quantity of the fuel from the warehouse which was introduced into the hydrant system when a like quantity was not loaded on aircraft qualifying for duty-free treatment under 19 U.S.C. 1309 within 24 hours of the introduction of the fuel from the warehouse into the hydrant system). The rulings held that the requirement for accounting on the basis of a 24-hour period meant that the fuel from the warehouse introduced or commingled into the single hydrant system must be loaded onto a qualifying aircraft in the same 24-hour period (defined as a 24 hour period beginning at 12:01 a.m. and ending at 12:00 midnight). The legislative history for the amendment to 19 U.S.C. 1557(a), described above, recognized and confirmed the foregoing Customs interpretations of the then applicable law and regulations.

As stated above, the position taken in these rulings is implemented in the new § 10.62b. Paragraph (a) of that section contains a provision making the position taken in these rulings the general rule. That is, paragraph (a) provides that, unless otherwise provided (the provision for withdrawal from warehouse under the amended 19 U.S.C. 1557(a), provided for in the other paragraphs of § 10.62b, does, of course, otherwise provide), aircraft turbine fuel withdrawn from a Customs bonded warehouse for use under 19 U.S.C. 1309 may be commingled with domestic or other aircraft turbine fuel only upon approval by the authorized Customs official. Customs approval for such commingling would have to be obtained under the appropriate provisions in the Customs Regulations (subpart D of part 144).

Under paragraph (a) of § 10.62b, the authorized Customs official may approve such commingling if the fueling system in which the commingling occurs contains physical safeguards preventing the possible unauthorized entry into the Customs territory of the fuel. The commingled fuel must be accounted for in the same 24-hour period in which it was commingled and must be exported or used under 19 U.S.C. 1309 within that 24-hour period or entered or withdrawn for consumption, with duty deposited, as required under the appropriate regulations (see part 144). As noted above, the specific provision for the duty-free withdrawal of aircraft turbine fuel from a Customs bonded warehouse if the fuel is used on an aircraft qualifying for duty-free treatment under 19 U.S.C. 1309, provided for in the amendment to 19 U.S.C. 1557(a) and paragraphs (b) through (h) of § 10.62b, is an exception from the above-described general rule.

Delayed Effective Date and Public Comment Requirements

The agency intends that these interim regulations will become effective on the 45th day following the date of publication, *i.e.*, 15 days after the close of the comment period. The agency believes it has good cause under 5 U.S.C. 553(b)(B) and 553(d) (1) and (3) of the Administrative Procedure Act (APA) (5 U.S.C. 553) to promulgate interim regulations because the regulations provide an immediate benefit to both the Government and the public by reducing administrative costs and paperwork pursuant to specific statutory authority. These interim regulations are intended to implement Congressional intent embodied in sections 553a and 557(a), Tariff Act of 1930, as amended (19 U.S.C. 1553a and 1557(a)), and specifically stated in the legislative history to those provisions, as described above.

Furthermore, existing rights and obligations are not changed otherwise than as authorized by the new statutory provisions. The agency believes that the affected public wants these new statutory provisions to become effective as soon as possible so that the public can benefit from the efficiencies and savings resulting therefrom. In addition, the agency does not believe the public needs time to conform its conduct so as to avoid violation of these regulations (*i.e.*, because the new provisions are permissive, not restrictive). The due and timely execution of the agency's responsibilities would be unnecessarily impeded by a time consuming notice and comment period. The agency believes such delay is unnecessary because it does not expect the public to object to the regulations being promulgated as they merely provide the relief that Congress intended.

Even though, based on the discussion set forth above, Customs believes the

amendments in this document may be promulgated on an interim basis and could be effective immediately, Customs is providing a 45-day delayed effective date, with a 30-day comment period preceding that effective date. This represents a practical compromise between the need for temporal urgency and the desirability for public participation in the rulemaking process.

In the spirit of the APA, the agency is soliciting public comment regarding both the substance of these interim regulations and Customs decision to promulgate these regulations on an interim basis with the effective date delayed for that period of time necessary to review any relevant comments. Unless the comments show that there exists good cause for not making the regulations effective on an interim basis, the regulations will become effective on an interim basis on the 45th day following the date of publication.

Comments

Consequently, the agency hereby solicits comments on both the substance of these regulations and their intended effective date. The comments should clearly state whether they address the substance of the interim rule or the agency's determination to make the rule effective on an interim basis. If, based on the comments, good cause is shown that the regulations should not become effective on an interim basis, a document will be issued withdrawing the interim regulations before their effective date. If no such good cause is shown, the interim regulations will go into effect. The agency will then be able to gain experience with the interim regulation, fully consider substantive comments, and decide whether the interim regulation needs amendment before its promulgation as a final rule. All substantive comments received timely will be considered and will be addressed in the final rule document.

Consideration will be given to any written comments (preferably in triplicate) that are timely submitted to Customs. All such comments received from the public pursuant to this notice of rulemaking will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, 1099 14th Street, NW., Suite 4000, Washington, D.C.

Regulatory Flexibility Act and Executive Order 12866

Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This document is not a ''significant regulatory action'' under E.O. 12866.

Paperwork Reduction Act

This regulation is 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 this regulation has been reviewed and, pending receipt and evaluation of the public comments, approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 2507) under control number 1515–0209.

The collection of information in this regulation is in § 10.62b. This information is required by Customs to ensure compliance with the statute authorizing the described procedure. This information will be used to verify that turbine fuel withdrawn from a Customs bonded warehouse under 19 U.S.C. 1557(a) is used on aircraft qualifying for duty-free withdrawal of fuel supplies, as required under the law. The likely recordkeepers are businesses.

Estimated total annual reporting and/or recordkeeping burden: 240 hours.

Estimated average annual burden hours per recordkeeper: 12 hours.

Estimated number of respondents and/or recordkeepers: 20.

Estimated annual frequency of responses: 12.

Comments concerning the collection of information and the accuracy of the estimated average annual burden, and suggestions for reducing this burden should be directed to the Office of Management and Budget (OMB), Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, D.C. 20503. A copy should also be sent to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Drafting Information

The principal author of this document was Paul G. Hegland, Entry Rulings Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Shipments.

19 CFR Part 18

Bonded transportation, Common carriers, Customs duties and inspection, Exports, Imports.

19 CFR Part 113

Common carriers, Customs duties and inspection, Exports, Freight, Laboratories, Reporting and recordkeeping requirements, Surety bonds.

Amendments

Title 19, Chapter I, parts 10, 18 and 113 of the Customs Regulations (19 CFR parts 10, 18 and 113) are amended as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority for part 10 continues to read as follows, and specific authority, for new § 10.62b, is added as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

§ 10.62b also issued under 19 U.S.C. 1557;

* * * * *

2. Section 10.60 is amended by revising the first sentence of paragraph (d) to read as follows:

§ 10.60 Forms of withdrawals; bond.

* * * * *

(d) Except as otherwise provided in § 10.62b, relating to withdrawals from warehouse of aircraft turbine fuel to be used within 30 days of such withdrawal as supplies on aircraft under § 309, Tariff Act of 1930, as amended, when the supplies are to be laden at a port other than the port of withdrawal from warehouse, they shall be withdrawn for transportation in bond to the port of lading. * * *

* * * * *

3. Section 10.62 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 10.62 Bunker fuel oil.

(a) *Withdrawal under section 309, Tariff Act of 1930, as amended (19 U.S.C. 1309).* Except as otherwise provided in § 10.62b, relating to withdrawals from warehouse of aircraft

turbine fuel to be used within 30 days of such withdrawal as supplies on aircraft under section 309, Tariff Act of 1930, as amended (19 U.S.C. 1309), when all the bunker fuel oil in a Customs bonded tank is intended only for lading duty free as supplies on vessels under section 309 at the port where the tank is located, delivery of the oil, by Customs bonded carrier, cartman, or lighterman (including bonded pipelines), under withdrawals on Customs Form 7506, either single or blanket, may be made without the presence of a Customs officer. * * *

* * * * *

4. Section 10.62b is added to read as follows:

§ 10.62b Aircraft turbine fuel.

(a) *General.* Unless otherwise provided, aircraft turbine fuel withdrawn from a Customs bonded warehouse for use under section 309, Tariff Act of 1930, as amended (19 U.S.C. 1309), may be commingled with domestic or other aircraft turbine fuel after such withdrawal only if such commingling is approved by the appropriate Customs official for the port where the commingling occurs. The appropriate Customs official may approve such commingling if the fueling system in which the commingling will occur contains adequate physical safeguards to prevent the possible unauthorized entry into the Customs territory of the bonded fuel. Such commingled fuel must be accounted for in the same 24-hour period in which it was commingled and must be—

(1) Exported within that 24-hour period;

(2) Used under section 309 within that 24-hour period; or

(3) Entered or withdrawn for consumption, with duty deposited, as required under the applicable regulations (see part 144 of this chapter).

(b) *Duty-free withdrawal from warehouse of aircraft turbine fuel under section 557(a), Tariff Act of 1930, as amended (19 U.S.C. 1557(a)).* Turbine fuel intended for use as supplies on aircraft under section 309, Tariff Act of 1930, as amended, and withdrawn from a Customs bonded warehouse shall be entitled to the privileges provided for in section 309 if an amount equal to or exceeding the quantity of such fuel is established, as provided for in paragraph (c) of this section, to have been used on aircraft qualifying for the privileges provided for in section 309 within 30 days after the withdrawal of the fuel from the Customs bonded warehouse. Withdrawal of aircraft turbine fuel under this paragraph shall be in accordance with the procedures in §§ 10.59 through 10.64, unless otherwise provided in this section. Withdrawals under this paragraph shall be annotated with the term ''Withdrawal under 19 CFR 10.62b(b)''.

(c) *Establishment of use of fuel by qualifying aircraft.*

(1) The person withdrawing aircraft turbine fuel under paragraph (b) of this section shall establish that an aircraft qualifying for the privileges provided for in section 309, Tariff Act of 1930, as amended, used fuel in an amount equal to or exceeding the quantity of the fuel withdrawn which is not entered and upon which duties are not paid by submitting to Customs, within the time provided in paragraph (d) of this section, either—

(i) Records prepared in the normal course of business effecting the transfer to identified (*e.g.*, by aircraft company name, flight number, flight origin and destination, and date of flight) aircraft of fuel in an amount equal to or exceeding the quantity of the fuel withdrawn which is not entered and on which duties are not paid and objective evidence that the aircraft to which the fuel was transferred were actually used in trade qualifying for the privileges provided in section 309, Tariff Act of 1930, as amended; or

(ii) A certification (documentary or electronic) that:

(A) All of the fuel withdrawn was intended for use on aircraft entitled to the privileges provided for in section 309;

(B) Within 30 days of the date of withdrawal from warehouse, an amount of fuel equal to or exceeding the quantity of the fuel withdrawn which is not entered and on which duties are not paid was transferred as supplies to aircraft entitled to the privileges provided for in section 309;

(C) All of the aircraft, to which the fuel which is not entered and on which duties are not paid was transferred as supplies, were used in a trade provided for in section 309; and

(D) The person making the certification possesses evidence (documentary or electronic) available for Customs inspection at a named place which supports each of the above statements.

(2) Upon request by Customs, the person who submits the certification provided for in paragraph (c)(1) of this section shall promptly provide the evidence required to support the claim for treatment under this section (including the records described in § 10.62b(c)(1)(i)) and §§ 10.62 and 19.6(d) and each of the statements in the certification.

(d) *Time for establishment of use of fuel by qualifying aircraft.* The person withdrawing aircraft turbine fuel under paragraph (b) of this section shall submit the records or certification provided for in paragraph (c) of this section by the 40th day after the date of withdrawal of the fuel unless the fuel was withdrawn under a blanket withdrawal under paragraph (g) of this section. If the fuel was withdrawn under a blanket withdrawal, the person withdrawing aircraft turbine fuel under this section shall submit the records or certification provided for in paragraph (c) of this section by the 40th day after all of the fuel covered by the blanket permit to withdraw has been withdrawn.

(e) *Treatment of turbine fuel withdrawn but not used on qualifying aircraft within 30 days.* If turbine fuel is withdrawn from a Customs bonded warehouse under paragraph (b) of this section but fuel in an amount less than the quantity withdrawn is established to have been used within 30 days of the date of withdrawal from warehouse on aircraft qualifying for the privileges provided for in section 309, Tariff Act of 1930, as amended, a withdrawal for consumption shall be filed and duties shall be deposited for the excess of fuel so withdrawn over that used on aircraft so qualifying. Such withdrawal shall be filed and such duties shall be deposited by the 40th day after the date of withdrawal of the fuel in accordance with the procedures in § 144.38 of this chapter. Interest shall be payable and deposited with such duties, calculated from the date of withdrawal at the rate of interest established under 26 U.S.C. 6621.

(f) *Liquidated damages.* Failure to account for turbine fuel withdrawn under paragraphs (b) through (h) of this section shall result in liquidated damages against the person withdrawing the turbine fuel, as provided for under § 113.62 of this chapter. Such failure to account for turbine fuel includes:

(1) The failure to timely file the withdrawal for consumption and payment of duty, with interest, on the quantity of fuel so withdrawn in excess of the quantity of fuel established to have been used on qualifying aircraft within 30 days of withdrawal, as provided for in paragraph (e) of this section;

(2) The failure to timely file the evidence or certification establishing such use of the fuel which is not entered and on which duties are not paid, as provided for in paragraph (c) of this section; or

(3) The failure to promptly provide the evidence required to support the claim for treatment under paragraph (b) of this section, upon request by Customs, as provided for in paragraph (c)(2) of this section.

(g) *Blanket withdrawals.* Blanket withdrawals, as provided for in §§ 10.62 and 19.6(d), may be used for withdrawals from warehouse under section 557(a), Tariff Act of 1930, as amended, and paragraphs (b) through (h) of this section, under the procedures provided in §§ 10.62 and 19.6(d) except that—

(1) Application by the withdrawer for a blanket permit to withdraw shall be on the warehouse entry, or on the warehouse entry/entry summary when used as an entry, annotated with the words ''Some or all of the merchandise will be withdrawn under blanket permit per §§ 10.62, 10.62b, and 19.6(d).'';

(2) Turbine fuel withdrawn under a blanket permit as authorized in this paragraph may be delivered at a port other than the port of withdrawal;

(3) Customs acceptance of a properly completed application for a blanket permit to withdraw, on the warehouse entry or warehouse entry/entry summary, will constitute approval of the blanket permit to withdraw;

(4) A copy of the approved blanket permit to withdraw will be delivered to the warehouse proprietor, whereupon fuel may be withdrawn under the terms of the blanket permit;

(5) The withdrawal document to be placed in the proprietor's permit file folder (see § 19.6(d)(2)) will be a commercially acceptable document of receipt (such as a ''withdrawal ticket'') issued by the warehouse proprietor, identified with a unique alpha-numeric code and containing the following information:

(i) Identity of withdrawer;

(ii) Identity of warehouse and tank from which fuel is withdrawn;

(iii) Date of withdrawal;

(iv) Type of merchandise withdrawn; and

(v) Quantity of merchandise withdrawn.

(6) The date of withdrawal, for purposes of calculating the 30-day period in which fuel must be used on qualifying aircraft under this section, shall be the date on which physical removal of the fuel from the warehouse commences;

(7) The blanket permit summary prepared by the proprietor as provided for in § 19.6(d)(4) shall be prepared when all of the fuel covered by the blanket permit has been withdrawn and shall account for all merchandise withdrawn under the blanket permit, as required by § 19.6(d)(4), by stating, in summary form, the unique alpha-numeric codes and information required in paragraph (g)(5) of this section, as well as the identity of the warehouse entry to which the withdrawal is attributed;

(8) The certification on the blanket permit summary (see § 19.6(d)(4)) shall be that the merchandise listed thereunder was withdrawn in compliance with §§ 10.62, 10.62b, and 19.6(d); and

(9) The person withdrawing aircraft turbine fuel under these blanket procedures shall submit the records or certification provided for in § 10.62b(c) by the 40th day after all of the fuel covered by the blanket permit has been withdrawn (see § 10.62b(d)). At the discretion of the port director for the port where blanket withdrawal was approved, submission of the records and evidence required to establish use of the fuel on qualifying aircraft may be required to be submitted electronically, in a format compatible with Customs electronic record-keeping systems.

(h) *Recordkeeping.* The person withdrawing aircraft turbine fuel from warehouse under this section is subject to the recordkeeping requirements in 19 U.S.C. 1508 and 1509, as provided for in part 162 of this chapter.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. The general authority for part 18 is revised to read, and specific authority for new § 18.31 is added, as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 20, HTSUS), 1551, 1552, 1553, 1624;

* * * * *

§ 18.31 also issued under 19 U.S.C. 1553a.

2. Section 18.1 is amended by revising the second sentence of paragraph (a)(1) to read as follows:

§ 18.1 Carriers, application to bond.

(a)(1) * * * For the purposes of this section, the term ''common carrier'' means a common carrier of merchandise owning or operating a railroad, steamship, pipeline, or other transportation line or route. * * *

* * * * *

3. Part 18 is amended by adding a center heading and new § 18.31, following § 18.27, to read as follows:

Merchandise Transported by Pipeline

§ 18.31 Pipeline transportation of bonded merchandise.

(a) *General.* Merchandise may be transported by pipeline under the procedures in this part, as appropriate and unless otherwise specifically provided for in this section.

(b) *Bill of lading to account for merchandise.* Unless Customs has reasonable cause to suspect fraud, Customs shall accept a bill of lading or equivalent document of receipt issued by the pipeline operator to the shipper and accepted by the consignee to account for the quantity of merchandise transported by pipeline and to maintain the identity of the merchandise.

(c) *Procedures when pipeline is only carrier.* When a pipeline is the only carrier of bonded merchandise and there is no transfer to another carrier, the bill of lading or equivalent document of receipt issued by the pipeline operator to the shipper shall be included with, and made a part of, the Customs in-bond document (see § 18.2(b)). If there are no discrepancies between the bill of lading or equivalent document of receipt and the other documents making up the in-bond manifest for the merchandise, and provided that Customs has no reasonable cause to suspect fraud, the bill of lading or equivalent document of receipt shall be accepted by Customs at the port of destination or exportation (see §§ 18.2(d) and 18.7) as establishing the quantity and identity of the merchandise transported. The pipeline operator shall be responsible for any discrepancies, including shortages, irregular deliveries, or nondeliveries at the port of destination or exportation (see § 18.8).

(d) *Procedures when there is more than one carrier (i.e., transfer of the merchandise).*

(1) *Pipeline as initial carrier.* When a pipeline is the initial carrier of bonded merchandise and the merchandise is transferred to another conveyance (either a different mode of transportation or a pipeline operated by another operator), the procedures in § 18.3 and paragraph (c) of this section shall be followed, except that—

(i) When the merchandise is to be transferred to one conveyance, a copy of the bill of lading or equivalent document issued by the pipeline operator to the shipper shall be delivered to the person in charge of the conveyance for delivery, along with the in-bond document, to the appropriate Customs official at the port of destination or exportation; or

(ii) When the merchandise is to be transferred to more than one conveyance, a copy of the bill of lading or equivalent document issued by the pipeline operator to the shipper shall be delivered to the person in charge of each additional conveyance, along with the two additional copies of the in-bond

document, for delivery to the appropriate Customs official at the port of destination or exportation.

(2) *Transfer to pipeline from initial carrier other than a pipeline.* When bonded merchandise initially transported by a carrier other than a pipeline is transferred to a pipeline, the procedures in § 18.3 and paragraph (c) of this section shall be followed, except that the bill of lading or other equivalent document of receipt issued by the pipeline operator to the shipper shall be delivered, along with the in-bond document, to the appropriate Customs officer at the port of destination or exportation.

(3) *Initial carrier liable for discrepancies.* In the case of either paragraph (d)(1) or (d)(2) of this section, the initial carrier shall be responsible for any discrepancies, including shortages, irregular deliveries, or nondeliveries, at the port of destination or exportation (see § 18.8).

(e) *Recordkeeping.* The shipper, pipeline operator, and consignee are subject to the recordkeeping requirements in 19 U.S.C. 1508 and 1509, as provided for in part 162 of this chapter.

PART 113—CUSTOMS BONDS

1. The general authority for part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

2. Section 113.62 is amended by revising the paragraph (b) introductory text to read as follows:

§ 113.62 Basic importation and entry bond conditions.

* * * * *

(b) *Agreement to Make or Complete Entry.* If all or part of imported merchandise is released before entry under the provisions of the special delivery permit procedures under 19 U.S.C. 1448(b), released before completion of the entry under 19 U.S.C. 1484(a), or withdrawn from warehouse under 19 U.S.C. 1557(a) (see § 10.62b of this chapter), the principal agrees to file within the time and in the manner prescribed by law and regulation, documentation to enable Customs to:

* * *

* * * * *

Michael H. Lane,

Acting Commissioner of Customs.

Approved: October 4, 1995.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96–3905 Filed 2–21–96; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AG22

Veterans Education: Implementation of the Veterans' Benefits Act of 1992, the National Defense Authorization Act for Fiscal Year 1993, and the National Defense Authorization Act for Fiscal Year 1994

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). It makes changes concerning eligibility requirements for educational assistance and benefits, rates of payment for educational assistance, measurement of training time, approval of various types of courses, and educational death benefits. These changes restate statutory requirements and set forth VA's statutory interpretations.

DATES: This final rule is effective February 22, 1996. However, the restatements of statute and VA's statutory interpretations contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. For more information concerning the application of statutes and statutory interpretations, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: Regulations concerning VA-administered educational assistance and educational benefits are contained in 38 CFR Part 21. The Veterans' Benefits Act of 1992 (Pub. L. 102–568) amends educational assistance provisions under the Montgomery GI Bill—Active Duty and amends other provisions that affect work-study under the Survivors' and Dependents' Educational Assistance program. The National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) and the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160) also amend provisions concerning educational assistance under the Montgomery GI Bill—Active Duty. This document contains a number of changes to the regulations which merely reflect certain changes made by these public laws. These changes to the regulations are as follows.

Under Pub. L. 102–568, the limit on the amount of money that VA can pay in advance on a work-study contract has been changed. Formerly, that limit was 40 percent of the total amount payable under the contract. Now the limit is the lesser of 40 percent of the total amount payable under the contract or 50 times the applicable minimum hourly wage in effect on the date the contract is signed. Changes are made to 38 CFR 21.3145 and 21.7145 to reflect these statutory provisions.

Pub. L. 102–484 includes the Service Members Occupational Conversion and Training Act (SMOCTA) (sec. 4481 through 4497, Pub. L. 102–484), which forbids receipt of educational assistance under any of the education programs administered by VA when the veteran, servicemember, or other eligible person is participating in a job training program under SMOCTA. Revisions are made to 38 CFR 21.4131, 21.4135, 21.7131, and 21.7135 to reflect these statutory provisions.

Pub. L. 102–568 provides for later ending dates when the veteran dies during the period covered by an advance payment of educational assistance. Prior to the effective date of Pub. L. 102–568, educational assistance was terminated effective the date the veteran died. However, Pub. L. 102–568 provides that in the event of a death, the effective date of the termination will be the last date covered by the advance payment. Revisions are made to 38 CFR 21.4135 and 21.7135 to reflect these statutory provisions.

Pub. L. 102–568 prohibits State approving agencies from approving for VA educational assistance a course of education that includes nonaccredited independent study. It also prohibits VA from approving an enrollment in an independent study course unless the course is accredited and leads to a standard college degree. Revisions are made to 38 CFR 21.4252, 21.7120, 21.7122, 21.7220 and 21.7222 to reflect these statutory changes. However, under Pub. L. 102–568 these prohibitions do not apply to any person receiving educational assistance for pursuit of an independent study program in which the person was enrolled on the date of enactment of Pub. L. 102–568 (October 29, 1992) who remains ''continuously * * * enrolled'' and otherwise meets the requirements for eligibility for such assistance in effect on October 29, 1992. Revisions are made to §§ 21.4252 and 21.7120 to restate these statutory provisions. Also, the following definition of ''continuously enrolled'' is added to 38 CFR 21.7020 to interpret what constitutes ''continuously enrolled'':

The term *continuously enrolled* means being in an enrolled status at an educational institution for each day during the school year, and for consecutive school years. Continuity of enrollment is not broken by holiday vacations; vacation periods; periods during the school year between terms, quarters, or semesters; or by nonenrollment during periods of enrollment outside the school year (e.g., summer sessions).

The Congress did not indicate that a special meaning other than the common meaning was intended for ''continuously enrolled.'' Therefore, we have concluded that the Congress intended that we interpret ''continuously enrolled'' consistent with its common meaning and we have formulated the definition of ''continuously enrolled'' in accordance with our understanding of the Congressional intent.

Pub. L. 102–568 repealed the special provisions for determining students' training time while enrolled in independent study, thereby making the determination of this training time the same as that for resident training. Consequently, the monthly rates for educational assistance for independent study and for resident study are based on the same formula. This eliminates the basis for the provisions in 38 CFR 21.4280 governing independent study course measurement. To reflect these statutory changes, rules dealing with the approval of independent study courses are set forth at 38 CFR 21.4267, and 38 CFR 21.4280 is removed.

Pub. L. 102–568 provides that nonaccredited courses not leading to a standard college degree will be measured for purposes of determining training time the same as for accredited courses that are neither leading to a standard college degree nor offered by an institution of higher learning. Pub. L. 102–568 also provides that when an institution of higher learning offers a course that does not lead to a standard college degree, the students' training time will be determined in the same manner as for students enrolled in undergraduate courses leading to a college degree. 38 CFR 21.4271 is removed and revisions are made to 38 CFR 21.4233, 21.4270, and 21.4272 to reflect these statutory provisions.

Prior to the effective date of Pub. L. 102–568, nurse's aide courses could not be approved for VA training, and consequently VA educational assistance could not be awarded for such training. Pub. L. 102–568 provides criteria for approving some nurse's aide courses. Changes are made to 38 CFR 21.4265 to reflect this statutory change.

Pub. L. 102–568 changes the criteria for establishing eligibility for educational assistance under the Montgomery GI Bill—Active Duty, including detailed changes concerning continuous active duty, service in the selected reserve, character of service for retirees, and voluntarily discharged veterans. Accordingly, changes are made to 38 CFR 21.7020, 21.7032, 21.7042, 21.7044, 21.7045, and 21.7050 to reflect these statutory changes.

Prior to the effective date of Pub. L. 102–568, a death benefit was payable to survivors of participants in the Montgomery GI Bill—Active Duty only if the participant died while on active duty. Pub. L. 102–568 now also permits payment of the death benefit if the participant dies within a year of discharge from active duty. Accordingly, revisions are made to 38 CFR 21.7280 to reflect this statutory change.

Pub. L. 102–568 also made changes to 38 U.S.C. 3015 concerning the monthly rates of educational assistance which VA is to pay to veterans and servicemembers pursuing a full-time program of education under the Montgomery GI Bill—Active Duty. The final rule changes these rates in 38 CFR 21.7136 and 21.7137 to reflect these statutory changes. These changes to §§ 21.7136 and 21.7137 also have the effect of changing the rates for part-time training, cooperative training, and apprenticeship and other on-job training. 38 U.S.C. 3032 provides formulas to determine the monthly rates for those students pursuing cooperative training and those in apprenticeships and other on-job training. 38 U.S.C. 3015(a) and (b) further state that the monthly rates of educational assistance to be paid to part-time students receiving benefits under the Montgomery GI Bill—Active Duty is to be determined by regulations prescribed by the Secretary of Veterans Affairs. The formula for part-time rates was established based on proposed and final rule making (see 52 FR 25736, July 8, 1987; 53 FR 1756, Jan. 22, 1988). Under this formula, monthly rates for three-quarter-time and one-half-time students have been set at three-quarters and one-half of the statutory full-time rate respectively. The monthly rates payable for less than one-half-time students are the pro-rated amount of their tuition and fees (not to exceed one-half the statutory full-time rate for those training less than one-half time and more than one-quarter time, and not to exceed one-quarter of the full-time rate for those training one-quarter time).

In addition, this final rule contains an interpretative rule with respect to how the statutory requirements for accreditation of an independent study course applies when there is a loss of accreditation. If an independent study course loses its accreditation (or the educational institution offering the course loses its accreditation), it is our view that VA is required under the statutes controlling the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance programs, as amended by Pub. L. 102–568, to discontinue payments for such a course effective the date of the loss of accreditation. The regulations are amended by adding 38 CFR 21.4135(x) and 21.7135(z) to accomplish this purpose.

This final rule also makes nonsubstantive changes for clarity or to reflect statutory recodification changes.

The restatements of statute and statutory interpretations contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. The dates of application for such changes made by this document (and for certain of the nonsubstantive changes made for clarity or to reflect statutory recodification changes) are as follows:

October 19, 1984: 38 CFR 21.7020(b)(5), 21.7020(b)(6)(i), and 21.7020(b)(6)(ii).

June 30, 1985 (to apply to training received after August 31, 1993): § 21.7136(a)(2)(ii)(C).

June 30, 1985 (to apply to training received after September 30, 1993): §§ 21.7020(b)(6)(iii), 21.7020(b)(6)(iv), and 21.7072(b).

October 28, 1986: §§ 21.7044(a), 21.7044(b)(12), and 21.7050(b).

December 1, 1988: § 21.7042(c).

October 23, 1992: §§ 21.4131(i), 21.4135(aa), 21.7032(a), 21.7032(f), 21.7042(b), 21.7042(f), 21.7045 (except (a)(1)(i)), 21.7131(j), 21.7135(aa), 21.7136 introductory text, 21.7136(a)(1) (as redesignated), 21.7136(a)(2)(ii)(B) (as redesignated), and 21.7136(f) (as redesignated); and the redesignations of paragraphs (a), (b), (b)(1), (b)(2), (b)(3), (c), (d), and (e) of § 21.7136.

October 29, 1992: §§ 21.3145, 21.4135(a), 21.4135(x), 21.4234(a), 21.4252(g), 21.4253(a), 21.4254(d), 21.4265(b), 21.4267, 21.7020(b)(42), 21.7042(a), 21.7120(d), 21.7122(e), 21.7135(a), 21.7135(z) (as added), 21.7145, 21.7152, 21.7220, 21.7222, and 21.7280; the redesignation of § 21.7135(z); and the removal of § 21.4280.

April 1, 1993: §§ 21.7136(b) (as redesignated), 21.7136(c) (as redesignated), and 21.7137.

July 1, 1993 (to apply to enrollments for terms, semesters, or quarters that begin after June 30, 1993): §§ 21.4233(b), 21.4270(a), 21.4270(b), 21.4270(c)

footnote 1, 21.4272 introductory text, 21.4272(g), 21.7170, 21.7172(a) and 21.7172(d); and the removal of §§ 21.4271, 21.4272(e), 21.4272(f), 21.4272(h), and 21.4272(i).

November 30, 1993: §§ 21.7044(b)(8) and 21.7045(a)(1)(i).

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule merely restates statutory changes, sets forth statutory interpretations, and makes nonsubstantive changes. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

This final rule has been reviewed by the Office of Management and Budget pursuant to the provisions of Executive Order 12866.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117 and 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 17, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21, subparts C, D, and K are amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for part 21, subpart C is revised to read as follows:

Authority: 38 U.S.C. 501(a); 38 U.S.C. 3500–3566, unless otherwise noted.

2. In § 21.3145, paragraph (e) is revised to read as follows:

§ 21.3145 Work-study allowance.

* * * * *

(e) *Payment in advance.* VA will pay in advance an amount equal to the lesser of the following:

(1) 40 percent of the total amount payable under the contract, or

(2) An amount equal to 50 times the applicable minimum hourly wage in effect on the date the contract is signed.

(Authority: 38 U.S.C. 3485, 3537)

* * * * *

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

3. The authority citation for part 21, subpart D is revised to read as follows:

Authority: 38 U.S.C. 501(a); 38 U.S.C. ch. 34, 35, 36, unless otherwise noted.

4. In § 21.4131, paragraph (i) is added, to read as follows:

§ 21.4131 Commencing dates.

* * * * *

(i) *Service Members Occupational Conversion and Training Act of 1992.* If the veteran's or eligible person's educational assistance has been discontinued because the veteran or eligible person is training under a job training program for which benefits are payable to his or her employer under the Service Members Occupational Conversion and Training Act, VA will determine the date upon which educational assistance may be resumed as follows.

(1) When the veteran or eligible person is pursuing a program of education on the last date for which benefits are payable under that Act, payments will be resumed on the day following that date.

(2) When the veteran or eligible person is not pursuing a program of education on the last date for which benefits are payable under that Act, payments will be resumed on the earliest date otherwise provided by this section, but not before the day following the last date for which benefits are payable under that Act.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

* * * * *

5. In § 21.4135, paragraph (a) is revised; an authority citation to paragraph (a) is added; and paragraphs (x) and (aa) and their authority citations are added, to read as follows:

§ 21.4135 Discontinuance dates. * * *

(a) *Death of veteran or eligible person.* (1) If the veteran or eligible person receives an advance payment pursuant to 38 U.S.C. 3680(d) and dies before the period covered by the advance payment ends, the discontinuance date of educational assistance shall be the last date of the period covered by the advance payment.

(2) In all other cases if the veteran or eligible person dies while pursuing a program of education, the discontinuance date of educational assistance shall be the last date of attendance.

(Authority: 38 U.S.C. 3680)

* * * * *

(x) *Independent study course loses accreditation.* Except as otherwise provided in § 21.4252(g), if the veteran or eligible person is enrolled in a course offered in whole or in part by independent study, and the course loses its accreditation (or the educational institution offering the course loses its accreditation), the date of reduction or discontinuance will be the effective date of the withdrawal of accreditation by the accrediting agency.

(Authority: 38 U.S.C. 3672, 3676, 3680A(a))

* * * * *

(aa) *Service Members Occupational Conversion and Training Act of 1992.* If an individual enters a training program for the purpose of obtaining assistance under the Service Members Occupational Conversion and Training Act of 1992, the effective date of discontinuance of educational assistance shall be the date on which the individual entered the job training program.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

6. In § 21.4233, paragraphs (b)(4), (b)(1), (b)(2) and (b)(3) are redesignated as paragraphs (b)(1), (b)(2), (b)(3) and (b)(4), respectively; paragraph (b)(5) is amended by removing ''§ 21.4270(a), footnote 6'' and adding, in its place, ''§ 21.4270(b)''; and newly redesignated paragraphs (b)(1) and (b)(2) are revised, to read as follows:

§ 21.4233 Combination. * * *

(b) *Concurrent enrollment.* * * *

(1) If VA measures the courses pursued at both institutions on either a clock-hour basis or a credit-hour basis, VA will measure the veteran's or eligible person's enrollment by adding together the units of measurement in the second school to the units of measurement for the courses in the primary institution. The standard for full time will be the full-time standard for the courses at the primary institution.

(2) Where the standards for measurement of the courses pursued concurrently in the two schools are different, VA will measure the veteran's or eligible person's enrollment by converting the units of measurement for courses in the second school to the equivalent in value expressed in units of measurement required for the courses in the program of education which the veteran or eligible person is pursuing at the primary institution.

(Authority: 38 U.S.C. 3688)

* * * * *

7. In § 21.4234, paragraphs (a)(2)(ii) and (a)(2)(iii) are revised, and paragraph (a)(2)(iv) is added, to read as follows:

§ 21.4234 Change of program.

(a) *Definition.* * * *

(2) * * *

(ii) A change in the individual's educational, professional or vocational objective following the successful completion of the immediately preceding program of education,

(iii) A return to the individual's prior program of education following a change of program if the individual resumes training in the program without any loss of credit or standing in that program, or

(iv) An enrollment in a new program of education when that program leads to a vocational, educational or professional objective in the same general field as the immediately preceding program of education.

(Authority: 38 U.S.C. 3691)

* * * * *

8. In § 21.4252, paragraph (g) and its authority citation are added, to read as follows:

§ 21.4252 Courses precluded.

* * * * *

(g) *Independent study.* (1) Effective October 29, 1992, VA may pay educational assistance to a veteran who is enrolled in a nonaccredited course or unit subject offered entirely or partly by independent study only if—

(i) Successful completion of the nonaccredited course or unit subject is required in order for the veteran to complete his or her program of education; and the veteran—

(A) Was receiving educational assistance on October 29, 1992, for pursuit of the program of education of which the nonaccredited independent study course or unit subject forms a part, and

(B) Has remained continuously enrolled in that program of education from October 29, 1992, to the date the veteran enrolls in the nonaccredited independent study course or unit subject; or

(ii) Was enrolled in and receiving educational assistance for the nonaccredited independent study course or unit subject on October 29, 1992, and remains continuously enrolled in that course or unit subject.

(2) Whether or not the veteran is enrolled will be determined by the regularly prescribed standards and practices of the educational institution.

(Authority: 38 U.S.C. 3680A; sec. 313(b), Pub. L. 102–568, 106 Stat. 4331–4332)

* * * * *

9. In § 21.4253, paragraph (a)(3) is revised and paragraph (a)(5) and an authority citation for paragraph (a) are added, to read as follows:

§ 21.4253 Accredited courses.

(a) *General.* * * *

(3) The course is conducted under the Act of February 23, 1917 (20 U.S.C. 11 *et seq.*).

* * * * *

(5) The course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C.1395i–3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

(Authority: 38 U.S.C. 3675(a))

* * * * *

10. In § 21.4254, paragraph (d) and its authority citation are added, to read as follows:

§ 21.4254 Nonaccredited courses.

* * * * *

(d) *Limitations on course approval.* Notwithstanding any other provision of this section, a State approving agency shall not approve a nonaccredited course if it is to be pursued in whole or in part by independent study.

(Authority: 38 U.S.C. 3676(e))

11. In § 21.4265, paragraph (b)(3) is revised and an authority citation is added, to read as follows:

§ 21.4265 Practical training approved as institutional training or on-job training.

* * * * *

(b) *Nursing courses.*

* * * * *

(3) Except for enrollment in a nurse's aide course approved pursuant to § 21.4253(a)(5), VA shall not approve an enrollment in a nonaccredited nursing course which does not meet the licensing requirements of the State where the course is offered.

(Authority: 38 U.S.C. 3452, 3688)

* * * * *

12. In subpart D, a new § 21.4267 and its authority citations are added, to read as follows:

§ 21.4267 Approval of independent study.

(a) *Overview.* Except as provided in §§ 21.4252(g), 21.7120(c), and 21.7622(f), VA may not pay educational assistance for a nonaccredited course which is offered in whole or in part by independent study. Hence, it is necessary to differentiate independent study from similar courses.

(Authority: 38 U.S.C. 3014, 3672, 3676(e), 3680A(a))

(b) *Definition of independent study.* (1) VA considers a course to be offered entirely by independent study when—

(i) It consists of a prescribed program of study with provision for interaction either by mail, telephone, or personally between the student and the regularly employed faculty of the university or college;

(ii) It is offered without any regularly scheduled, conventional classroom or laboratory sessions; and

(iii) It is not a course listed in paragraph (c), (d), or (e) of this section.

(2) VA considers a course to be offered in part by independent study when—

(i) It is an undergraduate course;

(ii) It is not classified as one of the three types of courses listed in paragraph (c) of this section;

(iii) It has some weeks when standard class sessions are scheduled; and

(iv) It consists of independent study as defined in paragraph (b)(1) of this section during those weeks when there are no regularly scheduled class sessions.

(Authority: 38 U.S.C. 3676(e), 3680A(a))

(c) *Scope of independent study.* VA does not consider any of the following courses to be courses offered by independent study.

(1) A cooperative course as defined in § 21.4233(a);

(2) A farm cooperative course; or

(3) A course approved as a correspondence course.

(Authority: 38 U.S.C. 3676(e), 3680A(a))

(d) *Undergraduate resident training.* VA considers the following undergraduate courses to be resident training.

(1) A course which meets the requirements for resident institutional training found in § 21.4265(f);

(2) A course which requires regularly scheduled, standard class sessions at least once every two weeks and which has a total number of class sessions equal to the number of credit hours awarded for the course, times the number of weeks in a standard quarter or semester, as applicable;

(3) A course of student teaching; and

(4) Flight training which is an integral part of a standard undergraduate college degree.

(e) *Graduate resident training.* VA considers a graduate course to be resident training if the course—

(1) Is offered through regularly scheduled, conventional classroom or laboratory sessions; or

(2) Consists of research (either on campus or in absentia) necessary for the preparation of the student's—

(i) Master's thesis,

(ii) Doctoral dissertation, or

(iii) Similar treatise which is prerequisite to the degree being pursued; or

(3) Consists of a combination of training as described in paragraphs (e)(1) and (e)(2) of this section.

(Authority: 38 U.S.C. 3676(e), 3680A(a))

13. In § 21.4270, paragraphs (a) and (b) and footnote 1 to the table in paragraph (c) are revised, to read as follows:

§ 21.4270 Measurement of courses.

(a) *Measurement of trade, technical, and high school courses.* Trade, technical, high school, and high school preparatory courses shall be measured as stated in this paragraph.

(1) *Trade and technical courses.* (i) Except as provided in paragraph (b) of this section, if shop practice is an integral part of a trade or technical course not leading to a standard college degree—

(A) A full-time enrollment is 22 clock hours per week (exclusive of supervised study) with not more than 2½ hours rest period allowance;

(B) A three-quarter-time enrollment is 16 through 21 clock hours per week (exclusive of supervised study) with not more than 2 hours rest period allowance;

(C) A one-half-time enrollment is 11 through 15 clock hours per week (exclusive of supervised study) with not more than 1¼ hours rest period allowance;

(D) A less than one-half-time but more than one-quarter-time enrollment is 6 through 10 clock hours per week (exclusive of supervised study) with not more than ¾ hour rest period allowance; and

(E) A quarter-time enrollment is 1 through 5 clock hours per week (exclusive of supervised study).

(ii) Except as provided in paragraph (b) of this section, if theory and class instruction constitute more than 50 percent of the required hours in a trade or technical course not leading to a standard college degree, enrollments will be measured as follows. In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice and rest periods are excluded. Supervised instruction periods in a school's shops and the time involved in field trips and group instruction may be included in computing the clock hour requirements.

(A) A full-time enrollment is 18 clock hours net instruction per week (exclusive of supervised study);

(B) A three-quarter-time enrollment is 13 through 17 clock hours net instruction per week (exclusive of supervised study);

(C) A one-half-time enrollment is 9 through 12 clock hours net instruction per week (exclusive of supervised study);

(D) A less than one-half-time but more than one-quarter-time enrollment is 5 through 8 clock hours net instruction per week (exclusive of supervised study); and

(E) A quarter-time enrollment is 1 through 4 clock hours net instruction per week (exclusive of supervised study).

(2) *High school courses.* If a student is pursuing high school courses at a rate which would result in an accredited high school diploma in four ordinary school years, VA considers him or her to be enrolled full time. Otherwise, for high school enrollments, training time will be determined as follows. (For the purpose of this paragraph, a unit is not less than one hundred and twenty 60-minute hours or the equivalent of study in any subject in one academic year.)

(i) A full-time enrollment is 18 clock hours net instruction per week or four units per year or the equivalent;

(ii) A three-quarter-time enrollment is 13 through 17 clock hours net instruction per week or three units per year or the equivalent;

(iii) A one-half-time enrollment is 9 through 12 clock hours net instruction per week or two units per year or the equivalent;

(iv) A less than one-half-time but more than one-quarter-time enrollment is 5 through 8 clock hours net instruction per week or one unit per year or the equivalent; and

(v) A one-quarter-time enrollment is 1 through 4 clock hours net instruction per week.

(3) *Elementary school.* For a high school preparatory course pursued at the elementary school level—

(i) A full-time enrollment is 18 clock hours net instruction per week;

(ii) A three-quarter-time enrollment is 13 through 17 clock hours net instruction per week;

(iii) A one-half-time enrollment is 9 through 12 clock hours net instruction per week;

(iv) A less than one-half-time but more than one-quarter-time enrollment is 5 through 8 clock hours net instruction per week; and

(v) A one-quarter-time enrollment is 1 through 4 clock hours per week.

(Authority: 38 U.S.C. 3688(a))

(b) *Measurement of non-college degree courses offered by institutions of higher learning.* (1) Notwithstanding the provisions of paragraph (a)(1) of this section, if a student is enrolled in a course which is not leading to a standard college degree and which is offered by an institution of higher learning, VA will measure his or her enrollment in the same manner as collegiate undergraduate courses are measured according to the provisions of paragraph (c) of this section.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if a student is enrolled in a course not leading to a standard college degree which is offered on a standard quarter- or semester-hour basis by an educational institution which is not an institution of higher learning, VA shall measure his or her enrollment in the same manner as collegiate undergraduate courses are measured according to the provisions of paragraph (c) of this section, provided that the educational institution requires at least the same minimum number of hours of weekly attendance as are required by paragraph (a)(1) of this section for courses offered on a clock-hour basis. If the educational institution does not require at least the same minimum number of hours of weekly attendance as are required in paragraph (a)(1) of this section, VA will not apply the provisions of paragraph (c) of this section, but will measure the course according to the criteria in paragraph (a)(1) of this section.

(Authority: 38 U.S.C. 3688(a)(7))

(c) *Collegiate graduate, professional and on-the-job training courses.* * * *

[1] Cooperative courses may be measured on a full-time basis only.

* * * * *

14. Section 21.4271 is removed and reserved.

15. In § 21.4272, paragraphs (e), (f), (h), and (i) are removed and reserved; and the introductory text and paragraph (g)(3) are revised, to read as follows:

§ 21.4272 Collegiate course measurement.

VA will measure a college level course in an institution of higher learning on a credit-hour basis provided all the conditions under paragraph (a) or (b) of this section are met. See also § 21.4273.

(Authority: 38 U.S.C. 3688)

* * * * *

(g) *Course measurement; nonstandard terms.* * * *

(3) The quotient resulting from the use of the formula is called equivalent credit hours. VA treats equivalent credit hours as credit hours for measurement purposes.

(Authority: 38 U.S.C. 3688(b))

* * * * *

16. Section 21.4280 is removed and reserved.

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

17. The authority citation for part 21, subpart K is revised to read as follows:

Authority: 38 U.S.C. 501(a); 38 U.S.C. ch. 30, unless otherwise noted.

18. In § 21.7020, paragraphs (b)(5) and (b)(6) are revised, and paragraph (b)(42) is added, to read as follows:

§ 21.7020 Definitions.

* * * * *

(b) *Other definitions.* * * *

(5) *Break in service.* (i) Except as provided in paragraph (b)(5)(ii) of this section, the term *break in service* means a period of more than 90 days between the date when an individual is released from active duty or otherwise receives a complete separation from active duty service and the date he or she reenters on active duty.

(ii) A period during which an individual is assigned full time by the Armed Forces to a civilian institution for a course of education substantially the same as established courses offered to civilians is not a break in service.

(Authority: 38 U.S.C. 3011, 3021)

(6) *Continuous active duty.* (i) The term *continuous active duty* means active duty served without interruption. An interruption in service will only be found when the individual receives a complete separation from active duty.

(ii) A period during which an individual on active duty is assigned full time by the Armed Forces to a civilian institution for a course of education substantially the same as established courses offered to civilians will not interrupt the continuity of the individual's active duty.

(iii) If an individual, during his or her initial obligated period of active-duty service, is separated from active duty to pursue a course of education at a service academy or a post-secondary school preparatory to enrollment at a service academy, no interruption in service will be found and the individual's service will be considered continuous active-duty service, provided he or she—

(A) Commences pursuit of a course of education at a service academy or post-secondary school,

(B) Fails to complete the course of education, and

(C) Immediately reenters on a period of active duty.

(iv) An individual who is discharged or released from active duty for a reason stated in paragraph (b)(6)(iv) of this section after serving not more than 12 months of his or her initial obligated period of active duty, and who subsequently reenlists or reenters on a period of active duty, will not be considered to have an interruption in service. Except as provided in paragraph (b)(6)(v) of this section, the individual's service during the two periods will be considered continuous active-duty service for the aggregate length of the two service periods. However, the individual's discharge or release from the initial obligated period of service must have been:

(A) For a service-connected disability,

(B) For a medical condition which preexisted such active-duty service and is not service connected,

(C) For a physical or mental condition not characterized as a disability and not resulting from the individual's own willful misconduct which interfered with the individual's performance of duty as determined by the Secretary concerned, or

(D) Involuntary, for the convenience of the Government as a result of a reduction in force as determined by the Secretary concerned.

(v) If the second period of active-duty service referred to in paragraph (b)(6)(iv) of this section is of such nature or character that, when aggregated with the initial period of service referred to in that paragraph, it would cause the individual to be divested of entitlement to educational assistance otherwise established by the initial period of active duty, the two periods of service will not be aggregated and will not be considered a single period of continuous active duty.

(vi) Time lost will not be considered to interrupt the continuity of service. For the purpose of this section, ''time lost'' includes excess leave, noncreditable time and not-on-duty time.

(Authority: 38 U.S.C. 3011, 3012)

* * * * *

(42) *Continuously enrolled.* The term *continuously enrolled* means being in an enrolled status at an educational institution for each day during the school year, and for consecutive school years. Continuity of enrollment is not broken by holiday vacations; vacation periods; periods during the school year between terms, quarters, or semesters; or by nonenrollment during periods of enrollment outside the school year (e.g., summer sessions).

(Authority: Sec. 313(b), Pub. L. 102–568, 106 Stat. 4333)

19. In § 21.7032, paragraph (a) and its authority citation are revised and paragraph (f) and its authority citation are added, to read as follows:

§ 21.7032 Time limits.

(a) *Scope of this section.* The provisions of this section are applicable to original applications, formal or informal; to reopened claims; and, to the extent indicated in paragraph (f) of this section, to elections to receive educational assistance under 38 U.S.C. chapter 30.

(Authority: 38 U.S.C. 3018B, 3034(a), 3471)

* * * * *

(f) *Time limit for completing certain elections.* An individual who seeks to establish eligibility to receive educational assistance under § 21.7045 must—

(1) Within one year of the date of the VA letter or other written notice to the individual indicating that additional evidence is needed in order to complete the claim, submit that evidence to VA. This time limit may be extended if the individual is able to show good cause for an extension of the period to the date on which he or she actually submits the additional evidence; and

(2) Submit the $1,200 VA is required pursuant to § 21.7045(c)(2) to collect before educational assistance can be awarded. A delay in submitting the $1,200 may result in a later effective date for the award to the individual, and in no event will VA accept payment of the $1,200 from the individual after the last date of eligibility as determined by § 21.7050 or § 21.7051. See § 21.7131(k).

(Authority: 38 U.S.C. 3018B)

20. In § 21.7042, the introductory text of paragraph (b)(7)(i) is amended by removing ''as'' and adding, in its place, ''a'' and by removing ''relesed'' and adding, in its place, ''released''; the introductory text of paragraph (c)(3)(ii) is amended by removing ''the individual is'' and adding, in its place, ''have been''; paragraph (f)(1) is amended by removing ''in § 21.7045(b)'' and adding, in its place, ''in § 21.7045(b) or (c)''; and the introductory text of paragraph (a)(3) is revised, paragraph (a)(6) and its authority citation and paragraph (b)(7)(iii) are added, the introductory text of paragraph (c)(3) is revised, paragraphs (c)(3)(i), (c)(3)(iii)(A), and (c)(3)(iii)(B) are revised, and paragraph (c)(3)(iii)(C) is added, to read as follows:

§ 21.7042 Basic eligibility requirements.

* * * * *

(a) *Eligibility based solely on active duty.* * * *

(3) Except as provided in paragraph (a)(6) of this section, the individual before completing the service

requirements of this paragraph must either—

* * * * *

(6) An individual who does not meet the requirements of paragraph (a)(3) of this section nevertheless is eligible for basic educational assistance if he or she—

(i) Was on active duty on August 2, 1990, and

(ii) Completes the requirements of a secondary school diploma (or an equivalency certificate) before October 29, 1994.

(Authority: 38 U.S.C. 3011)

(b) *Eligibility based on active duty service and service in the Selected Reserve.* * * *

(7) * * *

(iii) Before completing four years service in the Selected Reserve, the individual ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1999, by reason of the inactivation of the individual's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to 10 U.S.C. 268(b). However, this exemption from the four-year service requirement does not apply to a reservist who ceases to be a member of the Selected Reserve under adverse conditions as characterized by the Secretary of the military department concerned, or to a reservist who after having involuntarily ceased to be a member of the Selected Reserve is involuntarily separated from the Armed Forces under adverse conditions as characterized by the Secretary of the military department concerned.

(Authority: 10 U.S.C. 16133(b)(1); 38 U.S.C. 3012(b)(1)(B); sec. 4421(b) and (c), Pub. L. 102–484, 106 Stat. 2718)

* * * * *

(c) *Eligibility based on withdrawal of election not to enroll.* * * *

(3) The individual must:

(i) Complete the period of service that he or she was obligated to serve on December 1, 1988, which will include completion of a period of extension or reenlistment if an individual's initial obligated period of service was scheduled to end after November 30, 1988, but he or she extended an enlistment or reenlisted before December 1, 1988; or

* * * * *

(iii) * * *

(A) Discharged or released from active duty for the convenience of the Government after completing not less than 20 months of that period of service if such period was less than three years, or 30 months, if that period was at least three years;

(B) Involuntarily discharged or released from active duty for the convenience of the Government as a result of a reduction in force as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense; or

(C) Discharged or released from active duty for a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense (or by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service of the Navy).

* * * * *

21. In § 21.7044, paragraph (a)(3)(ii) is amended by removing ''degree. This may be done at any time.'' and adding, in its place, ''degree, which may be done at any time;'' paragraph (a)(4)(i)(E) is amended by removing ''or;'' and adding, in its place, ''or''; paragraph (a)(4)(i)(F) is amended by removing ''Navy.'' and adding, in its place, ''Navy;'' and paragraph (a)(4)(i)(F) is further amended by removing its authority citation; paragraph (a)(5)(iv) is amended by removing ''service;'' and adding, in its place, ''service; and''; and the heading, paragraph (a)(6), the authority citation for paragraph (a), and paragraph (b)(8)(ii)(B) are revised, and paragraphs (b)(8)(iii) and (b)(12) and their authority citations are added, to read as follows:

§ 21.7044 Persons with 38 U.S.C. ch. 34 eligibility.

* * * * *

(a) *Eligibility based solely on active duty.* * * *

(6) The individual must have been on active duty at any time during the period beginning on October 19, 1984, and ending on July 1, 1985, and continued on active duty without a break in service.

(Authority: 38 U.S.C. 3011)

(b) *Eligibility based on combined active duty service and service in the Selected Reserve.* * * *

(8) * * *

(ii) * * *

(B) For a medical condition which preexisted that period of active duty and which VA determines is not service connected, or

(iii) Before completing four years service in the Selected Reserve the individual ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1999, by reason of the inactivation of the individual's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to 10 U.S.C. 268(b). However, this exemption from the four years service requirement does not apply to a reservist who ceases to be a member of the Selected Reserve under adverse conditions as characterized by the Secretary of the military department concerned, or to a reservist who after having involuntarily ceased to be a member of the Selected Reserve is involuntarily separated from the Armed Forces under adverse conditions as characterized by the Secretary of the military department concerned.

(Authority: 10 U.S.C. 16133(b)(1); sec. 4421(b) and (c), Pub. L. 102–484, 106 Stat. 2718)

* * * * *

(12) The individual must have been on active duty at any time during the period beginning on October 19, 1984, and ending on July 1, 1985, and continued on active duty without a break in service.

(Authority: 38 U.S.C. 3012(a)(1)(B))

* * * * *

22. Section 21.7045 is revised to read as follows:

§ 21.7045 Eligibility based on involuntary separation or voluntary separation.

An individual who fails to meet the eligibility requirements found in § 21.7042 or § 21.7044 nevertheless will be eligible for educational assistance as provided in subpart K of this part if he or she meets the requirements of paragraph (a) and either paragraph (b) or (c) of this section.

(a) *Service requirements.* The individual must meet one of the following sets of service requirements.

(1) The individual must—

(i) Be on active duty or full-time National Guard duty either on September 30, 1990, or on or after November 30, 1993, and

(ii) After February 2, 1991, be involuntarily separated, as that term is defined in 10 U.S.C. 1141, with an honorable discharge; or

(2) The individual must—

(i) Be separated from active military, naval, or air service with an honorable discharge, and

(ii) Receive voluntary separation incentives under 10 U.S.C. 1174a or 1175.

(Authority: 38 U.S.C. 3018A)

(b) *Additional requirements for those individuals voluntarily separated after October 22, 1992, or involuntarily separated.* An individual who meets the requirements of paragraph (a)(1) of this section, or an individual who meets the requirements of paragraph (a)(2) of this section and was separated after October 22, 1992, must meet the following additional requirements in order to establish eligibility for educational assistance.

(1) *Required election.* (i) If, under § 21.7042(f), the individual elected not to receive educational assistance under 38 U.S.C. ch. 30, he or she must irrevocably withdraw that election and make an election to receive educational assistance under 38 U.S.C. ch. 30. The withdrawal and the election must be made:

(A) Before the involuntary or voluntary separation as the case may be, and

(B) Pursuant to procedures which the Secretary of the military department concerned provides in accordance with regulations prescribed by the Secretary of Defense or which the Secretary of Transportation provides with respect to the Coast Guard when it is not operating as a service in the Navy; and

(ii) If the individual is a participant (as defined in § 21.5021(e)) in the educational program provided in 38 U.S.C. ch. 32, the individual must make an irrevocable election to receive educational assistance under 38 U.S.C. ch. 30 rather than under 38 U.S.C. ch. 32. Such an election must be made:

(A) Before the individual is involuntarily or voluntarily separated as the case may be, and

(B) Pursuant to procedures which the Secretary of the military department concerned provides in accordance with regulations prescribed by the Secretary of Defense or which the Secretary of Transportation provides with respect to the Coast Guard when it is not operating as a service in the Navy; or

(iii) If the individual is not described in either paragraph (b)(1)(i) or (b)(1)(ii) of this section, he or she must make an irrevocable election to receive educational assistance under 38 U.S.C. ch. 30. This election must be made:

(A) Before the individual is involuntarily or voluntarily separated as the case may be, and

(B) Pursuant to procedures which the Secretary of the military department concerned provides in accordance with regulations prescribed by the Secretary of Defense or which the Secretary of Transportation provides with respect to the Coast Guard when it is not operating as a service in the Navy.

(2) *Reduction in basic pay.* The basic pay of anyone who makes one of the irrevocable elections described in paragraph (b)(1) of this section is required by 38 U.S.C. 3018B to be reduced by $1,200.

(i) If for any reason the basic pay of an individual who received an involuntary separation is not so reduced by $1,200, the failure to make the reduction will not affect the individual's eligibility for educational assistance under 38 U.S.C. ch. 30.

(ii) If the individual is voluntarily separated, such reduction of the individual's basic pay by $1,200 is a precondition to establishing eligibility. Hence, educational assistance under 38 U.S.C. ch. 30 may not be paid to such an individual when the reduction does not occur.

(3) *Educational requirement.* (i) Before the date on which VA receives the individual's application for educational assistance under subpart K of this part, the individual must have successfully completed either:

(A) The requirements of a secondary school diploma (or equivalency certificate), or

(B) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree.

(ii) If a veteran's application for educational assistance is denied due to failure to meet the requirements of paragraph (b)(3)(i) of this section at the time of his or her application for educational assistance, the veteran may reapply if the requirements are subsequently met.

(Authority: 38 U.S.C. 3018B)

(c) *Additional requirements for individuals who are voluntarily discharged before October 23, 1992.* If an individual meets the requirements of paragraph (a)(2) of this section and is voluntarily discharged before October 23, 1992, he or she must also meet the following requirements in order to establish eligibility for educational assistance.

(1) *Required election.* (i) If, under § 21.7042(f), the individual elected not to receive educational assistance under 38 U.S.C. ch. 30, he or she must irrevocably withdraw that election and make an election to receive educational assistance under 38 U.S.C. ch. 30. The withdrawal and the new election must be made:

(A) Before October 23, 1993, and

(B) In the form and manner prescribed by the Secretary of Veterans Affairs; and

(ii) If the individual is a participant (as defined in § 21.5021(e)) in the educational program provided in 38 U.S.C. ch. 32, the individual must make an irrevocable election to receive educational assistance under 38 U.S.C. ch. 30 rather than under 38 U.S.C. ch. 32. Such an election must be made:

(A) Before October 23, 1993, and

(B) In the form and manner prescribed by the Secretary of Veterans Affairs.

(iii) If the individual is not described in either paragraph (c)(1)(i) or (ii) of this section, he or she must make an irrevocable election to receive educational assistance under 38 U.S.C. ch. 30. This election must be made:

(A) Before October 23, 1993, and

(B) In the form and manner prescribed by the Secretary of Veterans Affairs.

(2) *$1,200 collection.* VA must collect $1,200 from the individual before awarding educational assistance under 38 U.S.C. ch. 30. Collection of $1,200 is a precondition to establishing eligibility.

(3) *Educational requirement.* (i) Before the date on which VA receives the individual's application for educational assistance under subpart K of this part, the individual must have successfully completed either:

(A) The requirements of a secondary school diploma (or equivalency certificate), or

(B) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree.

(ii) If a veteran's application for educational assistance under subpart K of this part is denied due to failure to meet the requirements of paragraph (c)(3)(i) of this section at the time of his or her application for educational assistance, the veteran will be permitted to apply at a later date.

(Authority: 38 U.S.C. 3018B)

§ 21.705 [Amended]

23. Section 21.7050(b)(1) is amended by removing ''October 18, 1984'' and adding, in its place, ''June 30, 1985''.

24. In § 21.7072, paragraph (b) heading, paragraph (b)(1) introductory text, and the authority citation for paragraph (b)(1) are revised, to read as follows:

§ 21.7072 Entitlement to basic educational assistance.

* * * * *

(b) *Entitlement: individual discharged for service-connected disability, a medical condition which preexisted service, hardship, or involuntarily for the convenience of the Government as a result of a reduction in force.* (1) Except as provided in § 21.7073, when the provisions of paragraph (b) of this section are met, an eligible individual is entitled to one month of basic educational assistance (or equivalent thereof in part-time basic educational assistance) for each month of the

individual's continuous active duty service that is after June 30, 1985, and that, in the case of an individual who had no previous eligibility under 38 U.S.C. ch. 34, is part of the individual's initial obligated period of active duty. In the case of a veteran to whom the definition of continuous active duty found in either § 21.7020(b)(6)(iii) or § 21.7020(b)(6)(iv) applies, the length of the continuous active duty will be the aggregate length of the periods of active duty referred to in those paragraphs. Except as provided in § 21.7073, VA will apply paragraph (b) of this section when the individual:

* * * * *

(Authority: 38 U.S.C. 3011(f), 3013(a))

* * * * *

25. In § 21.7120, paragraph (d) and its authority citation are added, to read as follows:

§ 21.7120 Courses included in programs of education.

* * * * *

(d) *Independent study.* (1) Except as provided in paragraph (d)(2) of this section, effective October 29, 1992, VA may pay educational assistance to a veteran or servicemember who is enrolled in a nonaccredited course or unit subject offered entirely or partly by independent study only if—

(i) Successful completion of the nonaccredited course or unit subject is required in order for the veteran or servicemember to complete his or her program of education,

(ii) On October 29, 1992, the veteran or servicemember was receiving educational assistance for pursuit of the program of education of which the nonaccredited independent study course or unit subject forms a part, and

(iii) The veteran or servicemember has remained continuously enrolled in the program of education of which the nonaccredited independent study course or unit subject forms a part from October 29, 1992, to the date of enrollment by the veteran or servicemember in the nonaccredited independent study course or unit subject.

(2) Notwithstanding the provisions of paragraph (d)(1) of this section, VA may pay educational assistance to a veteran or servicemember for enrollment in a course or unit subject offered by independent study which, though part of an approved program of education, is not required in order for the veteran or servicemember to complete the program of education (i.e., an elective) when—

(i) The veteran or servicemember was enrolled in and receiving educational assistance for the course or unit subject on October 29, 1992, and

(ii) The veteran or servicemember remains continuously enrolled in the course or unit subject.

(3) Whether or not the veteran or servicemember is enrolled will be determined by the regularly prescribed standards and practices of the educational institution offering the course or unit subject.

(Authority: 38 U.S.C. 3014, 3034, 3076, 3680A(a); sec. 313(b), Pub. L. 102–568, 106 Stat. 4333)

26. In § 21.7122, paragraphs (e)(5) and (e)(6) and the authority citation for paragraph (e) are revised, and paragraph (e)(7) is added, to read as follows:

§ 21.7122 Courses precluded.

* * * * *

(e) *Other courses.* * * *

(5) Except as provided in § 21.4252(j), a course from which the veteran or servicemember withdrew without mitigating circumstances,

(6) An enrollment in a course offered by a proprietary school when the veteran or servicemember is an official of the school authorized to sign certificates of enrollment or monthly certificates of attendance or monthly certifications of pursuit, an owner of the school, or an operator of the school, or

(7) Except as provided in § 21.7120(d), an enrollment in a nonaccredited independent study course.

(Authority: 38 U.S.C. 3002(3), 3034, 3672(a), 3676, 3680(a), 3680A(a))

27. In § 21.7131, paragraph (j) is added, to read as follows:

§ 21.7131 Commencing dates.

* * * * *

(j) *Service Members Occupational Conversion and Training Act of 1992.* If the veteran's educational assistance has been discontinued because the veteran is training under a job training program for which benefits are payable to his or her employer under the Service Members Occupational Conversion and Training Act of 1992, VA will determine the date upon which educational assistance may be resumed as follows.

(1) When the veteran is pursuing a program of education on the last date for which benefits are payable under that Act, payments will be resumed on the day following that date.

(2) When the veteran is not pursuing a program of education on the last date for which benefits are payable under that Act, payments will be resumed on the commencing date as determined by paragraphs (a) through (i) of this section, but not before the day following the last date for which benefits are payable under that Act.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

28. In § 21.7135, paragraph (z) is redesignated as paragraph (bb); and paragraph (a) and its authority citation are revised, and paragraphs (z) and (aa) and their authority citations are added, to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(a) *Death of veteran or servicemember.* (1) If the veteran or servicemember receives an advance payment pursuant to 38 U.S.C. 3680(d) and dies before the period covered by the advance payment ends, the discontinuance date of educational assistance shall be the last date of the period covered by the advance payment.

(2) In all other cases if the veteran or servicemember dies while pursuing a program of education, the discontinuance date of educational assistance shall be the last date of attendance.

(Authority: 38 U.S.C. 3014, 3023, 3680)

* * * * *

(z) *Independent study course loses accreditation.* Except as otherwise provided in § 21.7120(d), if the veteran or servicemember is enrolled in a course offered in whole or in part by independent study, and the course loses its accreditation (or the educational institution offering the course loses its accreditation), the date of reduction or discontinuance will be the effective date of the withdrawal of accreditation by the accrediting agency.

(Authority: 38 U.S.C. 3014, 3034, 3676, 3680A(a))

(aa) *Service Members Occupational Conversion and Training Act of 1992.* If a veteran enters a training program for the purpose of obtaining assistance under the Service Members Occupational Conversion and Training Act of 1992, the effective date of discontinuance of educational assistance shall be the date on which the veteran entered the job training program.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

* * * * *

29. In § 21.7136, paragraphs (a), (b), (c), (d) and (e) are redesignated as paragraphs (b), (c), (d), (e) and (f), respectively; the introductory text of newly redesignated paragraph (f) is amended by removing ''§ 21.7045(b)(2)'' and adding, in its place, ''§ 21.7045(b)(1)(ii) or (c)(1)(ii)''; and introductory text is added to the section, paragraph (a) is added, newly

redesignated paragraphs (b) and (c) are revised to read as follows:

§ 21.7136 Rates of payment of basic educational assistance.

The monthly rate of educational assistance payable to a veteran or servicemember depends in part upon the service requirements he or she met to establish eligibility for that educational assistance.

(a) *Service requirements for higher rates.* The monthly rate of basic educational assistance payable to a veteran or servicemember shall be the rate stated in paragraph (b) of this section when—

(1) The veteran has established eligibility for educational assistance under § 21.7045; or

(2) The veteran has established eligibility under § 21.7042, and one of the following sets of circumstances exist.

(i) The veteran's initial obligated period of active duty is at least three years; or

(ii) The veteran's initial obligated period of active duty is at least two years and less than three years and either the veteran has served or is committed to serve in the Selected Reserve for a period of at least four years, or the veteran was committed to serve in the Selected Reserve for a period of at least four years but failed to complete four years service for one of the reasons stated in § 21.7042(b)(7)(i) or (iii); or

(iii) The veteran's initial obligated period of active duty is at least two years and less than three years and—

(A) The basic educational assistance is payable for training received after August 31, 1993;

(B) The veteran's continuous active duty service beginning on the date of the commencement of his or her initial obligated period of active duty is at least three years and upon completion of that continuous period of active duty the veteran either—

(*1*) Continues on active duty; or

(*2*) Is discharged from active duty with an honorable discharge; or

(*3*) Is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, transferred to the Fleet Reserve or the Fleet Marine Corps Reserve, placed on the temporary disability retired list; or

(*4*) Is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

(Authority: 38 U.S.C. 3015(a))

(b) *Rates.* (1) Except as provided in paragraphs (b)(2) and (b)(3) of this section, the monthly rate of basic educational assistance payable to a veteran whose service meets the requirements of paragraph (a) of this section is the rate stated in the following table.

Training	Monthly rate
Full time	$400.00.
¾ time	300.00.
½ time	200.00.
Less than ½ but more than ¼ time.	200.00 See § 21.7136(d).
¼ time or less	100.00 See § 21.7136(d).

(Authority: 38 U.S.C. 3015(c), 3015(f))

(2) If a veteran's service is described in paragraph (a) of this section, the monthly rate of basic educational assistance payable when he or she is pursuing an apprenticeship or other on-job training is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program	$300.00
Second six months of pursuit of program	220.00
Remaining pursuit of program	140.00

(Authority: 38 U.S.C. 3015, 3032(c))

(3) If a veteran's service is described in paragraph (a) of this section, the monthly rate of basic educational assistance payable when he or she is pursuing a cooperative course is $320.

(Authority: 38 U.S.C. 3015(f), 3032(d))

(c) *Rates for some veterans whose initial obligated period of active duty is less than three years.* If a veteran has established eligibility under § 21.7042, but the veteran's service is not described in paragraph (a)(2) of this section, the monthly rate of educational assistance payable to the veteran shall be determined by this paragraph.

(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, the monthly rate of basic educational assistance payable to a veteran is the amount stated in the following table.

Training	Monthly rate
Full time	$325.00.
3/4 time	243.75.
1/2 time	162.50.
Less than 1/2 but more than 1/4 time.	162.50 See § 21.7136(d).
1/4 time or less	81.25 See § 21.7136(d).

(Authority: 38 U.S.C. 3015(c))

(2) The monthly rate of educational assistance payable to a veteran who is pursuing an apprenticeship or other on-job training is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program	$243.75
Second six months of pursuit of program	178.75
Remaining pursuit of program	113.75

(Authority: 38 U.S.C. 3032(c))

(3) The monthly rate of basic educational assistance payable to a veteran is $260 when the veteran is pursuing a cooperative course.

(Authority: 38 U.S.C. 3015)

* * * * *

30. In § 21.7137, the heading and paragraphs (a)(1), (a)(2), and (c) are revised, to read as follows:

§ 21.7137 Rates of payment of basic educational assistance for individuals with remaining entitlement under 38 U.S.C. ch. 34.

(a) *Minimum rates.* (1) Except as provided in paragraph (a)(2) of this section, the monthly rate of basic educational assistance will be the rate stated in the following table.

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	$588.00	$624.00	$655.00	$16.00
¾ time	441.00	468.00	491.50	12.00
½ time	294.00	312.00	327.00	8.50
Less than ½ but more than ¼ time	294.00 See § 21.7137(b)			

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
¼ time or less	147.00 See § 21.7137(b)			
Cooperative	441.60	462.00	481.60	9.20

(Authority: 38 U.S.C. 3015(c), 3015(f))

(2) For veterans pursuing an apprenticeship or other on-job training, the monthly rate of basic educational assistance will be the rate stated in the following table.

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st 6 mos. of pursuit of program	$402.75	$415.13	$426.00	$5.25
2nd 6 mos. of pursuit of program	276.38	285.73	293.43	3.85
3rd 6 mos. of pursuit of program	163.80	169.93	174.65	2.45
Remaining pursuit of program	151.90	157.68	162.93	2.45

(Authority: 38 U.S.C. 3015(d), 3015(f))

* * * * *

(c) *Rates for servicemembers.* The monthly rate of educational assistance for a servicemember may not exceed the lesser of the following rates (except as provided in paragraph (d) of this section):

(1) The monthly pro-rated cost of the course.

(2) The following monthly rates—

(i) $588.00 for full-time training,

(ii) $441.00 for three-quarter-time training,

(iii) $294.00 for one-half time training and training that is less than one-half, but more than one-quarter-time training, and

(iv) $147.00 for one-quarter-time training.

(Authority: 38 U.S.C. 3015(d), 3015(f))

31. In § 21.7145, paragraph (e) is revised, to read as follows:

§ 21.7145 Work-study allowance.

* * * * *

(e) *Payment in advance.* VA will pay in advance an amount equal to the lesser of the following:

(1) 40 percent of the total amount payable under the contract, or

(2) An amount equal to 50 times the applicable minimum hourly wage in effect on the date the contract is signed.

(Authority: 38 U.S.C. 3485)

32. In § 21.7152, paragraph (b)(3)(ii) is removed; paragraph (b)(3)(iii) is redesignated as paragraph (b)(3)(ii); and paragraph (b)(3)(i) is revised, to read as follows:

§ 21.7152 Certification of enrollment.

* * * * *

(b) *Length of the enrollment period covered by the enrollment certification.*

* * * * *

(3) * * *

(i) The enrollment date, and

* * * * *

33. In § 21.7170, paragraphs (b) and (g) are removed; paragraphs (c), (d), (e) and (f) are redesignated as paragraphs (b), (c), (d) and (e), respectively; and the introductory text and paragraph (a) are revised, to read as follows:

§ 21.7170 Course measurement.

In administering benefits payable under 38 U.S.C. chapter 30, VA shall apply the following sections.

(a) § 21.4270 (except paragraphs (a)(2) and (a)(3) and those portions of paragraph (c) and footnotes dealing with farm cooperative training)—Measurement of courses,

(Authority: 38 U.S.C. 3034, 3688)

* * * * *

34. In § 21.7172, paragraphs (a)(1), (a)(2), and (d) are revised, to read as follows:

§ 21.7172 Measurement of concurrent enrollments.

(a) *Conversion of units of measurement required.* * * *

(1) If VA measures the courses at the primary institution on a credit-hour basis (including a course which does not lead to a standard college degree, which is being measured on a credit-hour basis), and VA measures the courses at the second school on a clock-hour basis, the clock hours will be converted to credit hours.

(2) If VA measures the courses pursued at the primary institution on a clock-hour basis, and VA measures the courses pursued at the second school on a credit-hour basis, VA will convert the credit hours to clock hours to determine the veteran's training time.

(Authority: 38 U.S.C. 3034, 3688)

* * * * *

(d) *Both courses measured on a credit hour basis or both courses measured on a clock hour basis.* If VA measures the courses pursued at both institutions on a credit hour basis or on a clock hour basis, VA will measure the veteran's enrollment by adding together the units of measurement for the courses at the second school and the units of measurement for the courses at the primary institution. The standard for full time will be the full-time standard for the courses at the primary institution.

(Authority: 38 U.S.C. 3034, 3688)

35. In § 21.7220, paragraph (b) introductory text is revised, paragraphs (b)(9) and (b)(10) are revised, paragraph (b)(11) is added, and the authority citation for paragraph (b) is revised, to read as follows:

§ 21.7220 Course approval.

* * * * *

(b) *Course approval criteria.* In administering benefits payable under 38 U.S.C. chapter 30, VA and, where appropriate, the State approving agencies, shall apply the following sections.

* * * * *

(9) Section 21.4265—Practical training approved as institutional training or on-job training,

(10) Section 21.4266—Courses offered at subsidiary branches or extensions,

(11) Section 21.4267—Approval of independent study.

(Authority: 38 U.S.C. 3034, 3476, 3672, 3675, 3676, 3678, 3679, 3680A, 3689)

* * * * *

36. In § 21.7222, paragraph (e) and its authority citation are revised, to read as follows:

§ 21.7222 Courses and enrollments which may not be approved.

* * * * *

(e) Except as provided in § 21.7120(d), an independent study course which—

(1) Does not lead to a standard college degree, or

(2) Is a nonaccredited course.

(Authority: 38 U.S.C. 3676, 3680A)

37. In § 21.7280, paragraph (b)(1) is revised, to read as follows:

§ 21.7280 Death benefit.

* * * * *

(b) *Necessary criteria for death benefit.* * * *

(1) The individual either—

(i) Dies while on active duty, or

(ii) Dies after October 28, 1992, and his or her date of death is within one year after the date of his or her last discharge or release from active duty; and

* * * * *

[FR Doc. 96–3780 Filed 2–21–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1370

RIN 0970–AB21

Family Violence Prevention and Services Programs

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Final rule.

SUMMARY: This final rule establishes requirements for sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act, as amended, and provides States, Indian tribes and other grantees with information on grants available under these sections of the statute.

EFFECTIVE DATE: March 25, 1996.

ADDRESSES: Administration for Children and Families, Office of Community Services, Fifth Floor, 370 L'Enfant Promenade, SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: William D. Riley, (202) 401–5529.

SUPPLEMENTARY INFORMATION: Sections 311(h) and 312(a) of the Family Violence Prevention and Services Act, as amended, require the Secretary to publish regulations implementing sections 303, 308, 311, and 314, of the Act. These final regulations address this requirement.

Program Description

The Family Violence Prevention and Services Act (the Act) authorizes formula and discretionary grant programs which fund a range of activities designed to both prevent family violence and provide services to victims of family violence. Enacted as title III of the Child Abuse Amendments of 1984, the Act was amended and reauthorized by Public Law 102–295, the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992. The Act was further amended by Public Law 103–322, the Violent Crime Control and Law Enforcement Act of 1994, also known as the ''Crime Bill''.

Under section 303 of the Act, funds are awarded as formula grants to States and Indian tribes and tribal organizations to assist in supporting activities to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents. These grants have supplemented many already established community-based family violence prevention and service activities. They also have allowed States and tribes to expand current service programs and establish additional new shelters in rural and underserved areas, on reservations, and in Alaskan Native Villages and Regional Corporation Areas. In most areas, there is private sector as well as State and local funding for these emergency shelters.

Under section 311 of the Act, added by the 1992 amendments, formula grants are available to private non-profit State domestic violence coalitions to conduct domestic violence intervention and prevention activities and to increase public awareness of domestic violence issues. Grant funds support training and technical assistance activities as well as public education services.

The 1992 amendments also added a new section 308 to the Act which requires the Secretary to establish and maintain a national resource center for family violence prevention and services and up to six special issue resource centers. The Crime Bill increased the allowed number of special issue resource centers to seven. The purpose of the national resource center and the special issue resource centers is to offer resource, policy, and technical assistance and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence.

Currently, the national resource center maintains a central resource library to collect and disseminate information relating to the incidence and prevention of family violence and the provision of immediate shelter and related assistance. The special interest resource centers provide a specialization, on a nationwide basis, in at least one area of domestic violence service, prevention, or law.

Discretionary grants also are awarded under section 314 of the Act to public and private non-profit agencies, including Indian tribes and tribal organizations to assist in the development of public information and community awareness campaign activities that will serve as information models for the prevention of family violence.

Approach to Writing the Final Rule

A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 10, 1993 (58 FR 64920). Two letters containing comments were received in response to the NPRM. Later in the preamble, we summarize the comments and respond to them. No changes have been made to the regulation in response to comments received.

In February of 1995, the President announced a Regulatory Reinvention Initiative as part of the National Performance Review, calling for more immediate, comprehensive regulatory reform. As part of this initiative, he directed all agencies to undertake an exhaustive review of all regulations—with an eye toward eliminating or modifying those that are obsolete or which are otherwise in need of reform. With this in mind, we reexamined the language in the NPRM to see whether the final regulation could achieve the same objectives in a simpler, more consistent, and more flexible manner.

The NPRM generally did not reiterate the statute or list all applicable regulations. Rather, it stated broadly that grantees must meet the statutory requirements of the Act as well as all applicable regulations, and it referenced the pertinent program funding announcements in each of the four sections of the proposed rule. The program funding announcements, which are published in the Federal Register, describe the relevant statutory and regulatory requirements, as well as

information about funding availability and the grant application process.

The final rule retains the approach outlined in the NPRM while removing several unnecessary paragraphs to improve regulatory flexibility and consistency. The NPRM listed financial and program reporting requirements for grantees under paragraphs (b) and (c) of section 1370.2, paragraphs (b) and (c) of section 1370.3, paragraphs (b) and (c) of section 1370.4, and paragraphs (b) and (c) of section 1370.5. After careful reexamination, we have removed these paragraphs from the NPRM. Also, we have added clarifying language in sections 1370.2, 1370.3, 1370.4, and 1370.5 of the final rule which makes clear that all applicable reporting requirements are to be found in the program funding announcements.

For similar reasons, we have removed paragraphs (d) and (e) of § 1370.2 of the NPRM to be consistent with the way in which the final rule treats other statutory requirements. Paragraphs (d) and (e), which concern State and Indian Tribal formula grants, spelled out certain statutorily-related provisions concerning confidentiality of records and tribal authorization requirements. Because they are described in the funding announcement for the State and Indian Tribal formula grant program, they do not need to be repeated in the regulatory text. We have added clarifying language that applicable statutory requirements are described in the program funding announcements.

No other changes have been made to the notice of proposed rulemaking.

Discussion of Part 1370—Family Violence Prevention and Services Programs

Purpose (Sec. 1370.1)

This section states that sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act are addressed in 45 CFR Part 1370 and states that all programs authorized under the Act are funded subject to the availability of funds.

State and Indian Tribal Grants (Sec. 1370.2)

This section establishes requirements for formula grants to States and Indian tribes and tribal organizations under section 303 of the Act.

Information and Technical Assistance Center Grants (Sec. 1370.3)

This section establishes requirements to support a national resource center and up to seven special issue resource centers under section 308 of the Act.

State Domestic Violence Coalition Grants (Sec. 1370.4)

This section establishes requirements for formula grants to State domestic violence coalitions under section 311 of the Act.

Public Information Campaign Grants (Sec. 1370.5)

This section establishes requirements to fund discretionary grants for public information campaigns under section 314 of the Act.

Discussion of Comments Received

Two letters containing comments were received in response to the notice of proposed rulemaking published in the Federal Register on December 10, 1993. One commenter represented a State program and the other represented a national association.

The comments are summarized below and are followed by the Department's response.

Comment: One commenter, representing a State program, concurred with the rules and procedures proposed in the NPRM. The commenter also stressed the need for State and Indian tribal grantees to have an active, collaborative relationship with recipients of grants under those sections of the Act covered by the regulation and recommended that the Federal government establish guidelines for such collaboration.

Response: We agree with the commenter about the importance of collaboration among grantees, other governmental agencies, organizations, and individuals involved in family violence prevention and service activities. Currently, recipients of the State Domestic Violence Coalition grants participate with the State family violence grantees in monitoring and compliance activities. In addition, the national resource center and the three special issue resource centers we have funded have formed collaborative and participatory relationships not only with State and tribal grantees but with other organizations, scholars, practitioners, and individuals in the areas of domestic violence prevention and services. We believe that, rather than enacting a single set of Federal guidelines for collaboration, it is preferable to retain the option of promoting collaboration through a variety of methods which can be periodically reviewed and easily refined or augmented where necessary.

Comment: A commenter from a national association noted that family violence programs have the potential to offer needed services, information and support to older persons who are the victims of violence occurring in the context of family relationships. The commenter encouraged the Department of Health and Human Services to obtain information from grantees concerning the extent to which older people are served through the programs and to seek information about good practices regarding services to older victims and prevention activities targeted to older persons.

Response: Recipients of State and Indian tribal formula grants are asked to submit annual program activity reports which contain, among other things, a description of the characteristics and demographics of the persons served by service or activity. The reports also describe the major activities supported by the Family Violence Prevention and Services Act funds and the specific priorities addressed by the State, tribe or tribal organization as well as describing the prevention activities supported during the program year. We expect the annual reports to provide information on the numbers of elderly served and on the types of activities and services which affect this population. In addition, the Administration on Aging, in cooperation with the Administration for Children and Families, in the Department of Health and Human Services is currently funding a study of elder abuse in domestic settings. The study is being carried out by the National Center on Elder Abuse.

Regulatory Procedures

Executive Order 12866

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. No costs are associated with this rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small entities. The primary impact of these rules is on State governments, non-profit organizations and individuals. We certify that these rules will not have a significant impact on a substantial number of small entities because they simply establish procedures for grant applications and include no standards or requirements which would burden small entities. Thus, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The regulation contains no information collection requirements which are subject to review and approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 45 CFR Part 1370

Aged, Child welfare, Grant programs—Social programs, Domestic violence, Family violence, Spouse abuse, Elder abuse and neglect.

(Catalog of Federal Domestic Assistance Programs: 93.671, Family Violence Prevention and Services Program)

Dated: January 31, 1996.

Mary Jo Bane,

Assistant Secretary for Children and Families.

For the reasons set forth in the preamble, Title 45, Chapter XIII, of the Code of Federal Regulations is amended by adding a new subchapter H consisting of part 1370 to read as follows:

SUBCHAPTER H—FAMILY VIOLENCE PREVENTION AND SERVICES

PART 1370—FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAMS

Sec.
1370.1 Purpose.
1370.2 State and Indian tribal grants.
1370.3 Information and technical assistance center grants.
1370.4 State domestic violence coalition grants.
1370.5 Public information campaign grants.

Authority: 42 U.S.C. 10401 *et seq.*

§ 1370.1 Purpose.

This part addresses sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act (the Act), as amended (42 U.S.C. 10401 et seq.). The Act authorizes the Secretary to implement programs for the purposes of increasing public awareness about and preventing family violence; providing immediate shelter and related assistance for victims of family violence and their dependents; and providing for technical assistance and training relating to family violence programs to States, tribes, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), non-profit private organizations and other persons seeking such assistance. All programs authorized under the Act are funded subject to the availability of funds.

§ 1370.2 State and Indian tribal grants.

Each grantee awarded funds under section 303 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.3 Information and technical assistance center grants.

Each grantee awarded funds under section 308 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.4 State domestic violence coalition grants.

Each grantee awarded funds under section 311 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.5 Public information campaign grants.

Each grantee awarded funds under section 314 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

[FR Doc. 96–3931 Filed 2–21–96; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018–AD61

Addition of Bigleaf Mahogany to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule announces the addition to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) of bigleaf mahogany (Swietenia macrophylla) from the Americas and its saw-logs, sawn wood and veneers only, as submitted by the Government of Costa Rica. A list of the species contained in the CITES appendices is presented for informational purposes in the U.S. Code of Federal Regulations at 50 CFR 23.23. The Service will consider any comments received on whether to enter a reservation on the addition of this species to Appendix III. Second, a phrase is revised in 50 CFR 23.23(d) to clarify that the regulated parts and derivatives of plants are in some cases presented categorically, and in others set out with the particular entry on the species in the list.

DATES: This rule is effective on February 22, 1996. The recent change to Appendix III set forth in this rule entered into force on November 16, 1995, under the terms of the Convention.

ADDRESSES: Please send correspondence concerning the amendment announced in this rule to Chief, Office of Scientific Authority, ARLSQ 725, U.S. Fish and Wildlife Service, Washington, DC 20240; fax number 703–358–2276. Express and messenger deliveries should be addressed to Chief, Office of Scientific Authority, Room 750, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, Virginia 22203.

The text of the Appendix III notification from the Convention's Secretariat is available on request, and related materials are available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address in Arlington, Virginia.

Please send certificate/permit questions or any applications concerning this regulation to Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420c, Arlington, Virginia 22203, fax number 703–358–2281. Express and messenger deliveries should be addressed to Chief, Office of Management Authority, at that Arlington address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority (telephone 703–358–1708), or the Branch of Permits, Office of Management Authority (telephone 800–358–2104).

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249) regulates international trade in certain animal and

plant species. The species for which trade in particular specimens is controlled are listed in Appendices I, II, and III to the Convention. Appendix III comprises the list of species subject to regulation within any CITES Party country that has requested the cooperation of the other Parties in regulating international trade in the specified specimens of the species.

This rule updates the list of CITES species that is reproduced in the U.S. Code of Federal Regulations (CFR) at 50 CFR 23.23(f) (see the latest revision in the Federal Register of October 6, 1995 [60 FR 52450]) by adding Swietenia macrophylla (bigleaf mahogany) in the Americas (i.e., South America, Central America, the Caribbean, and North America) to Appendix III as advanced by the Government of Costa Rica pursuant to Article XVI paragraph 1 of the Convention, including only its saw-logs, sawn wood, and veneers as the parts or derivatives covered by the provisions of the Convention. Thus, products such as finished furniture are excluded. Moreover, export of specimens from plantations located outside the Americas is not regulated. The CITES Secretariat notified all Party countries on August 18, 1995, of the addition to Appendix III of the populations of this species in the Americas. (the species is native from Bolivia and Brazil to Mexico.) In accordance with Article XVI paragraph 2, such an amendment becomes effective 90 days after notification, in this case on November 16, 1995. All shipments exported on or after that date must be accompanied by appropriate documentation in compliance with CITES, which is to be presented upon import to the Party countries.

International trade in Appendix III species and their parts and derivatives that are specified as being included requires the issuance of either an export permit, a certificate of origin, a re-export certificate, or a pre-Convention certificate, by the exporting or the re-exporting Party. An export permit, which signifies that the specimens were not obtained in contravention of the laws of that country for conservation, is required if the shipment originates from the Party that added the species to Appendix III, in this case Costa Rica. Export from the other Party countries in the Americas requires the issuance of either a certificate from the country of origin, a certificate from the country of re-export, or a pre-Convention certificate (from the country of export); these documents legally verify either (1) that the specimens that were acquired since the date of the species' listing originated in a non-listing country; (2) that they are being re-exported after an importation in accordance with CITES; or (3) that they were acquired before the provisions of the Convention applied to them. All the countries of South America, Central America, and North America and some countries in the Caribbean are Parties to the Convention. Beginning in 1976 with Resolution Conf. 1.5, the Parties have recommended that Article X of CITES be applied so that equivalent documentation is required from non-Parties to the Convention.

The Convention's Secretariat as well as the United States Office of Management Authority have made inquiries regarding the certificates of origin that exporting range countries plan to issue for shipments of the specimens of this species (e.g., saw-logs, sawn wood, or veneer sheets). By February 9, 1996, responses had been received from Mexico, Guatemala, Belize, Honduras, Nicaragua, Venezuela, Bolivia, and Brazil. For information on the types of documents required for such importation into the United States, as well as requests for any documents needed for such re-export or export from the United States, contact the Service's Office of Management Authority (address and phone number above).

Any Party at any time may enter a reservation on a species added to Appendix III. A Party that has entered a reservation is treated as a country that is not party to the Convention with respect to the trade in the species concerned (until such time as that Party withdraws its reservation). The limited effects of a reservation in alleviating importers and exporters from documentation requirements with the other CITES Parties were thoroughly discussed in a Federal Register notice on November 17, 1987 (52 FR 43924). In a subsequent Federal Register notice of March 28, 1988 (53 FR 9945; see also 53 FR 12497, April 14, 1988), the Service made a procedural change in requesting comments about such reservations for species added to Appendix III. Because the effects of such a reservation are limited, and there is also no time limit for reserving on a species added to Appendix III, a proposed rule is not published at the time the list in § 23.23 is amended. Regardless of any U.S. decision to enter a reservation, this particular amendment to Appendix III entered into force on November 16, 1995, under terms of the Convention. Publishing this rule informs the public of this international action while still affording those interested the opportunity and time to assess the merits of entering a reservation. Therefore, good cause exists to omit a proposed-rule and public-comment process, since it is unnecessary and contrary to the public interest [5 U.S.C. 553(b)]. Because bigleaf mahogany in the Americas was added to Appendix III of the Convention effective on November 16, 1995, and because of the other reasons stated herein, the Service finds that good cause exists for making this rule effective upon its date of publication [5 U.S.C. 553(d)]. Accordingly, paragraph (f) of § 23.23 of 50 CFR is amended at the conclusion of this document.

At the ninth meeting of the Conference of the Parties to the Convention, the United States was among 50 of 83 Parties that voted in favor of including this species in Appendix II, which fell short of the two-thirds majority needed for adoption (see the Federal Register notices of November 8, 1994 [59 FR 55617] and January 3, 1995 [60 FR 73]). The Service has not recommended entering a reservation on this Appendix III listing. Consideration for doing so would be given if valid and compelling reasons are shown that implementation of this listing would be contrary to the interests or laws of the United States. The Service now solicits comments on whether to enter a reservation, and particularly seeks any new information that becomes available. The Service will consider all comments received, and if appropriate, will recommend that the United States submit a reservation to the depositary government (which is Switzerland).

Revision in CFR Based on Previous Changes to Appendices

The first sentence of 50 CFR 23.23(d) stipulates that the readily recognizable parts and derivatives of the animals and plants included in the CITES appendices are subject to the regulations of this part, unless specified otherwise for particular species in certain appendices (see 60 FR 50477, September 29, 1995 and 60 FR 52450, October 6, 1995). The present rule provides the opportunity for a minor corrective change to that sentence to clarify that exclusions of parts or derivatives for certain plant species are presented with the particular entry on that species, whereas for other plant taxa the exclusions or exemptions are presented categorically in the text of 50 CFR 23.23(d).

The opening language of § 23.23(d) in those recent Federal Register notices mistakenly omitted reference to Appendices II and III listings of plant species that may contain exclusions of certain readily recognizable parts and derivatives that are not addressed by the categorical exclusions specified in

paragraph (d). This ambiguity is corrected in this rule in order to explicitly eliminate possible perception of additional regulation of certain Appendix II or Appendix III plant products. Absent compelling biological reasons, the United States should not be regulating parts or derivatives of Appendix II or III species that have not been specified by the Parties as in need of trade control. This amendment thus relieves unnecessary potential import restriction and avoids potential inconsistent application of CITES requirements for Appendix II or III plant shipments. For the reasons set out above, the Service finds that good cause exists to omit the public notice-and-comment procedure of 5 U.S.C. 553(b), since such public process would be unnecessary and contrary to the public interest by continuing a potential needless regulatory burden and by potentially leading to inconsistent administration of CITES for some Appendix II or III plant shipments. For these same reasons, the Service finds that good cause exists for making this change effective upon publication of this notice [5 U.S.C. 553(d) (1) & (3)].

Other Procedural Requirements

The Department has determined that changes to the Convention appendices, which result from actions of the Parties to the treaty, do not require preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321–4347). Since this Appendix III action has been taken by Costa Rica and communicated by the CITES Secretariat, the Department also has determined that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this listing process. This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

This document was prepared by Drs. Bruce MacBryde and Charles W. Dane, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*, 87 Stat. 884, as amended).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, and Treaties.

Regulation Promulgation

PART 23—ENDANGERED SPECIES CONVENTION

Accordingly, for the reasons set out above in this document, Part 23, Subpart C of Title 50 (Chapter I, Subchapter B) of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

2. Section 23.23 is amended by revising paragraph (d) introductory text to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

* * * * *

(d) Unless specified otherwise, all living or dead animals and plants in Appendix I, II or III, and all their readily recognizable parts and derivatives, are subject to the regulations of this Part. Excluded are specified parts or derivatives of particular Appendix III animal species and Appendix II and Appendix III plant species as indicated in the listings of those taxa in subsection (f) below; furthermore, the following specified parts or derivatives of certain plants are categorically excluded or exempted:

* * * * *

3. Section 23.23(f) is amended by adding the following entry between the entries for Swietenia humilis and Swietenia mahagoni under the plant family Meliaceae:

* * * * *

(f) * * *

Species	Common name	Appendix	First listing date (month/day/year)
Plant kingdom—Family meliaceae:	Plants—Mahogany family.		
* * *	* * *		*
Swietenia macrophylla populations in the Americas (including saw-logs, sawn wood, and veneers, but no other parts or derivatives, *e.g.,* products).	Bigleaf mahogany	III (Costa Rica).	11/16/95
* * *	* * *		*

Dated: January 22, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–3366 Filed 2–21–96; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 61, No. 36
Thursday, February 22, 1996

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Issuance of Report on the NRC Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of NRC Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the *NRC Regulatory Agenda* for the period covering June through December of 1995. This agenda provides the public with information about NRC's rulemaking activities. The NRC Regulatory Agenda is a compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition. Issuance of this publication is consistent with Section 610 of the Regulatory Flexibility Act.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–936), Vol. 14, No. 2, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 512–2249 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: (301) 415–7163, toll-free number (800) 368–5642.

Dated at Rockville, Maryland, this 12th day of February 1996.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–3941 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

10 CFR Parts 19, 30, 40, 50, 60, 61, 70, and 72

RIN 3150–AF45

Employee Protection Policies; Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations related to notices to workers and to employee protection policies. This action is necessary to require the use of an updated NRC Form 3, update a telephone number, and to clarify the applicability of employment discrimination policies.

DATES: Comments on the proposed rule must be received on or before March 25, 1996.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6196.

SUPPLEMENTARY INFORMATION:

For additional information see the Direct Final Rule published in the rules section of this Federal Register.

Procedural Background

Because NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently as a Direct Final Rule. The Direct Final Rule will become effective on April 22, 1996. However, if the NRC receives significant adverse comments on the Direct Final Rule by March 25, 1996, then the NRC will publish a document that withdraws the Direct Final Rule. If the Direct Final Rule is withdrawn, the NRC will address in a Final Rule the comments received in response to the proposed revisions. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action in the event the Direct Final Rule is withdrawn.

Electronic Access

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and databases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703–321–3339, or by using Telnet via Internet, fedworld.gov. If using 703–321–3339 to contact FedWorld, the NRC subsystem will be accessed from the

main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Special nuclear material.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for Part 19 continues to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282 2297f); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

2. The authority citation for Part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

4. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat 3123, (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C.

2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C 2237).

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN GEOLOGIC REPOSITORIES

5. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141) and Pub. L. 102–486, sec 2902, 106 Stat. 3123 (42 U.S.C. 5851).

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

6. The authority citation for Part 61 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851) and Pub. L. 102–486, sec 2902, 106 Stat. 3123, (42 U.S.C. 5851).

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

7. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

8. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

Dated at Rockville, Maryland this 7th day of February, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 96–3937 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products: Public Workshop on the Improvements of the Appliance Standards Rulemaking Process

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public workshop.

SUMMARY: The Department of Energy (the Department or DOE) will hold a public workshop to discuss possible initiatives that it will undertake to improve the appliance standards program. The issues for discussion and comment include those relating to the planning and prioritization process, data collection and analysis and decision making criteria. In addition, there may be other issues the participants will want to address. All persons are hereby given notice of the opportunity to attend the public workshop.

DATES: The public workshop will be held on Tuesday, March 19, 1996, from 9:00 a.m. to 4:30 p.m. and Wednesday, March 20, 1996, from 9 a.m. to 1 p. m.

ADDRESSES: The workshop will be held at the Embassy Suites Hotel (Crystal City), 1300 Jefferson Davis Highway, Arlington, VA 22202.

Copies of the interview findings, stakeholders' comments, and this notice may be viewed at the DOE Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–6020 between the hours of 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–431, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–0371

Douglas W. Smith, U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–70, 1000 Independence Avenue, SW, Washington, DC 20585–0103, (202) 586–3410

Deborah Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–1, 1000 Independence Avenue, SW., Washington, D.C. 20585—0121, (202) 586–8888

SUPPLEMENTARY INFORMATION: The Department has initiated a comprehensive process improvement effort to examine, through a series of stakeholder meetings and interviews, issues surrounding the appliance standards program. The initial findings from these meetings and interviews will be the basis for discussion of possible initiatives the Department will undertake to improve the appliance rulemaking process.

A public workshop will be held on March 19 and March 20, 1996 at the Embassy Suites Hotel in Arlington, Virginia. The workshop topics will cover issues relating to the planning and prioritization process, data collection and analysis and decision making criteria.

The workshop agenda is as follows:

Tuesday, March 19

I. Summary of findings from stakeholder meetings and interviews followed by questions and answers.
II. Overview of proposed improvements presented by the Department followed by questions and answers.
III. Small group discussion of unresolved questions/topics.

Wednesday, March 20

I. The Department will present a proposed methodology for prioritizing the rulemaking agenda for discussion.

After completion of the workshop, the Department will review all of the findings and other recommendations. The Department plans to announce the initiatives it will undertake as a result of the appliance standards process improvement in April 1996.

The workshop will be professionally facilitated to encourage discussion and comments on the topics.

Copies of the interview findings, stakeholders' comments, and this notice are available in the DOE Freedom of Information Reading Room. A copy of the workshop transcript will be available in the DOE public reading room approximately 10 days after the workshop.

A briefing document will be sent to all participants that notify the Department in advance that they will attend. There will also be an opportunity to submit written comments after the workshop. Please notify Bryan Berringer at the above listed address of your intention to attend the workshop or if you have written comments.

Issued in Washington, DC February 14, 1996.

Brian T. Castelli,

Chief of Staff, Energy Efficiency and Renewable Energy.

[FR Doc. 96–4021 Filed 2–21–96; 8:45 am]

BILLING CODE 6450–01–P

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10 CFR Part 834

[Docket No. EH–RM–93–834]

RIN 1901–AA38

Radiation Protection of the Public and the Environment

AGENCY: Department of Energy.

ACTION: Notice of limited reopening of the comment period.

SUMMARY: On March 25, 1993, DOE published a Notice of Proposed Rulemaking to add a new part establishing standards for the protection of the public and the environment against exposure to radiation from conduct of DOE activities. The purpose of this notice is to reopen the comment period for 30 days in order to solicit comments on an option being considered to protect terrestrial plants and animals from exposure to radiation. This option is being considered in light of comments received which recommended that radiation protection be required for terrestrial organisms in a manner similar to that proposed for aquatic organisms.

DATES: The comment period expires March 25, 1996. Comments received after this date will be considered if it is practical to do so, but the Department is able to ensure consideration of only those comments received on or before this date.

ADDRESSES: Written comments on 10 CFR Part 834 (11 copies) should be addressed to: PART 834, Mr. Andrew Wallo, U.S. Department of Energy, Office of Environment, Safety and Health, EH–412, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

PUBLIC READING ROOM: Copies of the March 25, 1993 Notice of Proposed Rulemaking; written comments received on the March 25, 1993 Notice; the August 31, 1995 Notice of Limited Reopening of Comment Periods; the draft regulatory language made available by the August 31, 1995 Notice; the September 13, 1995 corrected Notice; written comments received on the August 31, 1995 Notice; and the December 1995 Workshop Report are contained in Docket No. EH–RM–93–834. This docket is available for examination in DOE's Freedom of Information Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–6020, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Wallo, or Mr. Harold T. Peterson, Jr., U.S. Department of Energy, Office of Environment, Safety and Health, EH–412, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–2409, fax (202) 586–3915.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 1993, the Department published a Notice of Proposed Rulemaking (58 FR 16268) to codify, in a new part, the Department's policies and procedures for protecting the public and the environment against exposure to radiation resulting from activities conducted by or for the Department (hereafter referred to as the Proposed Rule). The Proposed Rule would adopt dose limits for exposure of members of the public to radiation and require the reporting of doses above specified levels. It would also require the assessment of all releases of radioactive material and all doses and potential doses to the public from DOE activities to ensure that they are managed in accordance with the Department's ''as low as is reasonably achievable'' (ALARA) policy.

Among the dose limits proposed were limits intended to protect native aquatic animal organisms. Subpart F proposed an absorbed dose limit of 1 rad/day (0.01 Gray/day) for aquatic animal organisms from exposure to radiation or radioactive material discharged in liquid waste to natural waterways. The limit was derived from the Department's order DOE 5400.5 and a report of the National Council on Radiation Protection and Measurements (NCRP).[1]

A public hearing on proposed 10 CFR Part 834 was held on May 13, 1993 in Germantown, Maryland and the 60-day comment period closed on June 22, 1993.

Comments received on Subpart F of the Proposed Rule regarding aquatic organisms recommended expanding the rule to include terrestrial biota (both plant and animal organisms) in order to provide consistent regulation of radiation exposure to biota.

In June of 1994, DOE sponsored a Workshop on the Effects of Ionizing Radiation on Terrestrial Plants and Animals. This workshop was attended by experts in radioecology and ecological risk assessment. The purpose of the workshop was twofold: (1) to review a 1992 International Atomic Energy Agency (IAEA) report[2] on protecting terrestrial plants and animals from radiation and (2) to determine if there was sufficient information to support setting standards for protection of terrestrial biota from ionizing radiation. The workshop resulted in a published report summarizing its consensus findings and conclusions.[3]

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[1] National Council on Radiation Protection and Measurements (NCRP), ''Effects of Ionizing Radiation on Aquatic Organisms,'' NCRP Report No. 109 (August 30, 1991). Available for sale from the National Council on Radiation, Protection and Measurements, 7910 Woodmont Avenue, Bethesda, MD 20814.

[2] International Atomic Energy Agency (IAEA), ''Effects of ionizing radiation on plants and animals at levels implied by current radiation protection standards.'' IAEA Technical Report No. 332, Vienna:IAEA (1992), Available for sale from UNIPUB, Inc., 4611–F Assembly Drive, Lantham, MD 20706–4391 (301–459–7666).

[3] Barnthouse, L. W., ''Effects of Ionizing Radiation on Terrestrial Plants and Animals: A Workshop Report.'' Martin Marietta Energy Systems. Oak

Continued

The workshop participants concluded that the 0.1 rad/day (0.001 Gray/day) limit for terrestrial animals and the 1 rad/day (0.01 Gray/day) limit for terrestrial plants recommended by the IAEA were adequately supported by the available scientific literature. The participants determined that existing data support the application of the dose limits for populations of terrestrial organisms to *representative* rather than *maximally exposed* individuals. Doses within the limits to representative members of a population would not be expected to cause adverse effects on such populations. Workshop participants further agreed with the IAEA report that protecting humans generally protects plants and animals except when: (1) Human access is restricted but access by biota is not restricted, (2) unique exposure pathways exist for plants and animals that do not affect exposure of humans, (3) rare or endangered species are present, or (4) other stresses on the population are significant. In such cases, site-specific evaluations were recommended to ensure that plants and animals were being protected.

On August 31, 1995, DOE published a Notice of Limited Reopening of Comment Periods (60 FR 45381), corrected September 13, 1995 (60 FR 47498), of the draft final rule, 10 CFR Part 834 (the Notice), for public review and comment. The Notice specifically requested comment on Subpart F, ''Requirements for the Protection of Biota,'' concerning dose limits for aquatic animals. The regulatory language made available by the Notice reserved a section for requirements for the protection of terrestrial plants and a section for the protection of terrestrial animals. The comment period ended October 13, 1995.

Commenters on the dose limit in Subpart F agreed that populations of aquatic animal organisms would be protected under the draft final rule. Commenters also indicated, however, that similar protection for terrestrial organisms should be developed under this rule and that the currently reserved paragraphs, § 843.232 for terrestrial plants and § 834.233 for terrestrial animals, be included in the current rulemaking. The comments support the concepts in the current scientific literature which are summarized in the 1992 IAEA Report No. 332 [2] and the DOE-sponsored workshop report.[3]

Based on comments received supporting the inclusion of terrestrial plants and animals and the findings and conclusions of the Workshop on the Effects of Ionizing Radiation on Terrestrial Plants and Animals, the Department is considering the option of including in 10 CFR Part 834 a section, 834.232, which would contain dose limits for the protection of terrestrial plants; a section, 834.233, which would contain dose limits for the protection of terrestrial animals; and a section, 834.234, which would require a demonstration of compliance. The demonstration of compliance section would allow for a graded approach for compliance with §§ 834.231, 834.232, and 834.233 to take into consideration various degrees of potential exposure of plants and animals to radionuclides in the aquatic and terrestrial environments. This approach recognizes the concept that if humans are protected, aquatic and terrestrial biota are protected as well and that special measures for protecting plants and animals are, therefore, not needed under such conditions. However, in situations where (1) the protection of humans is achieved by controlling access to contaminated areas without commensurate restrictions of access by biota, (2) unique exposure pathways exist for plants and animals that do not affect exposure of humans, (3) rare or endangered species are present, or (4) other stresses on the population are significant, additional evaluations or measures may be required to protect biota.

Based on the similarity of approach between the methods of regulating exposure to aquatic and terrestrial organisms, the Department is considering the option of including the requirements for protection of terrestrial organisms in the final rule in 10 CFR Part 834 at the same time as the final rule is issued.

Summary of Provisions for Protection of Biota

The Department is considering the option of including the following provisions in Subpart F of proposed 10 CFR Part 834 for the Protection of Biota. Under § 834.231, aquatic animals would be protected by requiring that a DOE activity shall be conducted in a manner such that the absorbed dose to aquatic animals (e.g., fish, mollusk, crustacean or any other aquatic invertebrate) would not exceed 1 rad (0.01 Gray) per day from exposure to radiation or radioactive material released into the aquatic environment.

Terrestrial plants, pursuant to § 834.232, would be protected by requiring that a DOE activity shall be conducted in a manner such that the absorbed dose to terrestrial plants (e.g., fern, conifer, or flowering plant) would not exceed 1 rad (0.01 Gray) per day from exposure to radiation or radioactive material released into the terrestrial environment.

Terrestrial animals, pursuant to § 834.233, would be protected by requiring that a DOE activity shall be conducted in a manner such that the absorbed dose to terrestrial animals (e.g., amphibian, reptile, bird, or mammal) would not exceed 0.1 rad (0.001 Gray) per day from exposure to radiation or radioactive material released into the terrestrial environment.

Compliance under § 834.234(a) would be demonstrated by: (1) estimating the absorbed dose to a representative aquatic or terrestrial organism, or to models of hypothetical organisms chosen to represent populations or whole communities of such organisms; (2) using secondary effluent or environmental concentration-based screening criteria derived by calculating doses to a representative organism; or (3) meeting the conditions of § 834.234(c). Site-specific analyses would be required in some cases pursuant to § 834.234(a)(1) and (2).

Endangered species under § 834.234(b) would be protected (1) by providing that, unless the conditions of § 834.234(c) are met, potential doses to a hypothetical maximally exposed plant or animal shall be evaluated to confirm whether measures taken to protect populations of non-endangered species would be adequate for the protection of endangered species, or (2) if the requirements of § 834.234(b)(1) cannot be ensured, by implementing remedial measures.

Pursuant to § 834.234(c), no analysis of exposure to terrestrial or aquatic biota would need to be performed if the potential exposure to radionuclides in the aquatic or terrestrial environments were such that a human could continuously inhabit the location of the contaminated media, ingest the water and food grown on the media, and the potential dose would not exceed the limit for members of the general public (100 mrem or 1 mSv per year) in Subpart B of the Proposed Rule, § 834.101. If this dose limit is not exceeded, the biota may be considered protected and no analysis of exposure to the biota would need to be performed.

Request for Comments

Comments are invited on whether the proposed dose limits are adequate to protect terrestrial and aquatic

Ridge National Laboratory Report, ORNL/TM–13141 (December 1995). Copies are available for sale from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. This report is also available in the docket for this rulemaking.

organisms. In evaluating these limits, it should be noted that the proposed dose limit for protection of members of the general public (100 mrem or 1 mSv per year) is equivalent to 0.00027 rad per day and, where exposure of humans can occur, would be far more restrictive than the proposed dose limits for terrestrial or aquatic organisms. The Department urges interested members of the public to comment on the important issues discussed above. Comments submitted previously in response to the Department's August 31, 1995 and September 13, 1995 Notices need not be resubmitted.

Issued in Washington, D.C. on February 15, 1996.

Tara O'Toole,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 96–4022 Filed 2–21–96; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Proposed rule and request for comments.

SUMMARY: The Federal Trade Commission (''Commission'') proposes to amend its Appliance Labeling Rule (''the Rule''), 16 CFR Part 305 (1995), to permit the placement of energy use labels required by the Canadian and Mexican governments in a local ''directly adjoining'' the Rule's required ''EnergyGuide'' label. Currently, the Rule prohibits the affixation of non-required information ''on or directly adjoining'' the EnergyGuide. The relaxation of this prohibition would further the goal of the North American Free Trade Agreement (''NAFTA'') to make compatible the standards-related measures of the signatories to facilitate trade in a good or service among the parties. Moreover, the amendment would result in considerable savings for the appliance manufacturing industry. The Commission seeks written data, views, and arguments concerning this proposal.

DATES: Written comments must be submitted on or before April 8, 1996.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Federal Trade Commission, Room 159, Washington, D.C. 20580, 202–326–2506, and should be submitted, when feasible and not burdensome, in five copies. Envelops and comments should be marked: ''Appliance Labeling Rule comment.''

FOR FURTHER INFORMATION CONTACT: James G. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202–326–3035).

SUPPLEMENTARY INFORMATION: In a letter to the Commission's staff, the Whirlpool Corporation (''Whirlpool'') requested permission to use hang tag EnergyGuide labels that have the corresponding ''EnerGuide'' appliance energy use label required by Canada printed on the reverse side. Whirlpool also asked to use a ''same side'' approach, which a Whirlpool representative clarified as meaning a single stick-on or hang tag label consisting of the Commission's EnergyGuide immediately next to (or above) the appropriately corresponding Canadian EnerGuide, or the appliance energy use label required by Mexico, or both labels.

In support of its request, Whirlpool stated that the continued existence of separate appliance labeling requirements among U.S., Canada, and Mexico represents an obstacle to free trade among the signatories to NAFTA. Whirlpool contended that the consolidation of the labels required by the different countries onto a single piece of label stock would eliminate that obstacle. Whirlpool also stated that using such labels would save Whirlpool significant resources by reducing the number of separate U.S. and Canadian models of appliances that Whirlpool produces and by reducing labeling expenses.

Section 305.11(a)(5)(i)(K) of the Rule, 16 CFR 305.11(a)(5)(i)(K), states that: No marks or information other than that specified in this Part shall appear on *or directly adjoining* [the EnergyGuide] label except for a part or publication number identification, as desired by the manufacturer. * * * [emphasis added]

The language in this section pertains to labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, and room air conditions. Identical language appears in two other sections relating to labels for furnaces and pool heaters (16 CFR 305.11(a)(5)(ii)(I) and central air conditioners (16 CFR 305.11(a)(5)(iii)(H)(1)). The purpose of this prohibition was to avoid having other information detract from the EnergyGuide label. The prohibition was not specifically directed at labels required by other countries.[1]

The Commission is considering whether permitting side-by-side or back-to-back labeling would be confusing to consumers, and thereby reduce the effectiveness of the EnergyGuide. For example, three labels side by side might create information overload, resulting in consumers ignoring the information. But, the Commission believes that consumers may realize that only one label is pertinent to U.S. consumers (because the Canadian label is in English and French, and the Mexican label is in Spanish [2]). The Commission's label also says in two places that the information on the label is derived from U.S. government standard tests and utility costs. Further, unlike in the past, the U.S. and Canada, and, to a slightly lesser extent, Mexico, now use compatible test procedures for identifying energy use, and require information to be reported in terms of kilowatt-hour use per year. Thus, the information being disclosed on each country's label is similar and this may make the possibility of confusion less likely.[3] Moreover, U.S. consumers are already seeing Canadian labels on some appliances (especially in the northern states), and possibly Mexican labels, although not directly adjoining the EnergyGuide. And, on many packages, instruction manuals, and labels, it is common to see information presented in more than one language because the products are shipped to multiple countries. The Commission believes that, in this increasingly global marketplace, consumers may not be confused or misled by the presence of multiple appliance energy use labels, as long as they can clearly distinguish

[1] Although this language prohibits the types of labeling practices that Whirlpool has asked permission to use, manufacturers, of course, can place the appliance energy labels of other countries, or any other labels, in locations on their products that are not ''on or directly adjoining'' the EnergyGuide.

[2] To extent that U.S. residents speak and read only Spanish, the Mexican labels may convey useful information about energy consumption comparable to what is provided on the U.S. label.

[3] As amended, the Commission's Rule now requires labels that show a primary energy use disclosure of kilowatt-hour use per year for all the products for which it formerly required the disclosure of estimated annual operating cost (refrigerators, freezers, clothes washers, dishwashers, and water heaters). And, the regulations of the three countries require disclosure of an energy efficiency number for room air conditioners. Thus, the appliance labeling regulations of all three NAFTA signatories now require the same primary descriptors of energy use. This reduces the possibility for consumers confusion resulting from labels on the same product that show energy use in different terms.

which one is intended for the U.S. audience.

Accordingly, the Commission believes that it may be beneficial to permit appliance manufacturers to combine the appliance energy labels required by the U.S., Canada, and Mexico. First, allowing the use of a single label consisting of two (or three) labels printed on the same label stock, would be consistent with the NAFTA goal of removing unnecessary impediments to trade.[4] Second, multi-national labels could enable the appliance manufacturing industry to comply with the Commission's Rule and the appliance labeling rules of Canada and Mexico at considerably less expense. Therefore, the Commission proposes amending the Rule to permit energy use labels required by the other NAFTA signatories to adjoin the EnergyGuide directly. Manufacturers would still be prohibited from placing other information on or directly adjoining the EnergyGuide.

Section A—Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this document because the Commission presently believes that the amendments, if promulgated, ''will not have a significant economic impact on a substantial number of small entities'' (5 U.S.C. 605).

Because the amendments are not likely to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act and the rules implementing it, the Commission concludes, based on the information presently available, that a regulatory analysis is not now necessary. The Commission requests, however, information on whether the proposed amendments would have a significant impact on a substantial number of small entities. After reviewing any comments received on this subject, the Commission will decide whether the preparation of a final regulatory flexibility analysis is appropriate.

In light of the above, the Commission certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments proposed today would not, if promulgated, have a significant impact on a substantial number of small entities.

Section B—Paperwork Reduction Act

The proposed amendments would not expand the Appliance Labeling Rule's existing recordkeeping and reporting requirements. Because there would be no increase in burden hours, the Commission is not requesting that the Office of Management and Budget adjust the existing clearance for the Appliance Labeling Rule (OMB No. 3084–0069) under the Paper Reduction Act (44 U.S.C. 3501 *et seq.*). To substantiate the accuracy of its reporting burden estimate, however, the Commission requests comment on the extent of the reporting burden associated with these amendments.

Section C—Invitation To Comment

Interested persons are hereby notified that they may comment on any issue of fact, law or policy that may bear upon the proposed amendments. Although the Commission welcomes comments on any aspect of the proposed amendments, the Commission is particularly interested in comments on the questions in Section D, below. All comments should be referenced specifically to either the Commission's questions or the section of the proposed rules being discussed.

The Commission requests the commenters provide representative factual data. Individual firms' experiences are relevant to the extent they typify industry experience, in general, or that of similar-sized forms. Comments opposing the proposed amendments should, if possible, suggest a specific alternative. Proposals for alternative regulations should include reasons and data that indicate why the alternatives would better serve the purposes of the proposed amendments. Comments should be supported by a full discussion of all the relevant facts and/or be based directly on firsthand knowledge, personal experience or general understanding of the particular issues addressed by the proposed rules.

Before adopting these proposed amendments as final, the Commission will give consideration to any written comments timely submitted to the Secretary. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and Commission regulations, on normal business days between the hours of 8:30 a.m. and 5 p.m. at the Public Reference Room (Room 130), Federal Trade Commission, 5th Street and Pennsylvania Ave., NW., Washington, DC 20580.

Section D—Questions and Issues

Interested persons are invited to address any questions of fact, law or policy that they believe may bear upon the proposed amendments. The questions concerning issues upon which the Commission particularly desires comment, however, are listed below.

1. Would allowing energy use labels required by the Canadian or Mexican governments to be placed next to the U.S. EnergyGuide be likely to detract from the effectiveness of the EnergyGuide or cause consumer confusion?

2. Should the Commission limit the information that the amendments would permit to be placed ''directly adjoining'' the EnergyGuide only to *energy use disclosures* required by the governments of Canada and Mexico? For example, should the amendments permit additional information required by the governments of Canada and Mexico, such as environmental or safety-related information, also to be placed ''directly adjoining'' the EnergyGuide?

3. Should the Commission limit the amendments to apply to energy use (or other) information required only by the governments of Canada and Mexico, or should the amendments permit energy use (or other) information required by the governments of all other nations?

Section E—Proposed Amendments

For the reasons discussed above, the Commission proposes the amendments below to sections 305.11(a)(5)(i)(K) (16 CFR 305.11(a)(5)(i)(K)), 305.11(a)(5)(ii)(I) (16 CFR 305.11(a)(5)(ii)(I)), and 305.11(a)(5)(iii)(H)(1) (16 CFR 305.11(a)(5)(iii)(H)(1)) of the Rule to permit (but not require) appliance manufacturers to place the energy use disclosure labels required by the governments of Canada and Mexico in a location directly adjoining the Commission's Energy Guide.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

[4] The Commission has worked closely with representatives of the Canadian EnerGuide program over the past two years to explore regulatory harmonization under NAFTA. Canada, like the Commission, has been reviewing its appliance labeling rule, and each country has considered the research and changes being considered by the other. More recently, representatives of the Mexican government have joined in this dialogue. Although the Commission intends to continue this cooperative pursuit of tri-lateral harmonization to determine whether a single label can be designed that effectively fulfills the requirements of all three countries, amending the Rule now to provide manufacturers greater flexibility in labeling practices is an interim step for facilitating trade.

Authority: 42 U.S.C. 6294.

2. It is proposed that section 305.11(a)(5)(i)(K) be revised to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *
(5) * * *
(i) * * *

(K) No marks or information other than that specified in this part shall appear on or directly adjoining this label, except a part or publication number identification may be included on this label, as desired by the manufacturer, and the energy use disclosure labels required by the governments of Canada or Mexico may appear directly adjoining this label, as desired by the manufacturer. If a manufacturer elects to use a part or publication number, it must appear in the lower right-hand corner of the label and be set in 6-point type or smaller.

* * * * *

3. It is proposed that section 305.11(a)(5)(ii)(I) be revised to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *
(5) * * *
(ii) * * *

(I) No marks or information other than that specified in this part shall appear on or directly adjoining this label, except a part or publication number identification may be included on this label, as desired by the manufacturer, and the energy use disclosure labels required by the governments of Canada or Mexico may appear directly adjoining this label, as desired by the manufacturer. If a manufacturer elects to use a part or publication number, it must appear in the lower right-hand corner of the label and be set in 6-point type or smaller.

* * * * *

4. It is proposed that section 305.11(a)(5)(iii)(H)(1) be revised to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *
(5) * * *
(iii) * * *
(H) * * *

(1) No marks or information other than that specified in this part shall appear on or directly adjoining this label, except a part or publication number identification may be included on this label, as desired by the manufacturer, and the energy use disclosure labels required by the governments of Canada or Mexico may appear directly adjoining this label, as desired by the manufacturer. If a manufacturer elects to use a part or publication number, it must appear in the lower right-hand corner of the label and be set in 6-point type or smaller.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–4004 Filed 2–21–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–95–57]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations governing the operation of the NASA railroad bridge, mile 876.6, at Kennedy Space Center, by removing the authorization for automatic operation and returning the draw to manual operation. A change in ownership of the rail line prompted the bridgeowner to implement on site manual operation of this drawbridge approximately 8 years ago.

DATES: Comments must be received on or before April 22, 1996.

ADDRESSES: Comments may be mailed to Commander (oan), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131–3050, or may be delivered to room 406 at the above address between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (305) 536–4103.

The Commander, Seventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Walter Paskowsky, Project Manager, Bridge Section, at (305) 536–4103.

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 [CGD07–95–57] and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments received.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Mr. Walt Paskowsky at the address under **ADDRESSES**. The request should include 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 public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

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

Background and Purpose

The draw of the NASA railroad bridge, mile 876.6, at Kennedy Space Center was placed on automatic remote controlled operation by the Florida East Coast Railroad when it was put into service in February 1964. Under remote operation the span is normally in the open position displaying flashing green signals to allow the movement of water traffic. When a train approaches the bridge the lights go to flashing red, a horn sounds 4 blasts, paused, then repeats 4 blasts. After an 8 minute delay the draw lowers and locks, providing scanning equipment reveals nothing under the draw. The draw remains down for a period of 8 minutes or while the approach track circuit is occupied. After the train clears, the draw opens and the lights return to flashing green.

The automatic remote control method was discontinued in 1984 when the ownership of the bridge was transferred from the Florida East Coast Railroad to the Kennedy Space Center (NASA). The purpose of the change is to describe in the regulations how the bridge is actually being operated.

Discussion of Proposed Amendment

Under the proposal, the draw would normally be in the fully open position displaying flashing green lights to

indicate that vessels may pass. When a train approaches the bridge it must stop and the train operator must initiate a command to lower the bridge. The lights would go to flashing red and the draw would lower and lock providing scanning equipment reveals nothing under the draw. The draw would remain down until a manual raise command is initiated, or it would raise automatically 5 minutes after the intermediate track circuit is no longer occupied by a rail car. After the train has cleared, the lights would return to flashing green.

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) (44 FR 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 of the infrequent operation of the draw.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

Because it expects the impact of the proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, 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 for inspection and copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 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. § 117.261 is amended by revising paragraph (j) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St Marys River to Key Largo.

* * * * *

(j) *NASA Railroad bridge, mile 876.6 at Kennedy Space Center.* (1) The draw 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 must stop and the operator initiates a command to lower the bridge. The lights go to flashing red and the draw lowers and locks providing scanning equipment reveals nothing under the draw. The draw remains down until a manual raise command is initiated, or will raise automatically 5 minutes after the intermediate track circuit is no longer occupied by a rail car.

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

* * * * *

Dated: February 5, 1996.

Roger T. Rufe, Jr.,

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

[FR Doc. 96–3894 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4E3060/P641A; FRL–5352–1]

RIN 2070–AC18

Pesticide Tolerance for 2,4-D; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA is reopening the period for receiving comments on the proposed pesticide tolerance for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) in or on the raw agricultural commodity soybeans. The original comment period expired on February 16, 1996. EPA is reopening the comment period to allow the usual thrity days for receipt of comments.

DATES: Comments, identified by the docket number, [PP 4E3060/P641], must be received on or before March 8, 1996. The proposed tolerance would expire on December 31, 1998.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1

file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 4E3060/P641]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, Product Manager (PM 23), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)–305–6224.

A record has been established for this rulemaking under docket number [PP 4E3060/P641] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or establishing exemptions from tolerance requirements do not have a significant impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated:February 15, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–4146 Filed 2–20–96; 2:39 pm]

BILLING CODE 6560–50–F

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40 CFR Part 261

[FRL–5427–6]

Extension of Comment Period for the Proposed Hazardous Waste Identification Rule (HWIR)

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is extending the comment period for the proposed Hazardous Waste Identification Rule (HWIR), which appeared in the Federal Register on December 21, 1995 (60 FR 66344). The extension is necessary for two reasons: the first is the government shutdown during the original comment period which did not allow commentors to review the background documentation supporting the rulemaking and the second is the Agency has received an overwhelming number of requests for comment period extensions due to the complexity of the proposed rulemaking. The public comment period for this proposed rule was to end February 20, 1996. The comment period is extended to April 22, 1996.

DATES: EPA will continue to accept public comments on the proposed Hazardous Waste Identification Rule until April 22, 1996.

ADDRESSES: The public must send an original, two copies, and whenever possible, a 3.5 inch computer disk containing the comments in a common word processing format such as WordPerfect version 5.1 to: EPA RCRA Docket (5305W), 401 M Street, S.W., Washington, D.C. 20460.

Place ''Docket number F–95–WHWP-FFFFF'' on your comments. The RCRA docket is located at: EPA's Crystal Gateway Office, 1235 Jefferson Davis Highway, Arlington, Virginia.

and is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (703) 603–9230. The public may copy material from any regulatory docket at a cost of $0.15 per page. Copies of the background documents, Integrated Risk Information System (IRIS) chemical files, and other references (which are not readily available) are available for *viewing and copying only* in the RCRA docket.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424–9346 or at (703) 412–9810. For technical information contact Mr. William A. Collins, Jr., Mr. Greg Helms, Ms. Pamela McMains, or Ms. Tracy Atagi, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–8100.

SUPPLEMENTARY INFORMATION: The proposed rule was issued under the authority of sections 2002(a), 3001, 3002, 3004 and 3006 of the Resource Conservation and Recovery Act (RCRA). EPA proposed to amend its regulations under the Resource Conservation and Recovery Act (RCRA) by establishing constituent-specific exit levels for low-risk solid wastes that are designated as hazardous because they are listed, or have been mixed, derived from, or contain listed hazardous wastes. See 60 *FR* 66344 (December 21, 1995) for a more detailed explanation of the proposed rule.

Extension of Comment Period

The comment period for this proposed rule was scheduled to end on February 20, 1996. However, the RCRA Docket was closed due to the partial government shutdown from December 15, 1995 until January 6, 1996, and from January 8 until January 12, 1996 due to inclement weather. As a result of the partial government shutdown and snow closures, background documents located in the RCRA Docket were available to the public for only one day during the first three and one-half weeks of the public comment period. Similarly, during the same period EPA personnel were unavailable to answer questions about the notice of proposed rulemaking or to make other arrangements to obtain documents relevant to the rulemaking.

This severely reduced the effectiveness of the first half of the 60-day comment period.

EPA has also received requests for comment period extensions on other grounds. The notice proposed ''exit values'', or specific concentrations at which chemicals pose only low risk to human health or the environment, for over 400 chemicals found in hazardous wastes currently regulated under RCRA. See 60 *FR* 66349–66380. The risk assessment used to generate the exit values is unusually complex. EPA has received at least seven written requests to extend the comment period by up to 120 days. The requestors believe such extensions are essential to allow them to analyze the risk assessment and prepare meaningful comments.

EPA determined that it needed to extend the comment period by a total of 60 days to provide an adequate opportunity for public participation in this rulemaking. EPA is therefore extending the comment period for this rulemaking to April 22, 1996.

Dated: February 15, 1996.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 96–3844 Filed 2–20–96; 11:50 a.m.]

BILLING CODE 6560–50–P–M

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40 CFR Part 300

[FRL–5428–3]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Amnicola Dump Superfund Site, Chattanooga, Tenn., from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Amnicola Dump Site from the National Priorities List (NPL) and request public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Tennessee Department of the Environment & Conservation have determined that the Site poses no significant threat to public health or the environment, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments must be submitted by March 25, 1996.

ADDRESSES: Comments may be mailed to: Robert West, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia, 30365.

Comprehensive information on this Site is available for viewing through the site information repositories at the following locations:

Chattanooga Hamilton County Bicentennial Library, Local History Department, 1001 Broad Street, Chattanooga, TN 37402.

U.S. EPA Record Center, 345 Courtland Street NE., Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: Robert West, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia, 30365, 404–347–3555 Ext. 2033 or 1–800–435–9233 Ext. 2033.

SUPPLEMENTARY INFORMATION:

Introduction

The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Amnicola Dump Site from the National Priorities List (NPL), Appendix B of National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or environment and maintains the NPL as the list of these sites.

As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the Federal Register.

NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from the NPL where no further response is appropriate. EPA, in consultation with the State of Tennessee, has concluded that the Amnicola Dump Site meets the following criteria for site deletion:

(i) Responsible parties have implemented all appropriate response actions required; and

(ii) All appropriate response under CERCLA has been implemented.

Even if a site is deleted from the NPL, where hazardous substances remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is significant release from a site deleted from the NPL, the site may restored to the NPL without the application of the Hazardous Ranking System.

Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 4 issued a Final Close Out Report which addressed the Site conditions, quality assurance and control during construction, and technical criteria for satisfying the completion requirements; (2) a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and (3) all relevant documents have been made available for public review in the local Site information repositories.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligation. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in Section VI of this document, § 300.425(e)(30) of the NCP states that deletion of a Site does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments of EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

Basis For Intended Site Deletion

The following site summary is the Agency's rationale for the proposal to delete Amnicola Dump from the NPL.

A. Site Background and History

The Site is an 18-acre inactive construction debris disposal area located in Chattanooga, TN. From mid-1970 to 1973, the Site was operated as a construction debris disposal area by the city of Chattanooga. The debris disposed included 25 percent or less

household-type waste. A substantial portion of the wood waste taken to the Site during this period was incinerated by an air-curtain destructor with the ashes placed on-site. Approximately 12 acres of the 18-acre site were eventually filled.

Consolidated Latex, Inc., formerly located on the south border of the Site, allegedly disposed of latex waste in the southwest corner. In 1971, the Tennessee-American Water Company noted the dumping of latex waste as well as the presence of a strong styrene-like odor during one leachate sampling event. Concern arose because of the proximity of the water company's intake from this leachate stream and alleged latex disposal location. Latex waste is the only industrial waste reportedly disposed at the Site. In May 1971, EPA recommended closure of the Site.

B. Remedial Planning Activities

The State of Tennessee conducted a site visit in July 1979, and noted that the Site was in good overall condition; however, some discoloration of water was observed in one of the drainage ditches. EPA recommended an evaluation of historical water data and further water sampling.

Sampling of a leachate stream indicated the presence of trichloroethylene, vinyl chloride, and 1,2 transdichloroethyleno. The Site was finalized on the NPL in September 1983.

A Remedial Investigation (RI) of the Site commenced in July 1987; EPA conducted this RI to determine the nature and general extent of Site contaminants. A Feasibility Study (FS) was also conducted by EPA to evaluate alternatives for Site cleanup. Sampling data from the RI indicated that some surface soils on the Site contained concentrations of Polynuclear Aromatic Hydrocarbons (PAHs) above acceptable health based levels.

On March 30, 1989, EPA issued a Record of Decision (ROD) for the Site which selected a remedy for the contamination detected. The major remedy components selected for the Site consisted of excavation of surface soil and debris, solidification of the surface soil, and groundwater monitoring.

C. Remedial Construction Activities

On-Site excavation of contaminated soil and debris started on August 5, 1993, and the material was shipped off-site for disposal. The excavated material included pieces of creosote ties, asphalt chips, bricks, concrete, contaminated soil and other debris. Excavation was completed on August 5, 1993, and confirmatory cleanup samples were taken. Once the confirmatory samples indicated that the excavated area no longer contained soil levels over the cleanup goal, the area was then filled with crushed stone for easy identification.

The final inspection was performed on September 2, 1993. The inspection was performed by EPA and Tennessee Department of Environment and Conservation (TDEC) representatives. It was determined that the Remedial Action had been successfully executed.

Confirmatory soil sampling taken before and after the soil removal has demonstrated that contaminant levels in the surface soil are now below the cleanup goal. Results of the sampling can be seen in the August 1993, Remedial Design Report and the September 1993, Remedial Action Report. No Site contaminants have been detected in the groundwater above the levels established in the ROD.

D. Community Relations Activities

The Region 4 Community Relations staff along with the Site project manager conducted an active campaign to ensure that the local residents were well informed about the different activities occurring at the Site. Community relations activities included the development of Community Relations Plans, holding public meetings, and routine publications of progress report fact sheets. Site information was placed at a local repository located in the Chattanooga/Hamilton County Bicentennial Library.

E. Summary of Operation and Maintenance

Since all surface soil above the cleanup goal has been removed, and as no operating systems or containment measures were necessary, Operation and Maintenance (O&M) of the Site is not required. Site Institutional Controls were defined in the Consent Decree to place deed restrictions on the property.

F. How Amnicola meets NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from the NPL where no further response is appropriate. EPA, in consultation with the State of Tennessee, has concluded that the Amnicola Dump Site meets the following criteria for site deletion:

(i) Responsible parties have implemented all appropriate response actions required; and

(ii) All appropriate response under CERCLA has been implemented.

G. State Concurrence To Delete Amnicola Dump Site

EPA, in consultation with the State of Tennessee, has concluded that the Amnicola Dump Site meets the following criteria for site deletion: (1) Responsible parties have implemented all appropriate response actions required; and (2) All appropriate response under CERCLA has been implemented. EPA and the State of Tennessee believe that the above listed criterion for deletion has been met. Subsequently, EPA is proposing deletion of Amnicola Dump Site from the NPL. Documents supporting this action are available from the docket.

Dated: February 7, 1996.

Phyllis P. Harris,

Acting Regional Administrator, U.S. EPA Region 4.

[FR Doc. 96–4032 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5428–2]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Gallaway Pits Superfund Site, Fayette County, Tennessee from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Gallaway Pits Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Tennessee Department of the Environment and Conservation (TDEC) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments must be submitted by March 25, 1996.

ADDRESSES: Comments may be mailed to: Robert West, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Comprehensive information on this Site is available for viewing through the site information repositories at the following locations:

Gallaway City Hall, 607 Watson Drive, Gallaway, TN 38036.

U.S. EPA Record Center, 345 Courtland Street NE., Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: Robert West, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia, 30365, 404–347–3555 EXT. 2033, or 1–800–435–9233, EXT 2033.

SUPPLEMENTARY INFORMATION:

Introduction

The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Gallaway Pits Site from the National Priorities List (NPL), Appendix B of National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the Federal Register.

NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. EPA, in consultation with the State of Tennessee, has concluded that the Gallaway Pits Site meets the following criteria for site deletion:

(i) All appropriate fund-financed response actions have been implemented; and

(ii) All appropriate response under CERCLA has been implemented.

Even if a site is deleted from the NPL, where hazardous substances remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazardous Ranking System.

Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 4 issued a Final Close Out Report which addressed the Site conditions, quality assurance and control during construction, and technical criteria for satisfying the completion requirements; (2) a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; (3) All relevant documents have been made available for public review in the local Site information repositories; and TDEC has concurred with the proposed deletion decision.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in Section VI of this Notice, Section 300.425(e)(3) of the NCP states that deletion of a Site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments of EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

Basis for Intended Site Deletion

The following site summary is the Agency's rationale for the proposal to delete Gallaway Pits Site from the NPL.

A. Site Background and History

The Gallaway Pits Site (five-acres) was extensively mined for sand and gravel, producing a landscape dotted with water-filled pits up to 50 feet deep. Sampling of the pond water and sediments showed elevated levels of pesticides. The groundwater samples did not reveal any contamination; however, potential existed for groundwater contamination because of the types and quantities of waste at the site.

In October 1983, the EPA conducted an emergency cleanup. The cleanup consisted of the excavation and off-site disposal of contaminated sludge and the on-site treatment of the pond water. The treatment process involved the carbon filtration of the pond water to limits established by the Tennessee Department of Health and Environment (TDHE), Division of Water Quality Control.

The Remedial Investigation Report included a sampling program for each of the potentially affected environmental media: surface water, sediment, surface soils, and groundwater. A quantitative risk assessment was performed for various contaminant exposure pathways. Based on the available data and risk assessment assumptions, the exposure pathways presented no unacceptable risks to human receptors. The only unacceptable risk presented by the Site was the potential risk to off-site ecology.

The Record of Decision (ROD) outlined the following selected remedial actions: (1) Dilution of water in ponds 1, 2, and 5 with city water to meet ambient water quality criteria and subsequent discharge to an unnamed tributary of Cane Creek; (2) excavation of contaminated sediments from ponds 2 and 5, and consolidation of these sediments in pond 1; (3) institutional controls, such as fencing around pond 1, restrictions on mining, and methods to ensure that future land uses are compatible with the selected remedy; (4) proper site closure under Subtitle C of RCRA, including capping of pond 1; and (5) operation and maintenance (O&M) activities that include groundwater monitoring and inspection and maintenance of the cap.

B. Remedial Planning Activities

A Remedial Design was performed in the field for the selected actions recommended by the ROD at the Site. Listed below are the design criteria: (1) Determine a kiln dust/sediment ratio for the solidification process; (2) determine the below grade excavation configuration to store the solidified waste; (3) design a RCRA cap over the below grade configuration; (4) determine the safety factor against bearing capacity failure of foundation soils underlying the solidified waste and RCRA cap; (5) perform an effective analysis of foundation soils to check for possible detrimental settlement of RCRA cap; and (6) design a drainage ditch system to collect and route runoff away from the RCRA cap.

C. Remedial Construction Activities

Construction activities were initiated in June 1987 at the site. The construction activities included: (1) Pond water sampling; (2) water evacuation of ponds; (3) solidification and excavation of pond sediments; (4) construction of the RCRA cap; (5) site closure and (6) monitoring well installation.

All of the completion requirements for this site have been met as required by OSWER Directive 9320.2–3C. Confirmatory ground water sampling at the site provides further assurance that the site continues to pose no threat to human health or the environment. The only remaining activity to be performed at the site is minor O&M that is guaranteed by the State of Tennessee.

D. Community Relations Activities

Residents near the Site are aware of activities that have taken place at Gallaway Pits. A public meeting was held on July 21, 1986, to present a summary of the RI/FS process and to explain the proposed remedies for the cleanup of the site. Fact sheets were prepared and distributed to the mailing list. Comments received during the public comment period were addressed in the responsiveness summary of the ROD. Because Gallaway Pits is a companion to the Arlington Blending Site, the residents of the community are kept informed through community relations efforts held concerning the Arlington Blending Site.

E. Summary of Operation and Maintenance

The State of Tennessee will implement the O&M plan that will ensure that the cap remains protective of public health, welfare and the environment. O&M activities will consist of scheduled inspections and periodic maintenance of the exclusion zone and periodic sampling of monitoring wells.

F. How Gallaway Pits Meets NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. EPA, in consultation with the State of Tennessee, has concluded that the Gallaway Pits Site meets the following criteria for site deletion:

(i) All appropriate fund-financed response actions have been implemented; and

(ii) All appropriate response under CERCLA has been implemented.

G. State Concurrence to Delete Gallaway Pits Site

Refer to Attachment I.

EPA, in consultation with the State of Tennessee, has concluded that the Gallaway Pits Site meets the following criteria for site deletion: (1) EPA and the State of Tennessee have implemented all appropriate response actions required; (2) All appropriate response under CERCLA has been implemented; and (3) the confirmation sampling done after the cap was completed shows that the Gallaway Site poses no significant threat to public health or the environment and, therefore, taking of further remedial measures is not appropriate. EPA and the State of Tennessee believe that the above listed criterions for deletion have been met. Subsequently, EPA is proposing deletion of the Gallaway Pits Site from the NPL. Documents supporting this action are available from the docket.

Dated: February 9, 1996.

Phyllis P. Harris,

Acting Regional Administrator, U.S. EPA Region 4.

[FR Doc. 96–4031 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 21 and 94

[ET Docket No. 95–183; PP Docket No. 93–253; DA 96–144]

Fixed Point-to-Point Microwave Service; 37.0–38.6 GHz and 38.6–40.0 GHz Bands and Implementation of Section 309(j) of the Communications Act—Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; extension of time.

SUMMARY: The Commission grants an extension for filing comments and reply comments in this proceeding on licensing and technical rules for fixed point-to-point microwave operations in the 37.0–38.6 GHz and 38.6–40.0 GHz bands. This action is taken due to the complexity of the issues raised in the NPRM and Order in ET Docket No. 95–183 and PP Docket No. 93–253, FCC 95–500, (January 26, 1996). The intended effect is to allow applicants an extended period of time in which to address the issues pressented in the NPRM and Order.

DATES: Comments are to be filed on or before March 4, 1996 and reply comments on or before April 1, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION, CONTACT: Jennifer Burton, Private Wireless Division, (202) 418–0680.

SUPPLEMENTARY INFORMATION:

1. This is a synopsis of the Commission's Order, DA 96–144, adopted February 9, 1996 and released February 9, 1996. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Washington, D.C. 20037.

2. By this action, we grant a second extension of time in which to file comments and reply comments in this proceeding. Three parties—GHz Equipment Company, Inc. (''GEC''), Winstar Wireless Fiber Corporation (''WinStar''), and Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association (''TIA'')—had requested additional time in response to an Order Extending Time released on January 16, 1996. See 61 FR 2465 (January 26, 1996).

3. By way of background, on January 16, 1996, the Office of Engineering Technology, on its own motion, extended the period of time to file comments and reply comments to February 12, 1996 and February 27, 1996, respectively, because of the closure of the government from mid-December to mid-January due to lack of funding and severe weather conditions. Thus, the following motions for extension of time received by the Commission on or before January 16, 1996, were mooted by the January 16 Order Extending Time: Advanced Radio Technology, Ltd. Motion for Extension of Time (filed January 11, 1996); AT&T Corporation Comments in Support of the Motion for an Extension of Time to File Comments and Reply Comments (filed January 16, 1996); BizTel, Inc. Motion for Extension of Time (filed January 11, 1996); Commco, L.L.C., PLAINCOM, INC., Sintra Capital Corporation, James W. O'Keefe, and Eric Sterman Motion for Extension of Time to File Comments (filed January 16, 1996); Digital Microwave Corporation (''DMC'') Motion for Extension of Time (filed January 11, 1996); DMC Motion for Extension of Time (filed January 16, 1996); Thomas Domencich, Milliwave Limited Partnership, Columbia Capital

Corporation, Columbia Millimeter Communications, L.P, and Microwave Partners Emergency Joint Motion for Extension of Time to File Comments and Reply Comments (filed January 11, 1996); TIA Motion for Extension of Time (filed January 11, 1996); WinStar Motion for Extension of Time (filed January 16, 1996).

4. GEC's Motion, filed January 17, 1996, requests that the Commission extend the deadline for filing comments (currently February 12, 1996) by 60 days, and reply comments (currently February 27, 1996) by 45 days. WinStar's Petition for Reconsideration, filed January 19, 1996, requests that the deadline for filing comments be extended by 90 days and for filing reply comments by 45 days. TIA's Motion, filed January 22, 1996, requests that the Commission extend the deadline for filing reply comments by 20 days. No opposition to these requests has been filed to date.

5. GEC seeks its requested extension because of the complexity and volume of explicit comment sought in the NPRM and Order, 61 FR 2452 and 61 FR 2465 (January 26, 1996). GEC contends that the NPRM and Order contains almost 100 distinct issues ranging from competitive bidding procedures to modifications of technical rules, and proposals that are new to the record and unfamiliar to many affected parties. WinStar seeks an extension of time so that they may conduct engineering and economic research and analysis. Finally, TIA seeks an extension in order to respond meaningfully to complex studies and reply comments.

6. In light of the complexity of the issues raised in the NPRM and Order, we agree with GEC, Winstar and TIA that the public interest would be served by granting an extension. We nevertheless remain concerned about avoiding a substantial delay in the resolution of issues presented in this proceeding. Thus, we believe that a 20-day extension of the comment period combined with an extended reply comment period is appropriate.

Ordering Clauses

7. Accordingly, it is hereby ordered that the Motions for Extension of Time filed by GEC and TIA and the Petition for Reconsideration filed by Winstar are hereby granted to the extent stated herein.

8. It is further ordered that the Motions for Extension of Time set forth supra at paragraph 2 are hereby dismissed as moot.

9. It is further ordered, pursuant to Section 1.46 of the Commission's Rules, 47 CFR § 1.46, that the deadline for filing comments in this proceeding is extended from February 12, 1996 to March 4, 1996, and that the deadline for filing reply comments is extended from February 27, 1996 to April 1, 1996.

10. This action is taken pursuant to authority found in Sections 4 (i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i) and 303, and Sections 0.131 and 0.332 of the Commission's Rules, 47 CFR §§ 0.131 and 0.332. For further information, contact Jennifer Burton, Private Wireless Division, (202) 418–0680.

Federal Communications Commission

Robert H. McNamara,

Chief, Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 96–3822 Filed 2–21–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Chapter VI

[I.D. 021296A]

Mid-Atlantic Fishery Management Council; Hearings on the Black Sea Bass Fishery Management Plan

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

ACTION: Public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public hearings to allow for input on the proposed Fishery Management Plan for the Black Sea Bass Fishery (FMP).

DATES: Written comments will be accepted on or before April 2, 1996. The hearings will be held during the months of February and March. See **SUPPLEMENTARY INFORMATION** for times and dates of hearings.

ADDRESSES: Send comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904. The public hearings will be held in Virginia, New Jersey, North Carolina, Maryland, Rhode Island, Massachusetts, and New York. See **SUPPLEMENTARY INFORMATION** for the locations of the hearings.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, (302) 674–2331.

SUPPLEMENTARY INFORMATION: The FMP, prepared by the Council, is intended to manage the black sea bass (*Centropristis striata*) fishery pursuant to the Magnuson Fishery Conservation and Management Act of 1976, as amended. The management unit consists of black sea bass in U.S. waters in the western Atlantic Ocean from Cape Hatteras, NC, northward to the U.S.-Canadian border. The objectives of the FMP are to: (1) Reduce fishing mortality in the black sea bass fishery to ensure that overfishing does not occur; (2) reduce fishing mortality on immature black sea bass to increase spawning stock biomass; (3) improve the yield from the fishery; (4) promote compatible management regulations between state and Federal jurisdictions; (5) promote uniform and effective enforcement of regulations; and (6) minimize regulations to achieve the management objectives stated above.

Overfishing for black sea bass is defined as fishing in excess of the F_{max} level. Based on current conditions in the fishery, F_{max} is 0.29 (an annual exploitation rate of 23 percent).

The recovery strategy calls for minimum fish sizes and commercial gear regulations in years 1 and 2. In years 3 to 5, target exploitation rates would be 48 percent for black sea bass. In years 6 and 7, the target exploitation rates would be 37 percent and in year 8 and subsequent years, the target exploitation rate would be based on F_{max}.

Management Measures

The Council has adopted the following management measures for purposes of public hearings:

Years 1 and 2

1. A 9–inch (229 mm) total length (TL) minimum fish size in all fisheries. A maximum of a 5–percent tolerance by weight of undersized black sea bass would be allowed on vessels issued moratorium permits. Black sea bass less than 9 inches (229 mm) TL could not be sold.

2. The minimum otter trawl mesh size for vessels retaining more than 100 lb of black sea bass would be 4.0 inches (102 mm) (stretch mesh inside measure).

3. Black sea bass pots would be required to have a minimum escape vent of 1–1/8 inches (28 mm) x 6 inches (152 mm), or 2.5 inches (66 mm) in diameter. The escape vent provision would be implemented at the start of the first calendar year following FMP approval, so the fishers would not be required to pull their pots and rebuild them in the middle of the season.

Years 3 and Subsequent

1. A 10–inch (254–mm) TL minimum fish size in all fisheries that may be

adjusted annually on a framework basis. A maximum of a 5–percent tolerance by weight of undersized black sea bass would be allowed on vessels issued moratorium permits. Black sea bass less than 10 inches (254 mm) TL could not be sold.

2. Black sea bass pots would be required to have a minimum escape vent of 1–1/4 inches (32 mm) x 6 inches (152 mm), or 2.75 inches (70 mm) in diameter.

3. The minimum mesh size for vessels retaining more than 100 lb (45.36 kg) of black sea bass would be 4.5 inches (114 mm) (stretch mesh inside measure). The minimum mesh size may be adjusted annually on a framework basis.

4. Prior to year 3 and annually thereafter, the Council, working through a Monitoring Committee, would evaluate the success of the FMP relative to the overfishing reduction goal and propose adjustments to the management system. Beginning with year 3, additional measures would be implemented by the Director, Northeast Region, NMFS (Regional Director), based on the recommendations of the Council. Additional management measures could be any or all of the following:

a. *Commercial*: A coastwide commercial quota with Federal permit holders being prohibited from landing (selling) after the quota had been landed. Quota overruns would be deducted from the subsequent year. All states would need to prohibit black sea bass sales following a Federal sales prohibition.

b. *Recreational*: A coastwide possession limit, season, and recreational harvest limit. Landings in excess of the limit would be deducted from the harvest limit for the subsequent year.

For All Years

1. Operator permits for commercial and party and charter boats.

2. Vessel permits for party and charter boats.

3. Vessel permits for commercial vessels (permits to sell) under a moratorium on entry of additional vessels into the fishery. Vessels with documented landings of black sea bass for sale between January 26, 1988, and January 26, 1993, qualify for a moratorium permit to land and sell black sea bass under this moratorium program.

4. Dealer permits (permits to purchase).

5. Permitted vessels may only sell to permitted dealers and permitted dealers may only buy from permitted vessels.

6. Party and charter boat, commercial vessel, and dealer reports.

7. The hinges and fasteners of one panel or door in black sea bass pots or traps must be made of one of the following degradable materials:

a. Untreated hemp, jute, or cotton string of 3/16–inch (4.8 mm) diameter or smaller;

b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or (c) ungalvanized or uncoated iron wire of 0.062–inch (1.6 mm) diameter or smaller.

8. A maximum size of 18 inches (457 mm) diameter for rollers used in roller rig trawl gear.

9. Special management zones around artificial reef areas.

Alternatives Considered But Not Adopted

1. Take no action at this time.

2. Seasonal closures for the commercial fishery.

3. Bimonthly commercial quotas with possible trip limits established by the Regional Director to reduce the length of closures.

4. State by state commercial quotas with possible trip limits established by the states to reduce the length of closure. 5. Individual transferable quotas.

6. Seasonal dependent minimum sizes in the commercial fishery: A 10–inch (254 mm) TL minimum size from October 1 - April 30 and a 9–inch (229 mm) TL minimum size for the rest of the year.

7. A threshold requirement to qualify for a moratorium permit.

8. Separate management measures for party/charter boat fishermen.

9. A 9–inch (229 mm) TL minimum fish size and a 3.5–inch (89 mm) minimum square mesh size in the otter trawl fishery when the vessel has 100 lb (45.36 kg) or more of black sea bass on board.

Hearings

All hearings will begin at 7 p.m., except the New York hearing, which begins at 7:30 p.m. The hearings will be tape recorded with the tapes filed as the official transcript of the hearing. The hearings are scheduled as follows:

1. February 26, 1996—Days Inn, 5807 Northampton Boulevard, Virginia Beach, VA.

2. February 26, 1996—Ocean Place Hilton, One Ocean Boulevard, Long Branch, NJ.

3. February 27, 1996—Cape May Extension Office, Dennisville Road, Cape May, NJ.

4. February 27, 1996—North Carolina State Aquarium, Airport Road, Manteo, NC.

5. February 28, 1996—Dunes Manor, 28th Street and the Ocean, Ocean City, MD.

6. March 5, 1996—Holiday Inn, Routes 1 and 138, S. Kingston, RI.

7. March 6, 1996—Massachusetts Maritime Academy, Academy Drive, Buzzards Bay, MA.

8. March 7, 1996—Holiday Inn, 3845 Veterans Memorial Highway, Ronkonkoma, NY.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at (302) 674–2331.

Dated: February 15, 1996.

Richard W. Surdi,

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

[FR Doc. 96–3969 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 36
Thursday, February 22, 1996

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 COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Termination of Antidumping Duty Administrative Review.

SUMMARY: On December 15, 1994, the Department of Commerce (the Department) published in the Federal Register (59 FR 64650) the notice of initiation of administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea, for the period of November 1, 1993 through October 31, 1994. This review has now been terminated as a result of withdrawals by the interested parties that requested the review.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Richard Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

We received requests for review pursuant to 19 CFR 353.22(a) (1994) for the following specifically-named exporters/manufacturers:

Dongbu Steel Co., Ltd.
Hyundai Pipe Co., Ltd.
Korea Iron and Steel Co., Ltd.
Korea Steel Pipe Co., Ltd.
Pusan Steel Pipe Co., Ltd.
Union Steel Manufacturing Co., Ltd.

On December 15, 1994, the Department published in the Federal Register (59 FR 64650) the notice of initiation of the administrative review.

Termination of Review

Ordinarily, parties have 90 days from the publication of the notice of initiation of review in which to withdraw a request for review. *See* 19 CFR 353.22(a)(5). We received timely requests for withdrawal from Dongbu Steel Co., Ltd., Hyundai Pipe Co., Ltd., Korea Iron and Steel Co., Ltd., Pusan Steel Pipe Co., Ltd., and Union Steel Manufacturing Co., Ltd. However, on January 30, 1996 (after the conclusion of the 90-day time period), we received a request for withdrawal from Korea Steel Pipe Co., Ltd. and the petitioner.

Given that the review has not progressed substantially and there would be no undue burden on the parties or the Department, the Department has determined that it would be reasonable to grant the withdrawal at this time. Therefore, in accordance with section 353.22(a)(5) of the Department's regulations, the Department has terminated this administrative review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675), and 19 CFR 353.22(a)(5).

Dated: February 13, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–3901 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–820]

Certain Compact Ductile Iron Waterworks Fittings and Glands (CDIW) From the People's Republic of China: Termination of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of termination of new shipper antidumping duty administrative review.

SUMMARY: On November 14, 1995, the Department of Commerce (the Department) published in the Federal Register (60 FR 57218) the notice of initiation of the new shipper administrative review of the antidumping duty order on certain compact ductile iron waterworks fittings and glands (CDIW) from the People's Republic of China (PRC). This review has now been terminated as a result of withdrawal of the request for review by Beijing M Star Pipe Corp. (BMSP), the only interested party that requested a new shipper review.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Paul M. Stolz, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On September 29, 1995, BMSP requested a new shipper administrative review of the antidumping duty order on CDIW from the PRC for the period February 1, 1995, through August 31, 1995, pursuant to 19 U.S.C. 1675 (a)(2)(B). On November 14, 1995, the Department published in the Federal Register (60 FR 57218) the notice of initiation of that new shipper administrative review. BMSP withdrew its request for review on January 18, 1996 pursuant to 19 CFR 353.22(a)(5). There were no other requests for this new shipper review. As a result, the Department has terminated this review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 353.22.

Dated: February 1, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–3902 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–201–601]

Fresh Cut Flowers From Mexico; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On September 26, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on certain fresh cut flowers from Mexico. The period of review is April 1, 1992 through March 31, 1993.

We gave interested parties an opportunity to comment on our preliminary results. We have not changed our preliminary results of review.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1995, the Department published in the Federal Register (60 FR 49577) the preliminary results of its administrative review of the antidumping duty order on certain fresh cut flowers from Mexico (52 FR 13491 (April 23, 1987)). The preliminary results indicated that no dumping margins existed for four of the respondents in this review: Rancho El Aguaje (Aguaje), Rancho Guacatay (Guacatay), Rancho El Toro (Toro), and Rancho Del Pacifico (Pacifico). We applied dumping margins based on the best information available (BIA) to Tzitzic Tareta, Rancho Mision el Descanso, Rancho Alisitos, and Las Flores de Mexico, because they failed to answer the antidumping questionnaire. Two producers, Visaflor S. de P.R. (Visaflor) and Rancho Daisy (Daisy), made no shipments to the United States during the period of review.

Applicable Statutes and Regulations

The Department has conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise stated, all citations to the statutes and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

The products covered by this review are certain fresh cut flowers, defined as standard carnations, standard chrysanthemums, and pompon chrysanthemums. During the period of review (POR), such merchandise was classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) items 0603.10.7010 (pompon chrysanthemums), 0603.10.7020 (standard chrysanthemums), and 0603.10.7030 (standard carnations). The HTSUS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive as to the scope of the order.

This review covers sales of the subject merchandise entered into the United States during the period April 1, 1992 through March 31, 1993.

Analysis of the Comments Received

The petitioner, the Floral Trade Council, submitted a case brief on October 26, 1995. We received no other comments on the preliminary results. The petitioner combined in one case brief its comments for this review and the 1993–1994 review. Below, we have addressed only those comments that appear to be relevant to the 1992–1993 review.

Comment 1: The petitioner claims that the Department overstated exporter's sales prices (ESP) by failing to deduct commissions paid to related parties. The petitioner states that the statute and the Department's regulations require the Department to deduct U.S. commissions and indirect selling expenses, regardless of whether the consignment agent is a related party. For this reason, the petitioner argues, the Department should reconsider its treatment of related party commissions in this case and as articulated in *Fresh Cut Roses from Colombia* and *Fresh Cut Roses from Ecuador*, 60 FR 6980, 7019 (Feb. 6, 1995) (*Roses*).

The petitioner argues that, in *Roses*, the Department erroneously distinguished between commissions paid to related and unrelated parties, while the statute, which makes no such distinction, simply requires that commissions be deducted from ESP. The petitioner states that the Department's treatment of related party commissions in *Roses* is irrational, and it is inconsistent with *Timken Co.* v. *United States*, 630 F. Supp. 1327, 1341 (CIT 1986) (Timken). The petitioner asserts that, in *Timken*, the Court supported the Department's rationale for not deducting related party profits because they were not commissions, while, in *Roses*, the Department refused to deduct commissions because they are profits. The petitioner points out that, in the 1989–1990 review of *Certain Fresh Cut Flowers from Mexico*, the Department deducted related party commissions found to be at arm's length (57 FR 7732 (March 4, 1992)).

Finally, the petitioner states that, even assuming that commissions need not always be deducted under section 772(e)(1) of the Act, the Department must deduct from ESP all direct selling expenses incurred at arm's length as circumstance-of-sale adjustments.

The Department's Position:

We disagree with the petitioner. Since the Department published its final results in the 1989–1990 review of this order, we have established the practice of collapsing exporters and their related consignment agents in ESP situations. The petitioner's arguments do not persuade us to deviate from this practice. As fully explained in *Roses*, the Department considers commissions paid to related parties to be intracompany transfers of funds, which are not deductible from ESP. *See also Furfuryl Alcohol From South Africa; Final Determination of Sales at Less Than Fair Value* 60 FR 22551 (May 8, 1995). Further, we do not consider such a transfer of funds to be a direct selling expense. Instead of making a deduction for commissions, the Department deducts the amount of the related importer's U.S. direct and indirect selling expenses pursuant to section 772(e)(2) of the Act. This methodology avoids double-counting the direct and indirect selling expense component of the related party commission, and avoids deducting any of the related importer's profit, as the Court affirmed in *Timken*.

Comment 2: The petitioner claims that the Department should confirm that the respondents' reported credit costs account for the time between receipt of payment and deposit into the respondents' bank accounts, as the Department did in the 1989–1990 administrative review.

The Department's Position:

We disagree with the petitioner. For the purposes of calculating imputed credit costs, it is our practice to calculate the number of credit days based on the number of days between the date of shipment and the date of payment. If actual payment dates are not readily accessible, we normally allow respondents to base the number of credit days on the average age of accounts receivable. *See, e.g., Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review*, 56 FR 12701 (Comment 28)(March 27, 1991).

We found during verification that the respondents' methodologies for calculating the average age of accounts receivable were reasonable. For further discussion, see the public verification reports for Aguaje and Pacifico, on file in Room B099 of the Commerce Department.

Comment 3: The petitioner states that the Department should describe the

manner in which it confirmed that Visaflor and Daisy made no shipments of the subject merchandise during the review period.

The Department's Position:

To determine whether Visaflor and Daisy made shipments of the subject merchandise to the United States during the review period, the Department followed its standard practice of issuing an electronic mail message to the Customs Service. The Customs Service then transmitted this message to field personnel, requesting notification if the subject merchandise exported by Visaflor or Daisy entered the United States during the review period. A copy of this message is on file in Room B099 of the Commerce Department. We received no information from Customs that Visaflor and Daisy had shipments of the subject merchandise during the POR.

Comment 4: The petitioner agrees with the Department's decision to assign non-responding companies a margin based on BIA, however, the petitioner states that the Department should not have assigned these companies the second-highest rate found for any respondent. By doing so, the petitioner argues, the Department unnecessarily and unfairly departed from its practice of assigning non-responding companies the highest available margin.

The petitioner states that, although the Department did not use the highest rate as BIA in prior reviews, the respondents in those reviews had, at least, submitted partial or complete questionnaire responses. The petitioner argues that the Department has no evidence that the highest margin is unrepresentative, since the parties failed to respond to the questionnaire. Furthermore, the petitioner states, the respondents are presumed to be aware of the highest possible margin when they decided not to respond to the antidumping questionnaire, citing *Rhone Poulenc, Inc.* v. *United States,* 899 F.2d 1185, 1191 (Fed. Cir. 1990).

The Department's Position:

We disagree with the petitioner. Prior to 1993 and the CIT's decisions in *The Floral Trade Council* v. *United States,* 822 F.Supp. 766 (CIT 1993), and *Federal Mogul Corporation and the Torrington Company* v. *United States,* 839 F.Supp. 864 (CIT 1993), the Department determined an ''all others'' or ''new shippers'' rate during the course of each administrative review. In the 1989–1990 review of this order, the Department did not include Florex's rate of 264.43 percent in its determination of the updated ''all others'' rate. The CIT supported the Department's position, stating that, ''Florex's accumulated interest expenses from a separate line of business that never began operations skewed its cost of production figures and should not have been included in the review analysis.'' *The Floral Trade Council* v. *the United States,* 799 F. Supp. 116 (CIT 1992).

The Court recognized that Florex's rate was unrepresentative of the other companies in that review, and by extension, of the entire flower industry because: (1) it was an out of proportion rate explained by factors unassociated with the overall industry, and (2) Florex represented only a small fraction of the industry. The Court concluded that ''ITA did not err in finding it would be punitive to maintain Florex's rate as the ''all other'' rate. *Id.* at 119. Therefore, although we received no information from the non-responding companies, we maintain that the Florex rate is unrepresentative of the Mexican fresh cut flower industry, and unsuitable to be applied to the non-responding companies as BIA.

Final Results of Review

We determine that the following dumping margins exist for the period April 1, 1992, through March 31, 1993:

Manufacturer/exporter	Margin (percent)
Rancho el Aguaje	0.00
Rancho Guacatay	0.00
Rancho el Toro	0.00
Rancho del Pacifico	0.00
Rancho Daisy	*0.00
Visaflor	*0.00
Tzitzic Tareta	39.95
Rancho Mision el Descanso	39.95
Rancho Alisitos	39.95
Las Flores de Mexico	39.95
All Others	18.28

*No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

Because Guacatay received a margin of 39.95 percent for the 1991–1992 review period, we have determined not to revoke the antidumping duty order with respect to Guacatay. (*See Notice of Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico,* 60 FR 49569 (September 26, 1995).)

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies shall be the above rates; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 18.28 percent, the all others rate established in the LTFV investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 353.34(d) or 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: February 13, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–3899 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–P

A–405–071

Viscose Rayon Staple Fiber From Finland; Notice of Final Court Decision and Rescission of Revocation of Antidumping Duty Finding

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and reinstatement of antidumping duty finding.

SUMMARY: On November 7, 1994, the Department of Commerce revoked the finding on viscose rayon staple fiber from Finland pursuant to an order of the United States Court of International Trade (''CIT'') in *Kemira Fibres Oy* v. *United States,* 861 F. Supp. 144 (CIT 1994). In *Kemira,* the CIT ruled that the Department was required to revoke the finding because no interested party filed a request for administrative review for this finding or objected to the finding's revocation by March 31, 1993, notwithstanding the Department's failure to issue timely notice of intent to revoke. The Department appealed the Court's order and, on August 2, 1995, the United States Court of Appeals for the Federal Circuit (''Federal Circuit'') overturned the CIT order. Therefore, we are now rescinding the revocation of the fiber finding and instructing the U.S. Customs Service to suspend liquidation of entries of fiber from Finland.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230; telephone (202) 482–5831/4114.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 1994, the CIT ruled that the Department was required to revoke the antidumping finding on viscose rayon staple fiber from Finland, terminate the ongoing administrative review and end the suspension of liquidation of the subject merchandise pursuant to 19 C.F.R. § 353.25(d)(4). *See Kemira Fibres Oy* v. *United States,* 861 F. Supp. 144 (CIT 1994). The Court stated that the Department was required to revoke the finding because no interested party filed a request for an administrative review or objected to revocation by the last day of the fifth anniversary month, notwithstanding the Department's failure to issue timely notice of intent to revoke.

In compliance with the CIT's ruling, the Department revoked the antidumping duty finding on November 7, 1994, terminated the 1993–94 administrative review and ended the suspension of liquidation on all entries of the subject merchandise. *See Viscose Rayon Staple Fiber From Finland; Termination of Administrative Review and Revocation of Antidumping Finding,* 59 FR 55441 (Nov. 7, 1994). The Department took these actions, rather than suspend liquidation of the subject merchandise during the pendency of appeal, because the CIT decision was issued pursuant to 28 U.S.C. § 1581(i), the Court's residual jurisdiction authority, rather than pursuant to 19 U.S.C. § 1516a, the Court's general jurisdictional authority.

In the subsequent appeal, the Federal Circuit found the Department's interpretation of 19 C.F.R. § 353.25(d)(4) (i.e., that notice of intent to revoke is a prerequisite to revocation of an antidumping order or finding) to be reasonable. Therefore, the Federal Circuit reversed the CIT's order and opinion and remanded for further proceedings consistent with its decision. *See Kemira Fibres Oy* v. *United States,* 61 F.3d 866 (Fed. Cir. 1995).

On November 13, 1995, the CIT vacated its earlier decision and declaratory judgment of September 8, 1994 and instructed the Department to proceed with further proceedings consistent with the Federal Circuit's opinion.

Thus, consistent with the Federal Circuit's decision, the Department hereby rescinds the revocation of the antidumping duty finding on viscose rayon staple fiber from Finland, published at 44 FR 17156 (Mar. 21, 1979). Further, the Department is directing the U.S. Customs Service to suspend liquidation and require a cash deposit in the amount of 0.00 percent ad valorem, the last published deposit rate, for each entry of the subject merchandise from Finland which is entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice.

Dated: February 13, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–3900 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 021396C]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Reef Fish Committee of the Caribbean Fishery Management Council (Council) will hold a meeting.

DATES: The meeting will be held on March 7, 1996, from 2:00 p.m. until 5:00 p.m. and on March 8, 1996 from 9:00 a.m. until 12 noon.

ADDRESSES: The meeting will be held at the Conference Room of Joyuda Plaza Hotel, Cabo Rojo, PR.

Council Address: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918–2577.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council; telephone: (809) 766–5926.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss issues regarding the red hind closed area off Mayagüez, PR. The meeting is open to the public, and will be conducted in English with Spanish translation. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda items.

Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or requests for sign language interpretation and/or other auxiliary aids please contact Mr. Miguel A. Rolón, Executive Director (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 15, 1996.

Richard W. Surdi,

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

[FR Doc. 96–3967 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 021296D]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on March 11–14, 1996. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: These meetings will be held at the Hawk's Cay Resort, Mile Marker 61, U.S. Highway 1, Duck Key, FL; telephone: 800–826–4061.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

March 12

1:30 p.m.—Convene to receive public testimony.

1:45 p.m. - 5:30 p.m.—Receive final public testimony on Draft Reef Fish Amendment 13 extending the red snapper endorsement system, Red Snapper Regulatory Amendment and Draft Coastal Migratory Pelagics (Mackerel) Amendment 8. (NOTE: Testimony cards must be turned in to staff before the start of public testimony).

March 13

8:30 a.m. - 10:00 a.m.—Reconvene to continue public testimony.

10:00 a.m. - 12:00 noon—Final Council Action on Draft Mackerel Amendment 8.

1:30 p.m. - 3:30 p.m.—Reconvene to continue Final Council Action on Draft Mackerel Amendment 8.

3:30 p.m. - 5:30 p.m.—Receive a report of the Personnel Committee (CLOSED SESSION).

March 14

8:30 a.m. - 9:30 a.m.—Reconvene to receive a report of the Reef Fish Management Committee.

9:30 a.m. - 10:00 a.m.—Receive a report of the Habitat Protection Management Committee.

10:00 a.m. - 10:15 a.m.—Receive a report of the Ad Hoc Communications Committee.

10:15 a.m. - 10:45 a.m.—Receive a report of the Red Drum Management Committee.

10:45 a.m. - 11:00 a.m.—Discuss issues related to the Bycatch Amendment.

11:00 a.m. - 11:15 a.m.—Receive report of the International Commission for the Conservation of Atlantic Tunas Working Groups.

11:15 a.m. - 11:30 a.m.—Receive South Atlantic Fishery Management Council Liaison Report.

11:30 a.m. - 12:15 p.m.—Receive Enforcement and Director's reports.

12:15 pm. - 12:30 p.m.—Other business to be discussed.

Committees

March 11

9:00 a.m. - 12:00 noon—Convene the Habitat Protection Management Committee.

1:00 p.m. - 2:30 p.m.—Convene the Ad Hoc Communications Committee.

2:30 p.m. - 5:30 p.m.—Hold a public workshop on fish traps.

March 12

8:00 a.m. - 12:00 noon—Convene the Reef Fish Management Committee.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see ADDRESSES) by March 4, 1996.

Dated: February 14, 1996.

Richard W. Surdi,

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

[FR Doc. 96–3904 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 021396B]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will begin on Tuesday, February 27, 1996, at 10 a.m. and on Wednesday, February 28, 1996, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Tara Ferncroft Conference Resort, 50 Ferncroft Road, Danvers, MA 01923. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097; telephone: (617) 231–0422.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, (617) 231–0422.

SUPPLEMENTARY INFORMATION:

February 27, 1996

The February 27, 1996, session will begin with a report on the 21st Stock Assessment Workshop presented by the staff of the Northeast Fisheries Science Center. Analyses will be reviewed for the following species/stocks: Long-finned squid (*Loligo*); short-finned squid (*Illex*), Atlantic herring, winter flounder, and the northeast multispecies complex. Reports will be presented by the Council Chairman; Executive Director; Director, Northeast Regional Office; Northeast Fisheries Science Center; Atlantic States Marine Fisheries Commission; U.S. Coast Guard; and the Mid-Atlantic Council Liaison. The Council's Scallop Oversight Committee (Committee) will review and possibly recommend approval of a plan amendment to establish a temporary experimental use area 10 miles (18.52 km) south of Martha's Vineyard for sea scallop research, enhancement, and aquaculture. The Committee will also review a draft public hearing document on a proposed plan amendment to allow the consolidation of days-at-sea now allocated to individual scallop vessels. The day will conclude with a discussion of proposed legislation for highly migratory species management.

February 28, 1996

On February 28, 1996, the Monkfish Committee will present an update on management measures, including the overfishing definitions. The Groundfish Committee will discuss the proposed rule for Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP) followed by a discussion of groundfish management priorities. Issues include:

1. Additional framework adjustments to the FMP: (a) Alternatives to the Amendment 7 default measures for effort reductions in the sink gillnet fishery and for the Gulf of Maine area closures, (b) a requirement that fishermen exempted from effort controls under Amendment 5 take a 20-day block of time off from harvesting groundfish during the March through May spawning period for 1996 only, (c) implementation of a square-mesh requirement for trawl gear, and (d) reconsideration of the measure to apply groundfish fleet days-at-sea to vessels using nets to harvest sea scallops.

2. A plan amendment to address management of the whiting fishery.

3. The consolidation of fishing effort in the groundfish fleet and the development of gear based management options. The Council will address any other outstanding business at the conclusion of the agenda items described above.

Special Accommodations

The meeting is physically accessible to people with disabilities. Request for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: February, 15, 1996.

Richard W. Surdi,

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

[FR Doc. 96–3968 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the Proposed Disposal and Reuse of Naval Air Station Alameda and the Alameda Annex of the Fleet Industrial Supply Center, Alameda, California

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508) and the California Environmental Quality Act (CEQA), the Department of the Navy, in association with the City of Alameda, California, announces its intent to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed disposal and reuse of Naval Air Station (NAS) Alameda and the Fleet and Industrial Supply Center, Oakland, Alameda Annex and Facility (Alameda Annex/Facility). The Defense Base Closure and Realignment Act (Public Law 101–510) of 1990 , as implemented by the base closure process of 1993, directed the Navy to close NAS Alameda and the Alameda Annex/Facility.

The Navy will be the lead agency for NEPA documentation and the City of Alameda will be the lead agency for CEQA documentation.

The U.S. Fish and Wildlife Service will be a cooperating agency for the NEPA documentation.

NAS Alameda and the Alameda Annex/Facility are located on Alameda Island, at the western end of the City of Alameda, Alameda County, California. Alameda Island lies along the eastern side of the San Francisco Bay adjacent to the City of Oakland.

NAS Alameda is approximately two miles long by one mile wide, and occupies approximately 2,842 acres, including 1,734 acres of uplands and 1,108 acres of tidelands. The Base, which is scheduled for operational closure in April, 1997, is currently developed with airfield, industrial, office, residential, educational, institutional, and open space uses.

The Alameda Annex/Facility consists of two parcels which comprise approximately 188 acres of land area, adjacent to NAS Alameda to the east and bordered on the north by the Oakland/Alameda Estuary, which separates Alameda Island from the City of Oakland. It is developed with warehouses, open spaces, storage and administrative buildings. The Alameda Annex/Facility is scheduled for operational closure in September, 1998.

The EIS/EIR will address the disposal of both NAS Alameda and the Alameda Annex/Facility to public or private entities and the potential impacts of reuse alternatives. All available property will be disposed of in accordance with the provisions of applicable laws, including Public Law 101–510 and applicable federal property disposal regulations.

The NAS Alameda Community Reuse Plan, developed by the Alameda Reuse and Redevelopment Authority (ARRA), includes both NAS Alameda and the Alameda Annex/Facility, and constitutes the preferred Reuse Plan for the EIS/EIR. The Plan is a mixed use proposal and identifies seven distinctive reuse sub-areas and recommendations for reuse. The EIS/EIR will examine the potential impacts to the environment that may result from the implementation of the preferred Reuse Plan and potential alternative reuse scenarios. The alternatives may include mixed use, still based in large part on the Reuse Plan, but emphasizing open space, a seaport industrial focus, and an option with a limited use airfield and increased residential uses. A ''no action'' alternative, which would result in the federal government retaining the property in an ''inactive'' caretaker status, will also be included.

ADDRESSES: Federal, state and local agencies, and interested individuals are invited to participate in the scoping process to determine the range of issues and reuse alternatives to be addressed. A public scoping meeting to receive oral and written comments will be held on Wednesday, March 13, 1996, at 7:00 p.m., at the Alameda High School Cafeteria, located at 2200 Central Avenue, Alameda, California. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. In addition, written comments may be submitted by March 29, 1996, to Mr. Jerry Hemstock, Code 185JH, Engineering Field Activity West, Naval Facilities Engineering Command, 900 Commodore Drive, San Bruno, California 94066–5006, telephone (415) 244–3023, fax (415) 244–3737. For further information regarding the NAS Alameda Community Reuse Plan, contact Mr. Paul Tuttle, Alameda Reuse and Redevelopment Authority, Naval Air Station Postal Directory, Building 90, Alameda, California 94501–5012, telephone (510) 263–2870, fax (510) 521–3764.

Dated: February 15, 1996.

M. A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96–3920 Filed 2–21–96; 8:45 am]

BILLING CODE 3810–FF–P

Chief of Naval Operations (CNO) Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel, will meet on 03 Apr 1996, from 10:00 a.m. to 11:30 a.m. in Room 4E630, Pentagon, Washington, DC. This session will be closed to the public.

The purpose of this meeting is to conduct discussions on the Planning, Programming and Budgeting Process, Navy modernization straegies, resource allocation, and manpower issues. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with mattes listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Janice Graham, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302-0268, Telephone Number: (703) 681-6205.

Dated: February 15, 1996

M. D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 96–3922 Filed 2–21–96; 8:45 am]

BILLING CODE 3810–FF–F

Board of Visitors To The United States Naval Academy; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on 18 March 1996, at Alumni Hall, United States Naval Academy, Annapolis, MD, at 8:30 a.m. The executive session of this meeting from approximately 8:30 a.m. to 10:00 a.m. will be closed to the public. Following executive session the remainder of the meeting will be opened to the public.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. During executive session these inquiries will relate to the internal personnel rules and practices of the Academy, may involve on-going criminal investigations, and include discussions of personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, the Secretary of the Navy has determined in writing that the executive session portion of the meeting shall be closed to the public because they will be concerned with matters as outlined in section 552b(c) (2), (5), (6), (7), and (9) of Title 5, United States Code.

For further information concerning this meeting contact:Lieutenant Commander Adam S. Levitt, U.S. Navy, Secretary to the Board of Visitors, Office of the Superintendent, United States Naval Academy, Annapolis, MD 21402-5000, Telephone (410) 293-1503.

Dated: February 15, 1996

M. D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc.96–3921 Filed 2–21–96;8:45 am]

BILLING CODE 3810–FF–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

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

DATES: Interested persons are invited to submit comments on or before April 22, 1996.

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

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 15, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of the Secretary

Type of Review: New.
Title: National Recognition Program for Model Professional Development.
Frequency: One-time.
Affected Public: State, Local or Tribal Gov't., SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 100.
Burden Hours: 2,300.
Abstract: With the importance of professional development to school reform and excellence in teaching and learning, there is an immediate need to identify and recognize model professional development programs throughout the country that have schoolwide impact on student success, and that are aligned with the recently developed Principles for Professional Development. The Department will solicit applications from those operating effective professional development activities at the pre-K through 12 level in schools and school districts, evaluate them with the help of professional educators (who will confirm information for high-ranking applicants through site visits), and recognize those programs that are found to meet those criteria.

Office of Elementary and Secondary Education

Type of Review: New.
Title: Complaint Procedures for State Administered Programs/IASA.
Frequency: On occasion.
Affected Public: Individuals or Households, State, Local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Burden:
Responses: 57.
Burden Hours: 4,560.
Abstract: A requirement that States establish complaint procedures in State-administered programs, so that the public may bring complaints to the attention of State program administrators.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.
Title: Resolution of Applicant/Client Appeals.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Reporting Burden and Recordkeeping:
Responses: 82.
Burden Hours: 164.
Abstract: Form RSA–722 is needed to meet specific data collection requirements in Subsections 102(6)(A) and (B) of the Rehab Act of 1973, as amended on the number of Applicant/Client appeals handled by impartial hearing officers. The information collected is used to evaluate the types of complaints made by applicants/clients of the vocational rehabilitation program and the final resolution of appeals filed. Respondents are State agencies that administer the Federal/State Program for Vocational Rehabilitation.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Application for New Grants Under the School, College, and University Partnerships (SCUP) Program.
Frequency: Competitive Year.
Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 175.

Burden Hours: 3,500.

Abstract: The application form will be used to collect program and budget information needed to evaluate the quality of applications submitted and make funding decisions based on the authorizing statute and the published funding criteria.

[FR Doc. 96–3946 Filed 2–21–96; 8:45 am]

BILLING CODE 4000–01–P

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

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

DATES: Interested persons are invited to submit comments on or before March 25, 1996.

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

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 15, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: Extension.

Title: Application for Grants Under the Library Literacy Program.

Frequency: Annually.

Affected Public: State, Local or Tribal Government.

Reporting and Recordkeeping Hour Burden

Responses: 500.

Burden Hours: 8,500.

Abstract: This form will be used by state and local public libraries to apply for funds under Title VI of the ''Library Services and Construction Act'' (P.L. 98–480) for planning and coordinating library literacy programs, training librarians and volunteers to carry out such programs, and acquiring necessary materials.

Office of Postsecondary Education

Type of Review: Resubmission.

Title: Student Right-to-Know—Final Rule.

Frequency: Annually.

Affected Public: Business and other for-profit; Not-for-profit institutions.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 8,000.

Burden Hours: 240,100.

Abstract: Pub. L. 101–542 requires the Department to modify the Program Participation Agreements of institutions of higher education participating in programs under Title IV of the Higher Education Act of 1965, as amended (HEA). These regulations implement those modifications by requiring those institutions to make available to students and prospective students the graduation rates of full-time, degree- or certificate-seeking undergraduate students, and make available to prospective student-athletes, and their parents, coaches, and counselors, information on the graduation rates of the student population, and of student athletes by race and gender within sport.

Office of Educational Research and Improvement

Type of Review: New.

Title: Baccalaureate and Beyond Longitudinal Study: Second Follow-up (B&B: 93/97).

Frequency: One-Time.

Affected Public: Individuals or households.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 13,500.

Burden Hours: 9,417.

Abstract: This study will collect and report data about students who completed a bachelor's degree in 1992–93. Specifically, this follow-up will collect data concerning postbaccalaureate degree attendance, persistence, and completion; transition into and experiences after entry into the work force; and career paths of those who entered teaching at the elementary/secondary level.

Type of Review: New.

Title: A Study of Charter Schools.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 800.

Burden Hours: 535.

Abstract: This is a four-year study of charter schools to determine the impact of charter schools on student achievement, on education reform, and on a multi-faceted array of other issues. It includes an annual survey of the universe and site visits at increasingly deep levels.

Office of Management

Type of Review: Revision.

Title: Waiver Guidance Under Goals 2000.

Frequency: On occasion.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 6,000.

Abstract: This is a four-year study of charter schools to determine the impact of charter schools on student achievement, on education reform, and on a multi-faceted array of other issues. It includes an annual survey of the

universe and site visits at increasingly deep levels.

[FR Doc. 96–3947 Filed 2–21–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP94–120–009]

Koch Gateway Pipeline Company; Notice of Proposed changes in FERC Gas Tariff

February 15, 1996.

Take notice that on February 12, 1996, Koch Gateway Pipeline Company (Koch Gateway), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets:

Eleventh Revised Sheet No. 20
Tenth Revised Sheet No. 21
Eleventh Revised Sheet No. 22
Seventh Revised Sheet No. 23
Eleventh Revised Sheet No. 24
Second Revised Sheet No. 4000

Koch Gateway states that the purpose of this filing is to comply with the Commission's January 31, 1996, Order Approving Contested Settlement as Modified. Koch Gateway also states that these tariff sheets have adjusted FTS and ITS rates to reflect revisions to the discount adjustment made in compliance with the Order. Koch Gateway also states that, pursuant to the settlement, it will move to place these rates into effect on the first date of the first month following receipt of a final Commission Order approving the settlement if that order is acceptable to Koch Gateway.

Koch Gateway states that copies of the filing will be served upon all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3924 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–343–015]

NorAm Gas Transmission Company; Notice of Settlement Compliance Filing

February 15, 1996.

Take notice that on February 12, 1996, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets to become effective January 1, 1996:

Substitute First Rev Sheet No. 5
Substitute First Rev Sheet No. 6
Second Sub Fourth Rev Sheet No. 13
First Revised Sheet Nos. 16–26
First Revised Sheet No. 28
Substitute First Rev Sheet No. 113
Substitute Original Sheet No. 167A
Substitute Original Sheet No. 171A
Substitute Original Sheet No. 180
Substitute First Rev Sheet No. 211
Substitute Original Sheet No. 305
Substitute Original Sheet No. 306
Substitute Original Sheet No. 307
Substitute First Rev Sheet No. 318
Substitute First Rev Sheet No. 319
Substitute Original Sheet No. 321A
Substitute Original Sheet No. 328

NGT states that these revised tariff sheets are filed in compliance with the Commission's January 22, 1996, order approving the parties' settlement in this proceeding. First, the filing will implement the settlement fuel tracker tariff sheet effective January 1, 1996. The next semi-annual fuel tracker filing will be made on April 1, 1996. Second, it will remove tariff sheets regarding excess deferred income taxes as provided for in the Settlement. Third, it will clarify the tariff sheets in effect regarding the crediting of excess cash-out revenues. Fourth, it will replace tariff sheets to make needed clerical, typographical, and administrative corrections.

Any person desiring to protest the proposed tariff sheets should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3925 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–105–001]

Overthrust Pipeline Company; Notice of Tariff Filing

February 15, 1996.

Take notice that on February 12, 1996, Overthrust Pipeline Company, tendered for filing and acceptance to be effective January 29, 1996, Substitute First Revised Sheet Nos. 44 and 45 to First Revised Volume No. 1–A of its FERC Gas Tariff.

Overthrust states that these tariff sheets, which are filed in compliance with the Commission's January 26, 1996, letter order in Docket No. RP96–105–000, revise Sections 7.9 and 7.11 of the General Terms and Conditions as directed by the Commission.

Overthrust states further that a copy of this filing has been served upon its jurisdictional customers and the appropriate public service commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3928 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–411–000]

Panhandle Eastern Pipe Line Company; Notice of Technical Conference

February 15, 1996.

An informal technical conference will be convened to resolve certain issues raised by the filing in the above-captioned proceeding and certain parties requesting the technical conference. Panhandle should be prepared at the technical conference to address such issues and provide further support. With respect to certain material

for which Panhandle has requested confidential treatment, the examination of relevant data is governed by executed protective agreements with the parties, as directed by the Commission in the September 1, 1995, order in this proceeding.[1]

The conference to address the issues has been scheduled for Tuesday, March 5, 1996 at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3927 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–M

[1] 72 FERC ¶61,206 (1995).

[Docket No. RP95–296–002]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 15, 1996.

Take notice that on February 12, 1996, Williams Natural Gas Company (WNG), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with the proposed effective date of March 14, 1996:

Second Revised Sheet No. 251
Third Revised Sheet No. 252
Substitute First Revised Sheet No. 253
First Revised Sheet No. 254

WNG states that this filing is being made in compliance with Commission order issued December 22, 1995 in Docket No. RP95–296–001. WNG was directed to revise its tariff to provide for the posting of the availability of PDM (pricing differential mechanism) gas on its EBB.

WNG states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. 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 proceedings. 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. 96–3926 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–864–000, et al.]

Kentucky Utilities Company, et al.; Electric Rate and Corporate Regulation Filings

February 14, 1996.

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

1. Kentucky Utilities Company

[Docket No. ER96–864–000]

Take notice that on January 16, 1996, Kentucky Utilities Company (KU) tendered for filing information on transactions that occurred during December 16, 1995 through December 31, 1995, pursuant to the Power Services Tariff accepted by the Commission in Docket No. ER96–854–000.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Black Hills Corporation

[Docket No. ER96–922–000]

Take notice that on January 22, 1996, Black Hills Corporation which operates its electric utility business under the name of Black Hills Power and Light Company tendered for filing an executed form service agreement with KN Marketing, Inc.

Copies of the filing were provided to the regulatory commission of each of the states of Montana, South Dakota, and Wyoming.

Black Hills has requested that further notice requirement be waived and the tariff and executed service agreement be allowed to become effective February 1, 1996.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. PECO Energy Company

[Docket No. ER96–1006–000]

Take notice that on February 5, 1996, PECO Energy Company (PECO), filed a Service Agreement dated January 24, 1996, with Illinois Power Company (IPC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds IPC as a customer under the Tariff.

PECO requests an effective date of January 24, 1996, for the Service Agreement.

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

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. PECO Energy Company

[Docket No. ER96–1007–000]

Take notice that on February 5, 1996, PECO Energy Company (PECO), filed a Service Agreement dated January 24, 1996, with Wisconsin Public Service Corporation (WPSC) under PECO's FERC Electric Tariff Original (Volume No. 1 (Tariff). The Service Agreement adds WPSC as a customer under the Tariff.

PECO requests an effective date of January 24, 1996, for the Service Agreement.

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

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. PECO Energy Company

[Docket No. ER96–1008–000]

Take notice that on February 5, 1996, PECO Energy Company (PECO) filed a Service Agreement dated January 24, 1996 with Bangor Hydro-Electric Company (BANGOR HYDRO-ELECTRIC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds BANGOR HYDRO-ELECTRIC as a customer under the Tariff.

PECO requests an effective date of January 24, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to BANGOR HYDRO-ELECTRIC and to the Pennsylvania Public Utility Commission.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Electric and Gas Company

[Docket No. ER96–1009–000]

Take notice that on February 5, 1996, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey, tendered for filing an agreement for the sale of capacity and energy to Carolina Power and Light Company (CP&L). Pursuant to the agreement, PSE&G will sell peaking capacity and associated energy for a period commencing on February 6 through February 29, 1996, the energy being scheduled daily by CP&L.

Copies of the filing have been served upon CP&L, the New Jersey Board of Public Utilities, the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company and GPU Generation Corporation

[Docket No. ER96–1010–000]

Take notice that on February 5, 1996, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company and GPU Generation Corporation (the GPU Companies), tendered for filing pursuant to Rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) a proposed rate schedule change to substitute GPU Generation Corporation for Pennsylvania Electric Company as the GPU Company to operate the Keystone, Conemaugh, Homer City and Seneca electric generating stations and to substitute GPU Generation Corporation for Jersey Central Power & Light Company as the GPU Company to operate the Yards Creek electric generating station.

Copies of the filing have been furnished to the Pennsylvania Public Utility Commission, the New Jersey Board of Public Utilities and the Securities and Exchange Commission.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

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

[Docket No. ER96–1011–000]

Take notice that on February 5, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and AES Power, Inc. (AES), dated January 17, 1996. This Service Agreement specifies that AES has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.*, Docket No. ER95–276–000 and allows GPU and AES to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of January 17, 1996 for the Service Agreement.

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

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. PECO Energy Company

[Docket No. ER96–1012–000]

Take notice that on February 5, 1996, PECO Energy Company (PECO) filed a Service Agreement dated January 30, 1996, with Orange and Rockland Utilities, Inc. (O&R) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds O&R as a customer under the Tariff.

PECO requests an effective date of January 30, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to O&R and to the Pennsylvania Public Utility Commission.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Duquesne Light Company

[Docket No. ER96–1013–000]

Take notice that on February 5, 1996, Duquesne Light Company (DLC) filed a Service Agreement dated October 16, 1995 with Cenergy, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Cenergy, Inc. as a customer under the Tariff. DLC requests an effective date of October 16, 1995 for the Service Agreement.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Duquesne Light Company

[Docket No. ER96–1014–000]

Take notice that on February 5, 1996, Duquesne Light Company (DLC) filed a Service Agreement dated January 31, 1996 with AES Power, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds AES Power, Inc. as a customer under the Tariff. DLC requests an effective date of January 31, 1996 for the Service Agreement.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Duquesne Light Company

[Docket No. ER96–1015–000]

Take notice that on February 5, 1996, Duquesne Light Company (DLC) filed a Service Agreement dated January 16, 1996 with KCS Power Marketing, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds KCS Power Marketing, Inc. as a customer under the Tariff. DLC requests an effective date of January 16, 1996 for the Service Agreement.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Duquesne Light Company

[Docket No. ER96–1016–000]

Take notice that on February 5, 1996, Duquesne Light Company (DLC) filed a Service Agreement dated January 16, 1996 with Citizens Lehman Power Sales under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Citizens Lehman Power Sales as a customer under the Tariff. DLC requests an effective date of January 16, 1996 for the Service Agreement.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Duquesne Light Company

[Docket No. ER96–1017–000]

Take notice that on February 5, 1996, Duquesne Light Company (DLC) filed a Service Agreement dated January 9, 1996 with Koch Power Service, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Koch Power Service, Inc., as a customer under the Tariff. DLC requests an effective date of January 9, 1996 for the Service Agreement.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Pacific Gas and Electric Company

[Docket No. ER96–1019–000]

Take notice that on February 6, 1996, Pacific Gas and Electric Company (PG&E), tendered for filing, as a rate schedule change, revisions to Appendices A through J to the Agreement between Pacific Gas and Electric Company and the City and County of San Francisco (Agreement). The Agreement was initially filed in FERC Docket No. ER88–217–000 and designated as PG&E Rate Schedule FERC No. 114.

Copies of this filing were served upon the City and the California Public Utilities Commission.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Cinergy Services, Inc.

[Docket No. ER96–1020–000]

Take notice that on February 6, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated December 1, 1995 between Cinergy, CG&E, PSI and Jacksonville Electric Authority (JEA).

The Interchange Agreement provides for the following service between Cinergy and JEA.

1. Exhibit A—Power Sales by JEA
2. Exhibit B—Power Sales by Cinergy

Cinergy and JEA have requested an effective date of February 1, 1996.

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

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Cinergy Services, Inc.

[Docket No. ER96–1021–000]

Take notice that on February 6, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated January 1, 1996 between Cinergy, CG&E, PSI and Valero Power Services Company (VALERO).

The Interchange Agreement provides for the following service between Cinergy and VALERO.

1. Exhibit A—Power Sales by VALERO
2. Exhibit B—Power Sales by Cinergy

Cinergy and VALERO have requested an effective date of February 1, 1996.

Copies of the filing were served on Valero Power Services Company, the Texas Public Utility Commission, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. PacifiCorp

[Docket No. ER96–1022–000]

Take notice that on February 6, 1996, PacifiCorp tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, unexecuted Transmission Service Agreements with 137 eligible customers under PacifiCorp's FERC Electric Tariff, Original Volume No. 10.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

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

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Louisville Gas and Electric Company

[Docket No. ER96–1023–000]

Take notice that on February 6, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Rainbow Energy Marketing Corp. under Rate GSS.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Louisville Gas and Electric Company

[Docket No. ER96–1024–000]

Take notice that on February 5, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Koch Power Services, Inc. under Rate GSS.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Louisville Gas and Electric Company

[Docket No. ER96–1025–000]

Take notice that on February 6, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Enron Power Marketing, Inc. under Rate GSS.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

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

[Docket No. ER96–1026–000]

Take notice that on February 6, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Companies), filed a Service Agreement between GPU and Coastal Electric Services Company (Coastal) dated January 5, 1996. This Service Agreement specifies that Coastal has agreed to the rates, terms and conditions of the GPU Companies' Energy Transmission Service Tariff accepted by the Commission on September 28, 1995 in Docket No. ER95–7091–000 and designated as FERC Electric Tariff, Original Volume No. 3.

GPU requests a waiver of the Commission's notice requirements for good causes shown and an effective date February 6, 1996 for the Service Agreement. GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania and on Coastal.

Comment date: February 28, 1996, 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. 96–3959 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 11243–007]

Whitewater Engineering Corporation; Notice to File Additional Scientific Studies

February 5, 1996.

Pursuant to the Energy Policy Act of 1992, Whitewater Engineering Corporation (Whitewater) intends to prepare a preliminary draft environmental assessment (PDEA) to file with its license application for the proposed Power Creek Hydroelectric Project (FERC No. 11243–001), to be located on Power Creek, near the town of Cordova, Alaska.

Under Section 4.32(b)(7) of the Commission's Regulations, if any agency, Indian Tribe, special interest group, or individual thinks that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the project's merits, they must request that study within 60 days of the filing of the license application.

For the Power Creek Project, however, Whitewater requested waiver of section 4.32(b)(7) of the regulations to accommodate their preparation of the PDEA, so the additional studies request opportunity will be afforded now. The waiver has been granted. Therefore, all requests for studies must be filed within 60 days of the issuance date of this notice.

The study requests, which must conform to section 4.32(b)(7) of the regulations, should clearly identify the following on the first page:

Power Creek Hydroelectric Project (FERC No. 11243–001).

The requests should then be served on the following two parties:

Thom Fischer, President, Whitewater Engineering Corporation, 1050 Larrabee Ave., Suite 104–107, Bellingham, WA 98225

Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426

Lois D. Cashell,

Secretary.

[FR Doc. 96–3958 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 11374–001, et al.]

Hydroelectric Applications [Butler County, Iowa, et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. *Type of Application:* 5–MW Exemption.

b. *Project No.:* 11374–001.

c. *Date filed:* February 25, 1994.

d. *Applicant:* Butler County, Iowa.

e. *Name of Project:* Greene Milldam.

f. *Location:* on the Shell Rock River, in the Town of Greene, Butler County, Iowa.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Steve Brunsma, 19429 Timber Road, Clarksville, Iowa 50619, (319) 278–4237.

i. *FERC Contact:* Mary C. Golato, (202) 219–2804.

j. *Deadline Date:* April 1, 1996.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D10.

l. *Description of Project:* The existing inoperative project would consist of: (1) a 290-foot-long, 11-foot-high concrete dam; (2) an existing reservoir having an 85-acre surface area and a 385-acre-foot storage capacity at normal water surface elevation 946 feet mean sea level; (3) an existing powerhouse containing one 150-kilowatt (Kw) generating unit and one 250-Kw generating unit for a total installed capacity of 400 Kw operated at a 10.6-foot head; (4) a short 13.8-kilovolt transmission line; and (5) appurtenant facilities. The dam is owned by Butler County, Iowa. The applicant estimates that the average annual generation would be 1,280 megawatthours.

m. *Purpose of the Project:* All project energy generated would be utilized by the applicant for sale.

n. This notice also consists of the following standard paragraphs: A4, D10 and H.

o. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Mr. Steve Brunsma, 19429 Timber Road, Clarksville, IA 50619, (319) 278–4237.

2a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11567–000.

c. *Date filed:* December 15, 1995.

d. *Applicant:* Shelby Electric Cooperative, Inc.

e. *Name of Project:* Lake Shelbyville Project.

f. *Location:* On the Kaskaskia River, in Shelbyville, in Shelby County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Lincoln Duncan, Engineer, Barnes, Henry, Meisenheimer and Gende, Inc., 4658 Gravois Avenue, St. Louis, MO 63116, (314) 352–8630.

i. *FERC Contact:* Mary Golato, (202) 219–2804.

j. *Comment Date:* April 15, 1996.

k. *Description of Project:* The proposed project would utilize the existing U.S. Corps of Engineers dam and would consist of the following: (1) a proposed powerhouse containing one turbine-generator unit having a total capacity of 6,100 kilowatts; (2) a proposed 12,470-volt transmission line 800 feet long; and (3) appurtenant facilities. The average annual generation is estimated to be 21,200 megawatthours. The cost of the studies under the term of the permit will not exceed $150,000.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2 and H.

3a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11568–000.

c. *Date Filed:* January 2, 1996.

d. *Applicant:* MARIA Hydro Corporation.

e. *Name of Project:* Marble Rock Mill Dam.

f. *Location:* On the Shell Rock River in Floyd County, Iowa.

g. *Filed Pursuant to:* Federal Power Act 17 U.S.C. §§ 791(a)–825(r).

h. *Contact Person:* Thomas J. Wilkinson, Jr., 300 American Building, 101 Second Street SE, Cedar Rapids, IA 52401, (319) 366–4990.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* April 15, 1996.

k. *Description of Project:* The proposed project would consist of: (1) an existing 15-foot-high concrete dam owned by the City of Marble Rock, Iowa; (2) an impoundment with a surface area of 55 acres at 545 feet m.s.l., with 250 acre-feet of storage; (3) a proposed powerhouse containing one generating unit with a rated capacity of 660 Kw; and, (4) a proposed 50-foot-long transmission line. The applicant estimates the average annual energy production to be 2,890 Mwh and the cost of the work to be performed under the preliminary permit to be $27,000.

l. *Purpose of Project:* The power produced would be sold to a local utility company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2 and H.

4a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11569–000.

c. *Date Filed:* January 2, 1996.

d. *Applicant:* HUMIA Hydro Corporation.

e. *Name of Project:* Humboldt Mill Dam.

f. *Location:* On the West Fork, Des Moines River in Humboldt County, Iowa.

g. *Filed Pursuant to:* Federal Power Act 17 U.S.C. §§ 791(a)–825(r).

h. *Contact Person:* Thomas J. Wilkinson, Jr., 300 American Building, 101 Second Street SE, Cedar Rapids, IA 52401, (319) 366–4990.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* April 15, 1996.

k. *Description of Project:* The proposed project would consist of: (1) an existing 12-foot-high concrete dam owned by the Humboldt County Conservation Board; (2) an impoundment with a surface area of 80 acres at 1070 feet m.s.l. with 400 acre-feet of storage; (3) a proposed powerhouse containing one generating unit with a rated capacity of 820 Kw; and, (4) a proposed 50-foot-long transmission line. The applicant estimates the average annual energy production to be 3,590 Mwh and the cost of the work to be performed under the preliminary permit to be $27,000.

l. *Purpose of Project:* The power produced would be sold to a local utility company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2 and H.

5a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11570–000.

c. *Date Filed:* January 2, 1996.

d. *Applicant:* RUTIA Hydro Corporation.

e. *Name of Project:* Rutland Mill Dam.

f. *Location:* On the West Fork, Des Moines River in Humboldt County, Iowa.

g. *Filed Pursuant to:* Federal Power Act 17 U.S.C. §§ 791(a)–825(r).

h. *Contact Person:* Thomas J. Wilkinson, Jr., 300 American Building, 101 Second Street SE, Cedar Rapids, IA 52401, (319) 366–4990.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* April 15, 1996.

k. *Description of Project:* The proposed project would consist of: (1) an existing 13-foot-high concrete dam owned by the Humboldt County Conservation Board; (2) an impoundment with a surface area of 80 acres at 1090 feet m.s.l. with 350-acre feet of storage; (3) a proposed powerhouse containing one generating unit with a rated capacity of 700 Kw; and, (4) a proposed 200-foot-long transmission line. The applicant estimates the average annual energy production to be 3,549 Mwh and the cost of the work to be performed under the preliminary permit to be $27,000.

l. *Purpose of Project:* The power produced would be sold to a local utility company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2 and H.

6a. *Type of Application:* Amendment of License.

b. *Project No.:* 2210–010.

c. *Dated filed:* December 27, 1995.

d. *Applicant:* Appalachian Power Company.

e. *Name of Project:* Smith Mountain.

f. *Location:* The project is located on the Roanoke River in Bedford, Campbell, Franklin, Pittsylvania and Roanoke Counties in Virginia.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Frank M. Simms, Power Generation, American Electric Power, 1 Riverside Plaza, Columbus, OH 43215, Phone: (614) 223–1000.

i. *FERC Contact:* Buu T. Nguyen, (202) 219–2913.

j. *Comment Date:* March 23, 1996.

k. *Description of Amendment:* On behalf of Appalachian Power Company, licensee, American Electric Power filed an application requesting its license be amended to reflect a change in installed capacity from the authorized capacity of 583.75 MW to 636 MW and the replacement of the turbine runners for unit Nos. 2 and 4 at the Smith Mountain Development. The hydraulic capacity for the Smith Mountain Development increases from 43,400 cfs to 46,000 cfs.

l. This notice also consists of the following standard paragraphs; B, C1, and D2.

7a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 2056.

c. *Date filed:* December 26, 1995.

d. *Submitted By:* Northern States Power Company, current licensee.

e. *Name of Project:* St. Anthony Falls.

f. *Location:* On the Mississippi River, in the City of Minneapolis, Hennepin County, Minnesota.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* January 1, 1951.

i. *Expiration date of original license:* December 31, 2000.

j. *The project consists of:* (1) a dam consisting of the Horseshoe Dam gravity section and spillway, the Main Spillway, the Roll Dams, the Hennepin Island Earthen Dam, two abandoned wasteways, a concrete non-overflow section, and the integrally constructed powerhouse of the abandoned Main Street Station; (2) the Hennepin Island Intake Canal; (3) the Hennepin Island powerhouse containing four 2,475–Kw generating units and a 2,500–Kw generating unit; and (4) appurtenant facilities. The project has a total installed capacity of 12,400–Kw.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Northern States Power Company, Renaissance Square Building, Environmental and Regulatory Affairs Department, 8th Floor, 512 Nicollet Mall, Minneapolis, MN 55401, Contact: Jack J. Schutz (612) 330–5621.

l. *FERC contact:* Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1998.

8a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 2901.

c. *Date filed:* December 5, 1995.

d. *Submitted By:* Nekoosa Packaging Corporation, current licensee.

e. *Name of Project:* Holcomb Rock.

f. *Location:* On the James River, in Amherst and Bedford Counties, Virginia.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* April 1, 1962.

i. *Expiration date of original license:* January 31, 2001.

j. The project consists of: (1) a stone masonry and wood crib diversion dam about 21 feet high and 644 feet long; (2) a reservoir with a surface area of 127 acres at normal pool elevation 571.7 feet m.s.l.; (3) a canal 2,700 feet in length; (4) a powerhouse containing three generating units, each rated at 625–Kw; (5) a 2.4/13.8–Kv, 3,750–KVA transformer; (6) a 6.5-mile-long, 13.8–Kv transmission line; and (7) appurtenant facilities. The project has a total installed capacity of 1,875–Kw.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Georgia-Pacific Corporation, Big Island Mill, P.O. Box 40, Route 501, Big Island, VA 24526.

l. *FERC contact:* Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 1999.

9a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11319–001.

c. *Date filed:* January 2, 1996.

d. *Applicant:* Haines Light & Power Company, Inc.

e. *Name of Project:* Upper Chilkoot Hydroelectric Project.

f. *Location:* Partially on lands administered by the Bureau of Land Management, on an unnamed reservoir in the Chilkoot Lake drainage system, near the town of Haines in Alaska. Sections 23, 24, 25, 26, 27, 34, and 35 in T28S, R57E; sections 4, 9, 10, 14, 15, 22, 23, 25, 26, and 36 in T29S, R58E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Corry V. Hildenbrand, President, Haines Light & Power Company, Inc., 889 South Franklin, Juneau, Alaska 99801, (907) 463–6315.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* April 18, 1996.

k. *Description of Project:* The proposed project would consist of: (1) a 48-foot-high dam at the mouth of Upper Chilkoot Lake (proposed to be renamed Connolly Lake) which would increase its surface area from 90 acres to 160 acres; (2) a 6,188-foot-long, 30-inch diameter steel penstock; (3) a powerhouse containing one generating unit with an installed capacity of 6,200 Kw; (4) a 14-mile-long underground transmission line interconnecting with an existing Haines Light & Power Company, Inc. transmission line; and (5) appurtenant facilities.

No new access roads will be needed to conduct the studies.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

10a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 2902.

c. *Date filed:* December 5, 1995.

d. *Submitted By:* Nekoosa Packaging Corporation, current licensee.

e. *Name of Project:* Big Island.

f. *Location:* On the James River, in Amherst and Bedford Counties, Virginia.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* April 1, 1962.

i. *Expiration date of original license:* December 31, 2000.

j. The project consists of: (1) a stone masonry and wood crib dam about 15 feet high and 600 feet long; (2) a reservoir with a surface area of 100 acres at normal pool elevation 604.7 feet m.s.l.; (3) a powerhouse containing two generating units each rated at 256-kW; and (4) appurtenant facilities. The project has a total installed capacity of 512-kW.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Georgia-Pacific Corporation, Big Island Mill, P.O. Box 40, Route 501, Big Island, VA 24526.

l. *FERC contact:* Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1998.

11a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 3090.

c. *Date filed:* January 18, 1996.

d. *Submitted By:* Village of Lyndonville Electric Department, current licensee.

e. *Name of Project:* Vail.

f. *Location:* On the Passumpsic River, in Caledonia County, VT.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* April 1, 1962.

i. *Expiration date of original license:* January 31, 2001.

j. The project consists of: (1) a 15-foot-high, 96-foot-long concrete gravity-type dam having spillway crest elevation 686.91 feet m.s.l. surmounted by 18-inch-high flashboards; (2) a reservoir having a 25 acre-foot storage capacity at normal water surface elevation 688.33 feet m.s.l.; (3) a trashrack and headgate; (4) an integral concrete powerhouse containing a 350-kW generating unit; (5) a 2.4-kV, 0.8-mile-long transmission line; and (6) appurtenant facilities.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Village of Lyndonville, Electric Department, 20 Park Avenue, Lyndonville, VT 05851.

l. *FERC contact:* Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.19 and 16.20, each application for a new or subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 1999.

Standard Paragraphs

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide

whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (April 2, 1996 for Project No. 11374–001). All reply comments must be filed with the Commission within 105 days from the date of this notice (May 17, 1996 for Project No. 11374–001).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

H. In responding, commenters may submit a copy of their comments on a 3 1/2-inch diskette formatted for MS–DOS based computers. In light of our ability to translate MS–DOS based materials, the text need only be submitted in the format and version that it was generated (i.e., MS Word, WordPerfect 5.1/5.2, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format and then write them to files on a diskette formatted for MS–DOS machines.

Dated: February 15, 1996, Washington, D.C.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3957 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–P

[CP96–171–000, et al.]

ANR Pipeline Corporation, et al.; Natural Gas Certificate Filings

February 14, 1996.

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

1. ANR Pipeline Corporation

[Docket No. CP96–171–000]

Take notice that on February 6, 1996, ANR Pipeline Corporation (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP96–171–000 an application pursuant to Section 7(b) of the Natural Gas Act, as amended, and Sections 157.7 and 157.18 of the Commission's Regulations thereunder, for permission and approval to abandon certain natural gas transportation services for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR states that by orders issued in Docket Nos. CP69–249, CP73–65 and CP86–157, it was authorized, pursuant to transportation agreements designated as Rate Schedules X–11, X–33 and X–156 respectively, to transport natural gas for Texas Gas from various offshore Louisiana receipt points and redeliver the gas at a delivery point near Calumet, St. Mary's Parish, Louisiana.

ANR states that by letter dated August 8, 1995, Texas Gas requested that the termination of the three firm gas transportation services be made effective February 29, 1996.

ANR further states that no facilities are proposed to be abandoned.

Comment date: March 6, 1996, in accordance with Standard Paragraph F at the end of this notice.

2. ANR Pipeline Company

[Docket No. CP96–172–000]

Take notice that on February 8, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243 filed an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations requesting permission and approval to abandon three certificated transportation services on behalf of Texas Gas Transmission Corporation (Texas Gas), ANR's Rate Schedules X–11, X–33 and X–156, Original Volume No. 2 of ANR's FERC Gas Tariff. The application is on file with the Commission and open to public inspection.

ANR proposes to abandon the above services authorized in Docket Nos. CP69–249, CP73–65 and CP86–157–000.[1] ANR states that it was authorized to transport natural gas for Texas Gas from various offshore Louisiana receipt points and to redeliver the gas near Calumet, St. Mary's Parish, Louisiana.

ANR states that the firm transportation service for Rate Schedules X–33 and X–156 is to continue through the date of termination of service under ANR's Rate Schedule No. X–11. Article I of Rate Schedule X–11 provides for an initial service term of twenty years from first delivery and from year to year thereafter unless canceled by either party with at least six (6) months written notice, which may be made effective at the end of the initial twenty years or any year thereafter. By a letter dated August 8, 1995, Texas Gas has exercised its right to terminate the agreements and has requested a termination date of February 29, 1996.

ANR states that no facilities are proposed to be abandoned. ANR also states that its facilities will continue to be available for service on an open-access basis pursuant to Part 284 of the Commission's regulations.

Comment date: March 6, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. Texas Eastern Transmission Corporation

[Docket No. CP96–174–000]

Take notice that on February 7, 1996, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP96–174–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and install a delivery point on its existing 30-inch Line Nos. 10 and 15 in Rutherford County, Tennessee, in order to make interruptible deliveries to the Town of Smyrna (Smyrna), a public utility in the state of Tennessee, for its system supply. Texas Eastern will install the proposed facilities for an estimated cost of $63,000 under its blanket certificate issued in Docket No. CP82–535–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

To provide the proposed service to Smyrna, Texas Eastern will construct, install, own, operate, and maintain a 2-inch tap valve and a 2-inch check valve, on each of its Line No. 10, at Mile Post 271.26 and on its Line No. 15 at Mile Post 271.369. Smyrna will reimburse Texas Eastern for 100% of the costs and expenses associated with the installation of the proposed delivery taps. Additionally, Texas Eastern states that Smyrna will install, or cause to be installed, dual 2-inch turbine meters, approximately 45 feet of 2-inch pipeline, and the electronic gas measurement equipment (EGM). Texas Eastern claims that while Smyrna will own, operate, and maintain the dual turbine meters and connecting pipe, Texas Eastern states that it will own and operate the EGM. Texas Eastern proposes to deliver up to 5 MMcf/d under its Interruptible Transportation Service Rate Schedule. Texas Eastern asserts that the proposed service will be provided by utilizing existing capacity on the system, therefore, it will have no effect on its peak day or annual deliveries. Additionally, Texas Eastern claims that the proposed service will be accomplished without detriment or disadvantage to its other customers.

Comment date: April 1, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Maritimes & Northeast Pipeline, L.L.C.

[Docket No. CP96–178–0000]

Take notice that on February 8, 1996, Maritimes & Northeast Pipeline, L.L.C. (Maritimes & Northeast), filed in Docket No. CP96–178–000 an application pursuant to Section 7(c) of the Natural Gas Act (NGA). Maritimes & Northeast seeks authority necessary to construct, install, own, operate and maintain about 64.1 miles of new natural gas pipeline and ancillary facilities extending from Massachusetts to Maine. Maritimes & Northeast also seeks a Part 284, Subpart G blanket certificate for the transportation of natural gas for others; a Part 157, Subpart F blanket certificate for certain construction and operation of facilities and other minor activities under Section 7 of the NGA; and, approval of its initial rates and *pro forma* tariff provisions. Maritimes & Northeast's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Maritimes & Northeast is a limited liability company organized and existing under the laws of the State of Delaware. Maritimes & Northeast's members are M & N Management Company, a wholly-owned subsidiary of Panhandle Eastern Corporation; Westcoast Energy (U.S.) Inc., a wholly-owned subsidiary of Westcoast Energy Inc.; Mobil Midstream Natural Gas Investments Inc., a wholly-owned subsidiary of Mobil Oil Corporation and SableEast Corporation, a wholly-owned subsidiary of Eastern Enterprises, which is the parent of Boston Gas Company.

The proposed facilities are the ''prebuild-Phase I'' of the southern portion of the Maritimes & Northeast Pipeline Project—a natural gas transportation facility for the Sable Offshore Energy Project (Sable Project). The Sable Project is sponsored by a consortium of United States and Canadian energy companies and is currently in the pre-development stages. The Sable Project is scheduled to make offshore natural gas supplies available to Eastern Canada and the Northeastern United States in 1999. Under Maritime & Northeast's Phase I proposal, it is claimed that timely and cost competitive open access transportation service will be made available to the New Hampshire and southern Maine markets in 1997.

Maritimes & Northeast says that its proposal will provide an additional benefit of positioning these markets to access the Sable Project's supply in 1999. Maritimes & Northeast further states that the proposed Phase I facilities and services are not dependent upon the construction of facilities to connect the Sable Project's supplies. Maritimes & Northeast requests that the Commission issue a Preliminary Determination for the non-environmental issues and that a final certificate be issued by April 1, 1997.

The new pipeline would extend from a proposed point of interconnection with the existing facilities of Tennessee Gas Pipeline Company near Dracut,

[1] *See*, 41 FPC 828 (1969), 49 FPC 2 (1973) and 35 FERC ¶ 62,339 (1986), respectively.

Middlesex County, Massachusetts to a proposed point of interconnection with the existing facilities of Granite State Gas Transmission, Inc. near Wells, York County, Maine. The new pipeline will be 24-inches in diameter and have a capacity of 60,000 MMBtu per day. The estimated cost of the new pipeline is $82 million, and the facilities are proposed to be in-service by November 1, 1997.

Maritimes & Northeast says that it will have the ability to redeliver 60,000 MMBtu per day of domestic natural gas from the North American pipeline grid and will provide several significant and operational benefits to the Maritimes & Northeast shippers and Northeast markets. Maritimes & Northeast has signed two firm transportation precedent agreements with two affiliates, both dated January 31, 1996. One is with PanEnergy Gas Services, Inc. for 40,000 MMBtu per day for a term of 20 years, and the other is with Mobil Natural Gas, Inc. for 20,000 MMBtu per day, also for 20 years.

Maritimes & Northeast says that the rates proposed to recover the cost of the project are cost-based straight fixed variable rates, levelized over the first seven years in order to reflect market requirements. The rates are designed to recover the costs of the facilities proposed herein over the life of those facilities. Maritimes & Northeast says that market conditions in the area to be served by Phase I require a levelized rate in the first seven years of operation so that shippers may effectively compete on a delivered cost basis in peak period consumer markets in Maine. Maritimes & Northeast proposes to record four percent annual depreciation for accounting purposes. The difference between the levelized and straight line methods would be recorded in a regulatory asset account.

Maritimes & Northeast also requests approval of its *pro forma* tariff governing the terms and conditions of the transportation services it proposes. Maritimes & Northeast proposes to offer four different types of firm transportation service and interruptible transportation service. Maritimes & Northeast says that it has conformed this *pro forma* tariff to the applicable requirements of the Commission's Order No. 636.

Comment date: March 6, 1996, in accordance with Standard Paragraph F at the end of this notice.

5. Northwest Pipeline Corporation

[Docket No. CP96–182–000]

Take notice that on February 9, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP96–182–000 a request pursuant to Sections 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216(b)) for authorization to abandon by removal its Chemical Lime Meter Station (Chemical Lime M.S.), located in Baker County, Oregon, under the blanket certificate issued in Docket No. CP82–433–000, pursuant to Section 7(b) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest states that Chemical Lime M.S. was constructed to deliver gas to Cascade Natural Gas Corporation (Cascade) for service to a single end-user, the Chemical Lime Company. Northwest claims that Chemical Lime M.S. consisted of a tap, meter and regulating equipment located on Northwest's 22-inch mainline. Additionally, Northwest asserts that no deliveries have been made to the Chemical Lime delivery point since the Chemical Lime plant ceased operations in 1983. Northwest notes that it disconnected the Chemical Lime M.S. effective July 11, 1990, because the facilities were obsolete and there did not appear to be a future use for them.

Northwest states that it currently has no contractual obligation to provide service to the Chemical Lime delivery point, and by a letter dated May 1, 1995, Cascade stated that it had no objections to the abandonment by removal of the Chemical Lime M.S. Northwest claims that the Chemical Lime M.S. has been dismantled from the site and that the removal was completed January 12, 1995. Northwest asserts that due to an administrative oversight, it did not request or receive approval prior to abandoning this meter station. Northwest notes that the actual cost of removing this meter station was $9,742.

Comment date: April 1, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

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

Lois D. Cashell,

Secretary.

[FR Doc. 96–3960 Filed 2–21–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5428–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Estuary Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) renewal has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Estuary Program, OMB Control Number 2040–0138, expiring 03/31/96. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 25, 1996.

FOR FURTHER INFORMATION OR A COPY CALL:
Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1500.03.

SUPPLEMENTARY INFORMATION: Title: National Estuary Program (OMB Control No. 2040–0138; EPA ICR No. 1500.03) expiring 03/31/96. This is a request for extension of a currently approved collection.

Abstract: Under the National Estuary Program, EPA collects information from the participating State or local agency which will receive funds under section 320 of the Clean Water Act. The regulations requiring this information are found at 40 CFR Part 35. Prospective recipients apply to receive grant funds to carry out a three to five-year program resulting in the completion of a Comprehensive Conservation and Management Plan for an estuary.

To continue to receive grant funds, grantees must submit an annual workplan to EPA. EPA provides guidance on how to prepare the workplan and issues planning targets to each grantee. The workplan is the only information required from the grantee beyond that which is required in the standard government grant application. It provides the basis for the scope of work written into the grant agreement and consists of two parts: progress on projects funded previously, and new projects proposed with dollar amounts and completion dates. Once incorporated into the grant agreement, the workplan is used to track performance.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 10/23/95 (60 FR 54349); no comments were received.

Burden Statement: The annual public reporting burden for this collection of information is estimated to average 132 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondens/Affected Entities: States.

Estimated Number of Respondents: 28.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 3,700 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1500.03 and OMB Control No. 2040–0138 in any correspondence.

Ms. Sandy, Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street, SW, Washington, DC 20460

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503

Dated: February 14, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–4034 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5429–4]

Agency Information Collection Activities Under OMB Review; Standards of Performance for Iron and Steel Plants: Basic Oxygen Furnaces OMB Control No. 2060–0029 EPA ICR No. 1069.05

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507(a)(1)(D)), this notice announces that the Information Collection Request (ICR) for New Source Performance Standards (NSPS) for Basic Oxygen Process Furnaces (Subpart N and Na) described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 25, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1069.05.

SUPPLEMENTARY INFORMATION: .

Title: New Source Performance Standards (NSPS) for Basic Oxygen Process Furnaces (Subpart N and Na) (OMB Control No. 2060–0029; EPA ICR No. 1069.05). This is a request for extension of a currently approved collection.

Abstract: The standards require initial notification reports with respect to construction, modification, reconstruction, startups, shutdowns, and malfunctions (specified in 40 CFR 60.7(a)). Notification of construction and startup indicated to enforcement personnel when a new affected facility has been constructed and, therefore, is subject to the standard.

The Standards requires daily recordkeeping of process information (specified in 40 CFR 60.143a) which is generally readily available in plant records resulting in no increase burden to industry. It also requires continuous monitoring of pressure loss through the venturi constriction of the control equipment and water supply pressure to the control equipment (specified in 40 CFR 60.143b). This information collected will be used to compare results with those measured during the most recent performance test and, therefore, will ensure continuous compliance with the standard.

The semiannual reporting requirement (specified in 40 CFR

60.143(c) and 60.143a (d) and (e)) for monitoring results (i.e., pressure loss through the venturi constriction of the scrubber and water supply pressure to the scrubber) which average more than ten percent below performance test results provides a good indication of a source's compliance status. Industry are required to maintain records at the facility for a minimum of two (2) years.

An owner or operator could elect to reduce operating expenses by not installing, maintaining, or otherwise operating the control technology required by the standards. In the absence of the information collection requirements, compliance with the standards could be ensured only through continuous on-site inspections by regulatory agency personnel. Consequently, not collecting the information would result in either greatly increased expenditures of resources, or the inability to ensure compliance with the standards.

The information collected from recordkeeping and reporting requirements is also used for targetting inspections, and is of sufficient quality to be used as evidence in court. The enforcement personnel may elect to conduct an inspection to ensure that the equipment is properly installed and operated, as was indicated in the performance test report. They may also conduct periodic inspections to obtain additional data, as a check for source operation and maintenance and for compliance determinations.

All reports are sent to the delegated State or local level authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 29, 1995.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 95.35 hours per response. Burden means the total time, effort, or financial resources expanded by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 24.
Estimated Number of Respondents: 24.
Estimated Number of Responses: 31.2.
Frequency of Response: semiannual.
Estimated Total Annual Hour Burden: 2,974.8 hours.
Estimated Total Annualized Cost Burden: $90,582.66.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1069.05 and OMB Control No. 2060–0029 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street, SW, Washington, DC 20460.
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: February 15, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–4009 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5429–2]

Agency Information Collection Activities: Submission for OMB Review: Comment Request; Office of Water 301(h) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) renewal has been forwarded to the Office of Management and Budget (OMB) for review and approval: Modification of Secondary Treatment Requirements for Discharges into Marine Waters, OMB Control Number 2040–0088, expiring 02/29/96. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 25, 1996.

FOR FURTHER INFORMATION OR A COPY CALL:
Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 0138.05.

SUPPLEMENTARY INFORMATION:

Title: Modification of Secondary Treatment Requirements for Discharges into Marine Waters (OMB Control No. 2040–0088, EPA ICR No. 0138.05, expiring 02/29/96). This is a request for extension of a currently approved collection.

Abstract: Under section 301(h) of the Clean Water Act (CWA), publicly owned treatment works (POTWs) discharging pollutants into certain marine waters could apply for and be granted a waiver from secondary treatment requirements for conventional pollutants. The regulations implementing this program are found at 40 CFR Part 125, Subpart G. EPA issues this waiver with the concurrence of the State in which the POTW is located. The POTW must submit application, monitoring and toxic control program information. States provide State determination and certification information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 10/24/95 (60 FR 54496); 2 comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 460 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources;

complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Publicly owned treatment works (POTWs), States.

Estimated Number of Respondents: 63.

Frequency of Response: Variable.

Estimated Total Annual Hour Burden: 75,093 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0138.05 and OMB Control Number 2040–0088 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street, NW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: February 15, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–4010 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–M

[TRL 5429–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507 (a)(1)(D)), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 25, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1614.02.

SUPPLEMENTARY INFORMATION:

Title: Reporting and Record Keeping Requirements under EPA's Green Lights Program, OMB# 2060–0255, ICR# 1614.02, expires March 31, 1996. This is a request for a revision of a currently approved collection.

Abstract: Green Lights is a voluntary EPA program that encourages corporations, state and local governments, colleges and universities, and other organizations to adopt energy efficient lighting as a profitable means of preventing pollution and improving lighting quality. The program organization consists of three types of Green Lights participants: partners, allies, and endorsers. Green Light Partners agree to survey and upgrade lighting fixtures and procedures, if profitable. Allies work with EPA to increase awareness of energy-efficient lighting and provide information on products and services. Allies (except Surveyor Allies) also agree to survey and upgrade their lighting. Endorsers agree to encourage their members to promote the Green Lights goal of using lighting in the most energy-efficient, environmentally-protective way possible.

Partners and allies in the Green Lights program must complete, sign and submit to EPA a Memorandum of Understanding (MOU) that outlines the responsibilities of both the Green Lights participant and EPA. The MOU commits a Green Lights participant to survey all of its U.S. facilities and consider a full set of lighting options that maximize energy savings while being profitable and not compromising lighting quality. The participant agrees to complete lighting upgrades within five years of signing the MOU in 90 per cent of the square footage of its facilities that meet these criteria. In an effort to ensure that each new Green Lights participant gets off to a quick start, each new participant (particularly those over one million square feet) is asked to install a demonstration lighting upgrade, create a list of facilities to be surveyed/upgraded, create a survey, and develop an estimated upgrade budget. Upon completion of a lighting upgrade, or annually if the project is not completed after a year, partners and allies must complete and submit to EPA an implementation report that documents energy-efficient improvements and cost savings.

EPA has developed this ICR to obtain authorization to collect information from Green Lights participants. EPA needs to collect initial information in the MOU to formally establish participation in the Green Lights Program and to obtain general information on new Green Lights participants. EPA uses information obtained in the MOU to identify a Green Lights Implementation Manager and Media Liaison and to obtain data on the size and type of buildings subject to the Green Lights agreement. By agreeing to participate in the Green Lights Program, the participant agrees to the terms of various information collections specified by EPA in the MOU.

EPA needs to collect information in the Implementation Report to evaluate a participant's progress and performance, and overall program results. The information provided in the Implementation Report also allows EPA to identify the fixture types, lighting controls, maintenance methods, and implementation methods most commonly utilized, and to provide technical and other assistance to participants in completing their planned upgrades. By agreeing to participate in the Green Lights Program, the participant agrees to complete and submit this form upon completion of a project, or annually if the project is not completed after a year.

EPA needs to collect information from allies on energy-efficient lighting products and services to develop a directory and provide program partners with this information. EPA needs to collect case studies on successful energy-efficient lighting investments to provide examples of profitable, energy-saving investments. EPA needs to review, prior to public distribution, any materials that carry the Green Lights logo or mention the program to ensure that the program is being represented in an appropriate manner.

EPA needs to collect information from organizations that provide financing products and services. This information will be used by EPA to develop a directory describing these financing services that are available to assist program participants in accomplishing their lighting upgrades. This information will be collected (via a questionnaire) and is strictly voluntary. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9. The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on 10/05/95 (FR Oct. 5, 1995, Vol. 60, No. 193).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information will vary. The estimated average hours per response varies depending upon whether the respondent is a Partner, Ally, Endorser, or financing company, and the length of time the respondent has participated in the Green Lights program. Although, new partners and

allies will incur a one-time burden averaging 8.95 hours for reviewing and completing the MOU. New endorsers will incur a one-time burden averaging 0.2 hours for reviewing and completing the endorser agreement. These estimates includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. Respondents/Affected Entities: Green Lights Partners and Endorsers include corporations, state and local government, colleges and universities, and other organizations. Green Lights Allies include lighting manufacturers, lighting management companies, and utilities. Companies appearing in the EPA financial directory include utility companies and other financing companies.

Estimated No. of Respondents: EPA estimates that there will be an average of 1,717 partners, 575 allies during the period covered by this ICR, for a total of 2,292 participants and 395 endorsers. EPA also estimates that 615 lighting financing providers will submit information to the EPA.

Estimated Total Annual Burden on Respondents: 107,997 hours.

Frequency of Collection: The Memorandum of Understanding (MOU) is completed and submitted once, upon joining the Green Lights program. The implementation progress report is submitted upon project completion or annually if the project is not completed within one year. Case studies and other information on products and services from lighting manufacturers, lighting service providers, and utilities are obtained upon joining the Green Lights program. The lighting financing providers will submit a financing directory form to EPA two times per year.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1614.02 and OMB Control No. 2060–0255 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street SW., Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

Dated: February 15, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–4011 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5429–3]

Agency Information Collection Activities Under OMB Review; Standards of Performance for Petroleum Refineries; OMB No. 2060–0022, EPA No. 1054.06

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507(a)(1)(D)), this notice announces that the Information Collection Request (ICR) for Petroleum Refineries described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 25, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1054.06.

SUPPLEMENTARY INFORMATION:

Title: Standards of Performance for Petroleum Refineries (OMB No. 2060–0022; EPA ICR No. 1054). This is a request for revision of a currently approved collection.

Abstract: In the Administrator's judgement, particulate matter, carbon monoxide, and sulfur oxides emissions from petroleum refineries cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. In order to assure compliance with the emissions standards, adequate monitoring and recordkeeping is necessary. If the information required by the standards were not collected, the Agency would have no means for ensuring that compliance with the NSPS is achieved and maintained by sources subject to the regulation. The information collected is also used for targeting inspections, and is of sufficient quality to be used as evidence in court. The information collected is required under 40 C.F.R. Part 60 Subpart J and records of the information are required to be maintained for at least two years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 9/29/95 (FR 60, No. 189 p 50572–73).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.25 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Normal Data Collection:

Estimated Hours/Response: 0.25.
Estimated Number of Responses: 190.
Frequency of Response: 350.
Estimated Annual Hour Burden: 16625.

Performance Test Burden:

Estimated Hours/Response: 345.7.
Estimated Number of Responses: 7.
Frequency of Response: 1.
Estimated Annual Hour Burden: 2420.
Estimated Total Annual Hour Burden: 19,045 hours.
Estimated Total Annualized Cost Burden: $579,920.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses: (Please refer to EPA ICR No. 1054 and OMB Control No. 2060–0022 in any correspondence.)

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory

Information Division (2136), 401 M Street, SW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: February 15, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–4012 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5428–7]

Common Sense Initiative Council (CSIC); Notification of Public Advisory CSIC Computers & Electronics, Automobile Manufacturing, and Iron and Steel Sector Subcommittee Meetings; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that, pending resolution of EPA's FY 1996 appropriation, the Computers & Electronics, Automobile Manufacturing, and Iron and Steel Sector Subcommittees of the Common Sense Initiative Council will meet on the dates and times described below. All meetings are open to the public. Seating at meetings will be on a first-come basis. For further information concerning specific meetings, please contact the individuals listed with the three Sector Subcommittee announcements below.

(1) Computers and Electronics Sector Subcommittee—March 12 and 13, 1996

Notice is hereby given that the Computers and Electronics Sector Subcommittee, pending resolution of EPA's 1996 appropriation, will hold an open meeting on Tuesday, March 12, 1996, from 8:30 a.m. EST to 5:00 p.m. EST and Wednesday, March 13, 1996, from 8:30 a.m. EST to 3:00 p.m. EST, at the Radisson Plaza Hotel, 5000 Seminary Road, Alexandria, Virginia. Seating will be available on a first-come, first-served basis.

The first day of the meeting, March 12, will be devoted partly to breakout sessions for the three subcommittee workgroups (Reporting and Information Access; Overcoming Barriers to Pollution Prevention, Product Stewardship, and Recycling; and Integrated and Sustainable Alternative Strategies for Electronics); and partly to plenary session. The second day, March 13, will also consist of both workgroup and plenary sessions. The subcommittee will discuss the status of the workgroups' projects. Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

For further information concerning this meeting of the Computers and Electronics Sector Subcommittee, please contact Gina Bushong, U.S. EPA (202) 260–3797, FAX (202) 260–1096 or by mail at U.S. EPA (MC 7405), 401 M Street, SW, Washington, DC 20460; Mark Mahoney, Region 1, U.S. EPA (617) 565–1155; or David Jones, Region 9, U.S. EPA (415) 744–2266.

(1) Automobile Manufacturing Sector Subcommittee—March 19, 1996

The Common Sense Initiative Council, Automobile Manufacturing Sector Subcommittee (CSIC–AMS), pending resolution of EPA's FY 1996 appropriation, will hold an open meeting on March 19, 1996, from 9:30 a.m. EST to 4:00 p.m. EST. The meeting will be held at The Hall of the States, 444 North Capitol Street, N.W., Room 333, Washington, DC.

The CSIC–AMS has formed three project teams—Regulatory Initiatives; Alternative Sector Regulatory System/Community Technical Assistance; and Life Cycle Management/Supplier Partnership. The Regulatory Initiatives project team will continue to focus on issues within the Clean Air Act's New Source Review Program. The Alternative Sector Regulatory System/Community Technical Assistance project team will continue to identify and discuss principles and attributes desirable in a new alternative regulatory system. The Life Cycle Management/Supplier Partnership project team has identified a portion of the supply chain to participate in the development of a framework for a supplier partnership that encourages the consideration of environmental impacts in product development, and will continue with its work in that regard. All three teams will report progress on these ongoing projects and present deliverables, if applicable.

Seating may be limited, therefore, advance registration is recommended. An Agenda will be available March 12, 1996. Any person or organization interested in attending the meeting should contact Ms. Carol Kemker, Designated Federal Official (DFO), no later than March 15, 1996, at (404) 347–3555 extension 4222. Each individual or group wishing to make oral presentations will be allowed a total of three minutes. For further meeting information contact Carol Kemker, DFO on (404) 347–3555 extension 4222, or Keith Mason, Alternate DFO, on (202) 260–1360.

(2) Iron and Steel Sector Subcommittee—March 28, 1996

Notice is hereby given that the Environmental Protection Agency, pending resolution of its FY 1996 appropriation, will hold an open meeting of the Iron and Steel Sector Subcommittee on Thursday, March 28, 1996, from 8:00 a.m. EST until 4:00 p.m. EST. It will be held at the Comfort Inn, 6921 Baltimore-Annapolis Blvd., Baltimore, Maryland (telephone number 410–789–9100). This is approximately 3 miles north of Baltimore-Washington International Airport. Seating will be available on a first come, first served basis. Limited time will be provided for public comment.

The Iron and Steel Subcommittee has created four work groups (Compliance, Innovative Technology, Permits, and Brownfields) which are responsible for proposing to the full Subcommittee, for its review and approval, potential activities or projects that the Iron and Steel Sector Subcommittee will undertake, and for carrying out projects once approved. The Subcommittee's four work groups will be meeting the preceding day, Wednesday, March 27, 1996, from 10:00 a.m. EST to approximately 5:00 p.m., EST at the Comfort Inn. The Subcommittee has approved seven projects and their work plans. On March 28, the Subcommittee will discuss in detail the status of projects sponsored by the work groups, and review recommendations that the work groups propose.

For further information regarding this Iron and Steel Sector Subcommittee Meeting, please call either Ms. Mary Byrne at 312–353–2315 in Chicago, Illinois, or Ms. Judith Hecht at 202–260–5682 in Washington, DC.

Inspection of Subcommittee Documents

Documents relating to the above Sector Subcommittee announcements, will be publicly available at the meeting. Thereafter, these documents, together with the official minutes for the meetings, will be available for public inspection in room 2821M of EPA Headquarters, Common Sense Initiative Staff, 401 M Street, SW, Washington, DC 20460, telephone number 202–260–7417. Common Sense Initiative information can be accessed electronically through contacting Katherine Brown at brown.katherine@epamail.gov.

Dated: February 15, 1996.

Randolph Snell,

Acting Designated Federal Officer.

[FR Doc. 96–4036 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–P

[OPPT–59351; FRL–5349–6]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME–96–1. The test marketing conditions are described below.

DATES: This notice becomes effective February 13, 1996. Written comments will be received until March 8, 1996.

ADDRESSES: Written comments, identified by the docket number [OPPT–59351] and the specific TME number should be sent to: TSCA nonconfidential center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NEB–607 (7407), 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by [OPPT–59351]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

FOR FURTHER INFORMATION CONTACT: Vera Stubbs, New Chemicals Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–447A, 401 M St. SW., Washington, DC 20460, (202) 260–5671.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to human health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME–96–1. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to human health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

A notice of receipt of this application was not published in advance of approval. Therefore, an opportunity to submit comments is being offered at this time. EPA will modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TME–96–1. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.

TME–96–1

Date of Receipt: December 12, 1995. The extended comment period will close (insert date 15 days after date of publication in the Federal Register).

Applicant: Mitsubishi Chemical America, Inc.

Chemical: (G) 4-phosphoric methyl styrene and divinylbenzene polymer.

Use: (G) Chelating Agent.

Production Volume: 600.

Number of Customers: 30.

Test Marketing Period: 12 months. Commencing on first day of commercial manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

A record has been established for this notice under docket number [OPPT–59351] (including comments and data submitted electronically a described above). A public version of this record, including printed versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA nonconfidential information center (NCIC), Rm. NEB–607, 401 M St., SW., Washington, DC 20460.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

List of Subjects

Environmental protection, Test marketing exemption.

Dated: February 13, 1996.

Paul J. Campanella,

Chief, New Chemicals Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 96–4029 Filed 2–21–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 14, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 22, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0552.

Title: Section 76.1003 Adjudicatory proceedings.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 30 complainant's file preliminary notices with potential defendants. Though these actions only result in approximately 15 actual complaint proceedings each year, to account for total respondents for this information collection requirement that are 30 complainants and 30 defendants; totalling 60 annual respondents.

Estimated Time Per Response: Preliminary notice has an average burden of 8 hours (30 X 8). Each defendants response has an average burden of 8 hours (30 X 8). Each complainants program access complaint and defendants response to this complaint has an average burden of 15 hours (30 X 15). Each complainant's reply to the defendant's answer to a program access complaint has an average burden of 5 hours (15 X 5).

Total Annual Burden: (30 X 8) + (30 X 8) + (30 X 15) + (15 X 5) = 1,005 annual burden hours.

Needs and Uses: Section 19 of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act) added new Section 628 to the Communications Act of 1934 (the Act). Section 628 of the Act prescribes a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor from engaging in unfair practices and directs the Commission to, among other things, prescribe regulations to provide for a review of complaints made under this section. Accordingly, the Commission adopted a Report and Order on April 1, 1993, in MM Docket No. 92–265, which added Section 76.1003 to its rules.

Section 76.1003 provides that any aggrieved multichannel video programming distributor intending to file a program access complaint must first notify the potential defendant cable operator, and/or the potential defendant satellite cable programming vendor or satellite broadcast programming vendor, that it intends to file such a complaint with the Commission. If the parties cannot resolve the dispute, the complainant may then initiate a program access complaint proceeding with the Commission. Section 76.1003(b) stipulates that program access complaint proceedings are generally to be resolved on a written record consisting of a complaint, a defendant's answer to the complaint, and the complainant's reply to the defendant's answer.

The information will be used by Commission staff to resolve disputes alleging unfair methods of competition and deceptive practices by a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor where the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor from providing satellite cable programming or satellite broadcast programming to subscribers or consumers.

OMB Approval Number: 3060–0571.

Title: Determination of Maximum Permitted Rates for Regulated Cable Programming Services and Equipment.

Form No.: FCC Form 393.

Type of Review: Extension of expiration date of a currently approved information collection.

Respondents: Business or other for profit; state, local or tribal governments.

Number of Respondents: The Commission estimates that 300 FCC Form 393s are filed annually with the Commission and local franchising authorities.

Estimated Time Per Response: 40 hours per response.

Total Annual Burden: 12,000 hours annually.

Needs and Uses: On 4/1/93, the Commission adopted a Report and Order, FCC 93–177, MM Docket No. 92–266, implementing Section 623 of the Cable Act, thus ensuring that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. The FCC Form 393 was then developed for cable operators to use to justify the reasonableness of rates for service and equipment in effect prior to May 15, 1994. The cable operators use the FCC Form 393 to submit their basic rate schedule to local franchising authorities or the Commission (in situations where the Commission has assumed jurisdiction. Cable operators also file the FCC Form 393 when responding to a complaint filed with the Commission about cable programming service rates and associated equipment.

OMB Approval Number: 3060–0551.

Title: 47 CFR 76.1002 Specific unfair practices prohibited.

Type of Review: Extension of expiration date of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents: The Commission receives approximately 20 petitions for exclusivity, annually. Approximately 15 competing multichannel video programming distributors affected by proposed petitions for exclusivity will in turn file opposition to the petitions. Therefore, there are 35 total annual respondents.

Estimated Time Per Response: Each of the estimated 20 petitions for exclusivity has an average burden of 25 hours. Each of the estimated 15 opposition to petitions for exclusivity has an average burden of 25 hours. Each of the estimated 15 responses to the opposition has an average burden 15 hours.

Total Annual Burden: (20 x 25) + (15 x 25) + (15 x 15) = 825 burden hours.

Needs and Uses: Section 19 of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act) added new Section 628 to the Communications Act of 1934 (the Act). Section 628 of the Act directs the Commission to prescribe rules to prohibit exclusive contracts between cable operators and vertically integrated satellite cable and broadcast programming vendors, that prevent a multichannel video programming distributor from obtaining satellite cable or satellite broadcast programming for distribution to persons in areas served by a cable operator unless the Commission determines that the exclusive contract is in the public interest pursuant to Section 628(c)(4) of the Act. Pursuant to the legislative mandate of Section 19 of the Cable Act (Section 628(c)(2)(D) of the Act), the Commission adopted a Report and Order on April 1, 1993, in MM Docket No. 92–265, which, among other things, added new Section 76.1002(c)(5) to the Commission's rules requiring any vertically integrated programmer or any cable operator seeking to execute an exclusive contract, to seek and obtain the Commission's public interest judgement before doing so by filing a ''petition for exclusivity.'' The information will be used by Commission staff to determine on a case-by-case basis whether particular exclusive contracts for cable television programming comply with the statutory public interest standard of Section 19 of the 1992 Cable Act and Section 628(c)(2)(D) of the Act.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–3914 Filed 2–21–96; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL ELECTION COMMISSION

[Notice 1996–8]

Filing Dates for the Oregon Special Elections

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Dates for Special Elections.

SUMMARY: Oregon has scheduled special elections on April 2 and May 21, 1996, in the Third Congressional District to fill the U.S. House seat vacated by Congressman Ron Wyden.

Committees required to file reports in connection with the Special Primary Election on April 2 should file a 12-day Pre-Primary Report on March 21, 1996. Committees required to file reports in connection with both the Special Primary and Special General Election to be held on May 21, must file a 12-day Pre-Primary Report; an April Quarterly Report on April 15; a 12-day Pre-General Report on May 9; and a Post-General Report on June 20, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Information Division, 999 E Street, N.W., Washington, DC 20463, Telephone: (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates in the Special Primary and Special General Elections and all other political committees not filing monthly which support candidates in these elections shall file a 12-day Pre-Primary Report on March 21, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through March 13; an April Quarterly Report on April 15, with coverage dates from March 14 through March 31; a 12-day Pre-General Report on May 9, with coverage dates from April 1 through May 1; and a Post-General Report on June 20, with coverage dates from May 2 through June 10, 1996.

All principal campaign committees of candidates in the Special Primary Election *only* and all other political committees not filing monthly which support candidates in the Special Primary Election shall file a 12-day Pre-Primary Report on March 21, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 13, and an April Quarterly Report on April 15, with coverage dates from March 14 through March 31, 1996.

All political committees not filing monthly which support candidates in the Special General Election *only* shall file a 12-day Pre-General Report on May 9, with coverage dates from the last report filed, or the date of the committee's first activity, whichever is later, through May 1, and a Post-General Report on June 20, with coverage dates from May 2 through June 10, 1996.

CALENDAR OF REPORTING DATES FOR OREGON SPECIAL ELECTIONS

Report	Close of books*	Reg./cert. mailing date**	Filing date
I. For Committees Involved Only in the Special Primary (04/02/96)			
Pre-Primary	03/13/96	03/18/96	03/21/96
April Quarterly	03/31/96	04/15/96	04/15/96
II. For Committees Involved in the Special Primary (04/02/96) and Special General (05/21/96)			
Pre-Primary	03/13/96	03/18/96	03/21/96
April Quarterly	03/31/96	04/15/96	04/15/96
Pre-General	05/01/96	05/06/96	05/09/96
Post-General	06/10/96	06/20/96	06/20/96
III. For Committees Involved Only in the Special General (05/21/96)			
Pre-General	05/01/96	05/06/96	05/09/96
Post-General	06/10/96	06/20/96	06/20/96

*The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

Dated: February 16, 1996.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 96–3986 Filed 2–21–96; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–011456–013

Title: South Europe American Conference

Parties:

Compagnie Maritime d'Affretement
DSR-Senator Lines GmbH
Evergreen Marine Corporation (Taiwan) Ltd.
''Italia'' di Navigazione, S.p.A.
A.P. Moller-Maersk Line
Nedlloyd Lijnen B.V.
P&O Containers Limited
Sea-Land Service, Inc.
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment revises (1) Article 8.6 to provide that the deadline for responding to a telephone or telex poll in the Westbound Section is the close of the next business day following the initiation of the poll; (2) Article 8.7 to provide that Proxies shall count for purposes of determining a quorum and for voting purposes at Westbound Executive Committee and Pricing Meetings; (3) Article 13 reduces the notice period of Westbound independent actions from 10 calendar days to 3 business days; and (4) Article 14 permits Westbound service contracts to include single factor rates and Article 14.1(e) provides that a member of the Westbound Section may apply independent actions taken on European inlands to Westbound service contracts.

Agreement No.: 232–011475–002

Title: Hanjin/Tricon Agreement

Parties:

Hanjin Shipping Co., Ltd.
Cho Yang Shipping Co. Ltd.
DSR-Senator Lines

Synopsis: The proposed amendment adds U.S. West Coast ports to the geographic scope of the Agreement and deletes reference to the (Bangor, ME/Key West, FL range).

Agreement No.: 203–011527

Title: Montemar/Zim Service Coordination Agreement

Parties:

Zim Israel Navigation Company, Ltd.
Montemar S.A. d/b/a Pan American Independent Line

Synopsis: The proposed Agreement authorizes the parties to charter space and vessels to and from one another, to rationalize sailings. The parties may also, on a voluntary and non-binding basis, discuss and agree upon rates, charges, rules, regulations, practices, tariff or service items or rate policy and terms and conditions of their respective service contracts in the trade between, on the one hand, U.S. ports and points (including ports and points on the islands of Puerto Rico and the U.S. Virgin Islands) and, on the other hand, ports on the Caribbean coast of Columbia, ports in Venezuela, Guyana, Suriname, French Guiana, Brazil, Uruguay, ports on the Atlantic Coast of Argentina, ports in all islands of the Caribbean Sea, and inland and coastal points served via such ports (including without limitation, inland and coastal points in Paraguay). The parties have requested a shortened review period.

Dated: February 15, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–3909 Filed 2–21–96; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Revocations

The Federal Maritime Commission hereby gives notice that the following freight forwarder licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, effective on the corresponding revocation dates shown below:

License Number: 3806
Name: B.L.G. Air-Ocean Transport Corp.
Address: 1281 West 40th Street, Hialeah, FL 33012
Date Revoked: December 27, 1995
Reason: Surrendered license voluntarily.

License Number: 2140
Name: John J. Solano dba Solano Forwarding Co.
Address: 347 Third Ave., Bellmawr, NJ 08031
Date Revoked: December 30, 1995
Reason: Failed to maintain a valid surety bond.

License Number: 3697
Name: Aero-Mar Cargo, Inc.
Address: 10540 N.W., 26th Street, Ste. G101, Miami, FL 33172
Date Revoked: January 8, 1995
Reason: Failed to maintain a valid surety bond.

License Number: 2169
Name: Vincent F. Messina dba Messina & Co.
Address: One Harborside Drive, E. Boston, MA 02128
Date Revoked: January 12, 1995
Reason: Failed to maintain a valid surety bond.

License Number: 3167
Name: Robert Sordo dba Aldemar Shipping Company
Address: 10910 S. La Cienega Blvd., Inglewood, CA 90304
Date Revoked: January 16, 1996
Reason: Surrendered license voluntarily.

License Number: 3091
Name: Callport International, Inc.
Address: Airport Industrial Office Park Bldg., C–2 North, Hook Creek Blvd. & 145th Ave., Valley Stream, NY 11581
Date Revoked: January 16, 1996
Reason: Surrendered license voluntarily.

License Number: 1296
Name: Porter International, Inc.
Address: 9295 Siempre Viva Road, San Diego, CA 92173
Date Revoked: January 16, 1996
Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 96–3908 Filed 2–21–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Community Financial Group, Inc., 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 March 15, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Community Financial Group, Inc., Nashville, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of The Bank of Nashville, Nashville, Tennessee.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Benson Financial Corporation, San Antonio, Texas, and thereby indirectly acquire Kelly Field National Bank, Leon Valley, Texas, and Groos Bank, N.A., San Antonio, Texas.

Board of Governors of the Federal Reserve System, February 15, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–3912 Filed 2–21–96; 8:45 am]

BILLING CODE 6210–01–F

First Financial Bancorp, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application 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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 6, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. First Financial Bancorp, Hamilton, Ohio, to engage *de novo* through its subsidiary, First Finance Mortgage Company of Southwestern Ohio, Inc., Fairfield, Ohio, in making, acquiring, and servicing loans or other extensions of credit directly or for the account of others, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Heartland Bancshares, Inc., Lenox, Iowa; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 15, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–3913 Filed 2–21–96; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request For Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 012996 AND 020996

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Emmpak Foods, Inc., Wisconsin Packing Co., Inc., Wisconsin Packing Co., Inc	96–0749	01/29/96
Acadia Partners, L.P., Lehman Brothers Holdings Inc., LW–SSP2, L.P	96–0763	01/29/96
The Trident Partnership, L.P., Odyssey Partners, L.P., Sen-Tech International Holdings, Inc	96–0782	01/29/96
Weyerhaeuser Company, The Mead Corporation, Mead Coated Board, Inc	96–0784	01/29/96
Weyerhaeuser Company, Fosterlane Holdings Corporation, Evergreen Timberlands Corporation	96–0785	01/29/96

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 012996 AND 020996—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Mr. Richard A. Benedek, Mr. William S. Morris III, Stauffer Communications, Inc	96–0787	01/29/96
Team Rental Group, Inc., Chrysler Corporation, Van Pool Services, Inc	96–0818	01/29/96
Bessemer Securities Corporation, Dan S. Sandel, Devon Industries, Inc	96–0821	01/29/96
Mr. A. Richard Benedek, Mr. Paul Brissette, Jr., Brissette Broadcasting Corporation	96–0835	01/29/96
Merrill Lynch & Co., Inc., Rykoff-Sexton, Inc., Rykoff-Sexton, Inc	96–0850	01/29/96
Merrill Lynch Capital Appr. Partnership No. B–XVIII, LP, Rykoff-Sexton, Inc., Rykoff-Sexton, Inc	96–0851	01/29/96
Merrill Lynch Capital Appr. Partnership No. XIII, L.P., Rykoff-Sexton, Inc., Rykoff-Sexton, Inc	96–0852	01/29/96
Lincoln National Corporation, Bell Atlantic Corporation, Christopher Budden, Carla Giannini and David Hodes as T	96–0853	01/29/96
American Family Restaurants, Inc., Jack M. Lloyd, Denwest Restaurant Corporation	96–0855	01/29/96
Jack M. Lloyd, American Family Restaurants, Inc., American Family Restaurants, Inc	96–0856	01/29/96
Regency Health Services, Inc., Liberty-LHC Corp., Liberty Healthcare Limited Partnership	96–0878	01/29/96
Healthsource, Inc., Central Massachusetts Health Care, Inc., Central Massachusetts Health Care, Inc	96–0768	01/30/96
Han-Ching Lin and Hui-Ying Chou, Travelers Group Inc., Hotel Pleasanton Limited, L.P	96–0822	01/30/96
E.I. du Pont de Nemours and Company, Zapata Corporation, Cimarron Gas Holding Company	96–0833	01/30/96
Wallace Computer Services, Inc., Forms Engineering Company, Forms Engineering Company	96–0885	01/30/96
The Sherwin-Williams Company, Imperial Chemicals Industries PLC, Grow Group, Inc. and Cello Corp	96–0844	01/31/96
MBNA Corporation, Keystone Financial, Inc., Mid-State Bank and Trust Company	96–0899	02/01/96
The Multicare Companies, Inc., Concord Health Group, Inc., Concord Health Group, Inc.	96–0907	02/01/96
Renal Treatment Center, Inc., Dudley S.J. Seto, Intercontinental Medical Services, Inc	96–0766	02/02/96
Linde AG, Praxair, Inc., Praxair Technology, Inc	96–0771	02/02/96
Toshiba Corporation, International Business Machines Corporation, Virginia LLC Holding, Inc	96–0802	02/02/96
National Life Insurance Company, Vereinigte Haftpflicht Vericherung, V.a.G. (Swiss corp), Hannover Holdings, Inc. and LSW Holding Corporation	96–0816	02/02/96
National Life Insurance Company, Swiss Reinsurance Company, Hannover Holdings, Inc. and LSW Holding Corporation	96–0817	02/02/96
General Parts, Inc., Daniel C. Sussen, Sussen, Incorporated	96–0846	02/02/96
Ford Motor Company, Dover Corporation, Dover Industries Acceptance, Inc	96–0854	02/02/96
Welsh, Carson, Anderson & Stowe VII, L.P., Newco (JV), Newco (JV)	96–0863	02/02/96
Welsh, Carson, Anderson & Stowe VII, L.P., LeBonheur Health Systems, Inc., Southern Health Systems, Inc	96–0864	02/02/96
Alco Standard Corporation, Wilheit Family Properties, L.P., Tom Wilheit Packaging Materials Company	96–0865	02/02/96
Mayo Foundation, Immanuel-St. Joseph's Hospital of Mankato, Inc., Immanuel-St. Joseph's Hospital	96–0876	02/02/96
Blue Cross of California, Massachusetts Mutual Life Insurance Co., MassMutual Holding Company Two, Inc	96–0879	02/02/96
Mr. Joe Lewis Allbritton, Federal Enterprises, Inc., Federal Broadcasting Company	96–0880	02/02/96
Corporate Express, Inc., U.S. Delivery Systems, Inc., U.S. Delivery Systems, Inc	96–0905	02/02/96
Robert B. Rowling, The Wharf (Holdings) Limited, Omni Hotels Corporation	96–0913	02/02/96
The Morgan Stanley Real Estate Fund II, L.P., Chevron Corporation, Chevron Corporation	96–0926	02/02/96
Gibraltar Steel Corporation, Carolina Commercial Heat Treating, Inc., Carolina Commercial Heat Treating, Inc	96–0935	02/02/96
General Electric Company, Access America Telemanagement, Inc., Access America Telemanagement, Inc	96–0751	02/05/96
Sisters of St. Joseph of Nazareth, Franciscan Services Corporation, Holy Cross Health Services of Michigan, Inc	96–0805	02/05/96
H.J. Heinz Company, Earth's Best, Inc., Earth's Best, Inc	96–0894	02/05/96
CAI Wireless Systems, Inc., Heartland Wireless Communications, Inc., Heartland Wireless Communications, Inc	96–0900	02/05/96
Heartland Wireless Communications, Inc., CAI Wireless Systems, Inc., CS Wireless Systems, Inc	96–0901	02/05/96
J. Dix Druce, Jr., GAN Societe Central de Group des Assurance Nationales, Hawkeye National Life Insurance Company	96–0925	02/05/96
U.S. Trust Company of California N.A.—trustee of AECOM, TCB Inc., TCB Inc	96–0929	02/05/96
ChiRex Inc., Sepracor Inc., SepraChem Inc	96–0938	02/05/96
Sepracor Inc., ChiRex Inc., ChiRex Inc	96–0939	02/05/96
Thomas O. Hicks, Norman N. Green, Dallas Hockey Club, Inc	96–0959	02/05/96
Bessemer Securities Corporation, Kelley Oil & Gas Corporation, Kelley Oil & Gas Corporation	96–0912	02/06/96
First Union Corporation, Mary L.G. Theroux, Interail, Inc	96–0937	02/06/96
Amgen Inc., NPS Pharmaceuticals, NPS Pharmaceuticals	96–0794	02/07/96
Shaw Industries, Inc., Ulrich E. Meyer, Carpetland USA, Inc	96–0869	02/07/96
Deere & Company, InterAg Technologies, Inc., InterAg Technologies, Inc	96–0883	02/07/96
Western Wireless Corporation, GTE Corporation, GTE Mobilnet Incorporated	96–0886	02/07/96
Estate of Albert Reimann, Maybelline, Inc., Maybelline, Inc	96–0909	02/07/96
Merrill Lynch Capital Appreciation Company Limited II, Rykoff-Sexton, Rykoff-Sexton	96–0911	02/07/96
International Business Machines Corporation, Digital Domain, Inc., Digital Domain, Inc	96–0914	02/07/96
Cox Enterprises, Inc., Digital Domain, Inc., Digital Domain, Inc	96–0919	02/07/96
CSM nv, Philip and Mariette Orth, Ph. Orth Co	96–0928	02/07/96
Illinois Tool Works Inc., Medalist Industries, Inc., Medalist Industries, Inc	96–0930	02/07/96
Loyal Trust No. 1, Meridian Industrial Trust, Inc., Meridian Industrial Trust, Inc	96–0945	02/07/96
The Warnaco Group, Inc., Cygne Designs, Inc., Cygne Designs, Inc	96–0957	02/07/96
General Electric Company, EMLICO Joint Provisional Liquidators (Bermuda), Electric Insurance Company	96–0918	02/08/96
SmithKline Beecham plc, Human Genome Sciences, Inc., Human Genome Sciences, Inc	96–0922	02/08/96
Rifkin Acquisition Partners, L.L.L.P., Mid-Tennessee CATV, L.P., Mid-Tennessee Cable Limited Partnership	96–0924	02/08/96
Arch Communications Group, Inc., Merrill Lynch Capital Appreciation Part. No. B–XXIV, LP, Westlink Holdings, Inc	96–0951	02/08/96
General Motors Corporation, Litton Industries, Inc., Litton Systems, Inc	96–0226	02/09/96

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 012996 AND 020996—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Praxair, Inc., The Shumway Estate, General Welding Supply Co., Inc	96–0841	02/09/96
David C. Arch, Bayer AG, Bayer Corporation	96–0884	02/09/96
Horizon/CMS Healthcare Corporation, Pacific Rehabilitation & Sports Medicine, Inc., Pacific Rehabilitation & Sports Medicine, Inc	96–0890	02/09/96
Dover Corporation, The 162 Trust, Hill Samuel Trust Company, Ltd., Trustee, Robohand, Inc	96–0891	02/09/96
Dover Corporation, Mr. Alexandru Ionescu, Robohand, Inc	96–0892	02/09/96
CENEX, Inc., MAPCO Inc., Thermogas Company	96–0904	02/09/96
Bruce G. Robert, Volker Dolch, Dolch American Instruments, Inc	96–0921	02/09/96
The Bank of New York Company, Inc., PNC Bank Corp., Midlantic Commercial Co	96–0941	02/09/96
ECCO S.A. (a French company) BCE Inc. (a Canadian company), BCE Commcor Management, Inc	96–0942	02/09/96
Ameritech Pension Trust, Meridian Industrial Trust, Inc., Meridian Industrial Trust, Inc	96–0943	02/09/96
Wendy's International, Inc., Imasco Limited, MRO Mid-Atlantic Corporation and MRO Northeast, Incorpo	96–0946	02/09/96
Danaher Corporation, KTM Holdings, Inc., Ketema, Inc	96–0954	02/09/96
Tiger Real Estate Fund, L.P., Martin V. Smith, Smith Family Trust	96–0955	02/09/96
Sybron International Corporation, The Naugatuck Glass Company, The Naugatuck Glass Company	96–0956	02/09/96
Century Communications Corp., ML Media Partners, L.P., ML Media Partners, L.P	96–0963	02/09/96
Pasadena Hospital Assoc., Ltd., dba Huntington Mem. Hos, Montebello Community Health Services, Inc., Montebello Community Health Services, Inc	96–0964	02/09/96
Snyder Oil Corporation, Gerrity Oil and Gas Corporation, Gerrity Oil & Gas Corporation	96–0965	02/09/96
Southern California Physicians Insurance Exchange, Citicorp, FG Insurance Corporation and FG Casualty Company	96–0969	02/09/96
Wolseley plc, John M. Denlinger, Denlinger, Inc	96–0970	02/09/96
Madison Dearborn Capital Partners, L.P., New River Holding, Inc., New River Holding, Inc	96–0976	02/09/96
Detection Systems, Inc., Expamet International PLC (a British company), Radionics, Inc	96–0979	02/09/96
EXOR Group S.A., New River Holdings, Inc., New River Holdings, Inc	96–0984	02/09/96
The 1818 Fund II, L.P., New River Holding, Inc., New River Holding, Inc	96–0985	02/09/96
Philip S. Niarchos, RCPI Holdings Inc. (a Newco), RCPI Holdings Inc	96–0990	02/09/96
Spyros S. Niarchos, RCPI Holdings Inc. (a Newco), RCPI Holdings Inc	96–0991	02/09/96
First Union Corporation, Gerald L. Kilcoyne, Northbrook Rail Corporation	96–0997	02/09/96
Ronald M. Cameron, Piedmont Poultry Company, Inc., Piedmont Poultry Company	96–0999	02/09/96
AMP Incorporated, Robert M. Bretholtz, Madison Cable Corp. and assets of Jared Associates	96–1002	02/09/96
AMP Incorporated, Harold N. Cotton, Madison Cable Corp. and assets of Jared Associates	96–1003	02/09/96

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–3930 Filed 2–21–96; 8:45 am]

BILLING CODE 6750–01–M

[File No. 952–3188]

Azrak-Hamway International, Inc., Marvin Azrak, Ezra Hamway; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would bar the New York City-based corporation from using deceptive demonstrations and certain other misrepresentations in future advertising campaigns. Azrak-Hamway, which distributes toys through its Remco Toys Division, is also required to notify television stations that ran its allegedly deceptive ads of the FTC action, to advise television stations of the availability of guidelines for screening children's advertising, and to offer a refund to customers who bought its Steel Tec toy vehicles. The consent agreement settles allegations stemming from the advertising and marketing of Azrak-Hamway International's line of Steel Tec toy vehicles.

DATES: Comments must be received on or before April 22, 1996.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Toby Milgrom Levin, Federal Trade Commission, S–4002, 6th and Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–3156.

Joel Winston, Federal Trade Commission, S–4002, 6th and Pennsylvania Avenue NW., Washington, DC 20580. (202) 326–3153.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

United States of America Before Federal Trade Commission

In the matter of: Azrak-Hamway International, Inc., a corporation, and Marvin Azrak and Ezra Hamway, individually and as officers of said corporation. File No. 952 3188.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission, having initiated an investigation of certain acts and practices of Azrak-

Hamway International, Inc., a corporation, and Marvin Azrak and Ezra Hamway, individually and as officers of said corporation (''proposed respondents''), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Azrak-Hamway International, Inc., by its duly authorized officer, and Marvin Azrak and Ezra Hamway, individually and as officers of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Azrak-Hamway International, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 1107 Broadway, New York, New York 10010.

Proposed respondents Marvin Azrak and Ezra Hamway are owners and officers of Azrak-Hamway International, Inc. They formulate, direct and control the policies, acts and practices of said corporation and their address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondents, Azrak-Hamway International, Inc., a corporation, its successors and assigns, and its officers, and Marvin Azrak and Ezra Hamway, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any toy in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. In connection with any advertisement or package depicting a demonstration, experiment or test, making any representation, directly or by implication, that the demonstration, picture, experiment or test depicted in the advertisement or package proves, demonstrates or confirms any material quality, feature or merit of any toy when such demonstration, picture, experiment or test does not prove, demonstrate or confirm the representation for any reason, including but not limited to:

1. The undisclosed use or substitution of a material mock-up or prop;

2. The undisclosed material alteration in a material characteristic of the advertised toy or any other material prop or device depicted in the advertisement; or

3. The undisclosed use of a visual perspective or camera, film, audio or video technique; that, in the context of the advertisement as a whole, materially misrepresents a material characteristic of the advertised toy or any other material aspect of the demonstration or depiction.

Provided, however, that notwithstanding the foregoing, nothing in this order shall be deemed to otherwise preclude the use of fantasy segments or prototypes which use otherwise is not deceptive.

B. Misrepresenting, directly or by implication, any performance characteristic of any toy.

C. Misrepresenting the number of toys contained in, or that can be constructed with the parts contained in, the package.

II

It is further ordered that for three (3) years after the last date of dissemination of any representation covered by this order, respondent Azrak-Hamway International, Inc., or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. All materials that were relied upon in disseminating such representation;

B. Any and all videotapes, in complete as well as unedited form, and any and all still photographs taken during the production of any advertisement depicting a demonstration, experiment, or test;

C. Any and all affidavits or certifications submitted by an employee, agent or representative of respondent to a television network or to any other individual or entity, which affidavit or certification affirms the accuracy or

integrity of a demonstration or demonstration techniques contained in an advertisement; and

D. Any toy, as well as the packaging for any toy, involved in such representation.

III

It is further ordered that respondent Azrak-Hamway International, Inc., or its successors and assigns, shall offer refunds to purchasers of any Steel Tec toy(s) in accordance with the provisions of this Part.

A. Within fifteen (15) days from the date of service of this order, respondents shall compile a mailing list containing the name and last known address of each purchaser in respondents' possession or control. This list shall include all purchasers who have contacted respondents, either in writing or by telephone, regarding a Steel Tec toy. Within sixty (60) days from the date of service of this order, respondents shall provide Commission staff with a computer print-out copy of the mailing list, as well as provide the list in computer readable form, in standard MS-DOS diskettes or IBM-mainframe compatible tape.

B. Within sixty (60) days from the date of service of this order, respondents shall send via first-class mail, postage prepaid, a Notice of Refund Offer in the form set forth in Appendix B to this order, to all purchasers listed on the mailing list required by subpart A of this Part.

C. Respondents shall also send via first-class mail, a postage prepaid, a Notice of Refund Offer, in the form set forth in Appendix B to this order, to all purchasers who contact respondents or the Commission in any manner within one hundred twenty (120) days from the date of service of this order. Each mailing shall be made within fifteen (15) business days after respondents receive the purchaser's name and address.

D. No information other than that contained in Appendix B shall be included in or added to the Notice of Refund Offer, nor shall any other material be transmitted therewith. The envelope containing the Notice of Refund Offer shall be in the form set forth in Appendix C to this order. For each mailing returned by the U.S. Postal Service as undeliverable for which respondents thereafter obtain a corrected address, respondents shall, within fifteen (15) business days after receiving the corrected address, send a Notice of Refund Offer to the corrected address.

E. Respondents shall send a refund check to each purchaser who returns the completed application form appended to the Notice of Refund Offer to respondents or who otherwise requests a refund in writing, and who returns the toy(s), or a substantial portion of the toy(s), to respondents within one hundred eighty days (180) from the date of service of this order. The amount of the refund shall equal the sum of the price for the toy(s) as set forth in Appendix A to this order and the actual cost of postage for returning the toy(s). Respondents shall send refund checks by first-class mail, postage prepaid within fifteen (15) business days after respondents receive the returned toy(s) from the purchaser. The envelope containing the refund check shall be in the form set forth in Appendix D to this order.

F. Respondents shall notify any purchaser who applies for a refund but fails to return the Steel Tec toy or to otherwise apply properly of any error in the purchaser's refund application, and shall provide a reasonable opportunity for the purchaser to rectify any such error.

G. Within two hundred forty (240) days from the date of service of this order, respondents shall furnish to Commission staff the following:

1. In computer readable form (standard MS-Dos diskettes or IBM-mainframe compatible tape) and in computer print-out form, a list of the names and addresses of all consumers who were sent refund checks pursuant to Part III of this order, and for each name included on the list, the amount, check number and mailing date of every refund check sent;

2. In computer readable form (standard MS-Dos diskettes or IBM-mainframe compatible tape) and in computer print-out form, a list of the names and addresses of all consumers who contacted respondents or were referred to respondents by the Commission in accordance with subpart C of this Part;

3. Copies of all correspondence and other communications to, from, or concerning all consumers who requested a refund but were refused, and the reason(s) for denying the refund;

4. All Notices of Refund Offer returned to respondents as undeliverable; and

5. All other documents and records evidencing efforts made and actions taken by respondents to identify, locate, contact and provide refunds to consumers requesting a refund.

For purposes of this Part, ''purchaser'' shall mean any person who has purchased a Steel Tec toy and who has not previously received a full refund of the purchase price. ''Steel Tec toy(s)'' shall mean any of the toys identified in Appendix A to this order. ''Substantial portion'' of the toy shall mean a majority of the parts, including the battery pack, if such is part of the toy.

IV

It is further ordered that respondent Azrak-Hamway International, Inc., or its successors and assigns, shall within sixty (60) days after the date of service of this order send by certified mail, return receipt requested, to the station president or manager of each television station that aired any advertisement that was the subject of the complaint issued in this matter, as identified in Appendix F to this order, a copy of the letter set forth in Appendix E to this order.

V

It is further ordered that respondent Azrak-Hamway International, Inc., or its successors and assigns, shall within thirty (30) days after service of this order, provide a copy of this order to its current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this order.

VI

It is further ordered that respondents Marvin Azrak and Ezra Hamway shall, for a period of ten (10) years from the date of entry of this order, notify the Commission within thirty (30) days of the discontinuance of their present business or employment and of their affiliation with any new business or employment. Each such notice of affiliation with any new business or employment shall include the respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his duties and responsibilities.

VII

It is further ordered that respondent Azrak-Hamway International, Inc. shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in its corporate structure, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries of affiliates, the planned filing of a bankruptcy petition, or any other corporate change that may affect compliance obligations arising out of this order.

VIII

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this order that terminates in less than twenty years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

IX

It is further ordered that respondents shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

APPENDIX A.—STEEL TEC TOYS SUBJECT TO THE REFUND OFFER

Toy or toy set	Refund amount
Helicopter (not battery operated):	
Helicopter (packaged individually)(System 203/item #7009)	$8.99
Starter Set Copters (System 151/item #7085)	14.99
Street and Flying Vehicles (System 203/item #7000)	8.99
Helicopter (battery operated):	
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Construction & Road Vehicles Set (System 202/item #7010)	19.99
Road & Air Vehicles Set (System 307/item #7020)	29.99
Road, Rail and Air Vehicles Set (System 302/item #7024)	34.99
Formula 1 race car:	
Road & Air Vehicles Set (System 307/item #7020)	29.99
Road & Air Vehicles Plus Waling Robot Set (System 395/item #7022)	39.99
Off road super sport:	
Road & Air Vehicles Set (System 307/item #7020)	29.99
Construction Vehicles Set (System 306/item #7021)	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Sand buggy:	
Road & Air Vehicles Set (System 307/item #7020)	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Road, Rail and Air Vehicles Set (System 302/item #7024)	34.99
Excavating and Land Vehicles Set (System 303/item #7025)	24.99
Dump truck (not battery operated):	
Street and Flying Vehicles (System 202/item #7000)	8.99
Construction and Road Vehicles (System 202/item #7010)	19.99
Dump truck (battery operated):	
Heavy Machinery/Construction Vehicles Plus Walking Dinosaur Set (System 304/item #7023)	39.99
Dozer (bulldozer):	
Construction Vehicles Set (System 306/item #7021	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Heavy Machinery/Construction Vehicles Plus Walking Dinosaur Set (System 304/item #7023)	39.99
Excavating and Land Vehicles Set (System 303/item #7025)	24.99
Harley-Davidson® Motorcycles Set (not battery operated):	
(System 201/item #7090)	34.99
Harley-Davidson® Motorcycles Set (battery operated):	
(System 301item #7091)	44.99
Hypersonic jet fighter:	
Power Command Center/Value Pack: including Fighter Jet, Power Wrench and Storage Case (item #7031)	19.99
Power Command Center/Value Pack: including Fighter Jet and Power Wrench but without Storage Case (item #7031A)	12.49
Power Command Center/Value Pack: including Fighter Jet and Storage Case but without Power Wrench item #7031B)	12.49
Power Command Center/Value Pack: without Power Wrench and Storage Case [returning Fighter Jet only] (item #7031C)	4.99
Starter Set Airplanes Assortment (System 151/item #7085)	14.99

Appendix B.—Notice of Refund Offer

Dear Remco Toys Customer:

YOU MAY BE ENTITLED TO A CASH REFUND. We understand that you may have bought one or more Steel Tec Toys. We recently settled a dispute with the Federal Trade Commission about allegedly deceptive advertising for Steel Tec Toys. The FTC alleges that certain Steel Tec ads showed the toy vehicles flying, driving or moving in ways that they cannot actually do. Although we don't believe that our ads were deceptive, we have agreed to give a full refund to all eligible purchasers who return the toy and ask for their money back.

To get a refund, here's what you need to do:

(1) Check the attached list to make sure that the toy you bought is included in this refund offer.

(2) Return the toy(s), assembled or unassembled, including the battery pack, if it is part of the toy. The original packaging is not required.

(3) Fill out the attached form. Then send the form *and* the toy back to us by first-class

mail. To be eligible for a refund, you must send us the toy by [DATE CERTAIN 180 DAYS AFTER THE DATE OF SERVICE OF THE ORDER].

(4) For every eligible toy you return, we'll send you a check for the price of the toy as stated on the attached list and the return postage. We'll send you a refund check within 15 business days of receiving the toy.

If you believe that you were not deceived by the alleged deceptive advertising and you are satisfied with your Steel Tec toy, you are not required to return the toy for a refund.

To get your refund, please make sure to write your correct address on the attached form. If you have any questions, please call 1–800–243–2961.

President,
Remco Toys.

Detach and Return This Form With the Toy

Name _____
Street Address _____
City/State/Zip _____
Name of Steel Tec Toy or Toy Set _____

Return this form and the toy by first-class mail to: Steel Tec Toy Refund, Remco Toys, 36 W. 25th Street, New York, New York 10016.

Deadline: (*Date Certain 180 Days After Date of Service of the Order*)

For Office Use Only:

Date Received _____
Toy Received _____
Postage Paid _____
Receiver _____
Refund $ _____
Approved by _____
Check Date _____
Check # _____
Check $ _____
Mailing Date _____

STEEL TEC TOYS SUBJECT TO THE REFUND OFFER

Toy or toy set	Refund amount
Helicopter (not battery operated):	
Helicopter (packaged individually) (System 203/item #7009)	$8.99
Starter Set Copters (System 151/item #7085)	14.99
Street and Flying Vehicles (System 203/item #7000)	8.99
Helicopter (battery operated):	
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Construction & Road Vehicles Set (System 202/item #7010)	19.99
Road & Air Vehicles Set (System 307/item #7020)	29.99
Road, Rail and Air Vehicles Set (System 302/item #7024)	34.99
Formula 1 race car:	
Road & Air Vehicles Set (System 307/item #7020)	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Off road super sport:	
Road & Air Vehicles Set (System 307/item #7020)	29.99
Construction Vehicles Set (System 306/item #7021)	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Sand buggy:	
Road & Air Vehicles Set (System 307/item #7020)	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Road, Rail and Air Vehicles Set (System 302/item #7024)	34.99
Excavating and Land Vehicles Set (System 303/item #7025)	24.99
Dump truck (not battery operated):	
Street and Flying Vehicles (System 203/item #7000)	8.99
Construction and Road Vehicles (System 202/item #7010)	19.99
Dump truck (battery operated):	
Heavy Machinery/Construction Vehicles Plus Walking Dinosaur Set (System 304/item #7023)	39.99
Dozer (bulldozer):	
Construction Vehicles Set (System 306/item #7021)	29.99
Road & Air Vehicles Plus Walking Robot Set (System 305/item #7022)	39.99
Heavy Machinery/Construction Vehicles Plus Walking Dinosaur Set (System 304/item #7023)	39.99
Excavating and Land Vehicles Set (System 303/item #7025)	24.99
Harley-Davidson® motorcycles set (not battery operated):	
(System 201/item #7090)	34.99
Harley-Davidson® motorcycles set (battery operated):	
(System 301/item #7091)	44.99
Hypersonic jet fighter:	
Power Command Center/Value Pack: including Fighter Jet, Power Wrench and Storage Case (item #7031)	19.99
Power Command Center/Value Pack: including Fighter Jet and Power Wrench but without Storage Case (item #7031A)	12.49
Power Command Center/Value Pack: including Fighter Jet and Storage Case but without Power Wrench (item #7031B)	12.49
Power Command Center/Value Pack: without Power Wrench and Storage Case [returning Fighter Jet only] (item #7031C)	4.99
Starter Set Airplanes Assortment (System 151/item #7085)	14.99

Appendix C.—Refund Notice Letter Envelope

Forwarding and Return Postage Guaranteed: Remco Toys, 36 W. 25th Street, New York, New York 10016

Window Envelope

[The following statement is to appear in a box, on the left hand side of the envelope in red, in extra large, bold type face]

ATTENTION: IMPORTANT REFUND INFORMATION INSIDE

Appendix D.—Refund Check Envelope

Forwarding and Return Postage Guaranteed: Remco Toys, 36 W. 25th Street, New York, New York 10016

Window Envelope

(indicates a check is enclosed)

Appendix E

(Azrak-Hamway stationery)

Dear Station President/Manager: This letter notifies you that Azrak-Hamway International, Inc. (''Azrak-Hamway'') has entered into a consent agreement with the Federal Trade Commission (''FTC'') regarding certain advertising for its Remco Toys Steel

Tec toy line. We have agreed as part of the settlement to send you this letter. It will advise you of how you may obtain information recognized by many organizations as useful in reviewing children's advertising to avoid misleading the public.

The FTC complaint in this matter alleges that advertisements for the Steel Tec toys included false demonstrations and representations of the performance of the depicted toys. More specifically, the FTC alleges that the ads depicted Steel Tec vehicles driving, flying, or otherwise moving in ways they cannot do in actual use. Azrak-Hamway does not admit to the alleged violations. The FTC action does not allege any liability on the part of the television stations that broadcast our ads.

Under Section 5 of the Federal Trade Commission Act (15 U.S.C. § 45), advertisers are prohibited from disseminating false or deceptive advertising. As you may be aware, the advertising industry has undertaken various self-regulatory efforts to assist companies to comply with the law and to promote other industry goals. The Children's Advertising Review Unit (''CARU'') was established in 1974 by the advertising industry to promote responsible children's advertising and to respond to public concerns. CARU reviews and evaluates child-directed advertising in all media. It is not affiliated with the Federal Trade Commission, but is part of the Council of Better Business Bureaus.

CARU has issued Guidelines on Children's Advertising that many industry members use to screen child-directed advertising. The Guidelines address many issues relating to advertising to children, some of which include deceptive advertising. For additional information regarding the CARU Guidelines, or a copy of the Guidelines, you may write to Elizabeth Lascoutx, Esq., Director of CARU, at 845 Third Avenue, New York, N.Y. 10022, or call her at (212) 705–0111.

If you need further information regarding deceptive advertising under the Federal Trade Commission Act, you may write to Dean C. Forbes, Esq., Division of Advertising Practices, Federal Trade Commission, 6th and Pennsylvania Ave., N.W., Washington, D.C. 20580, or call him at (202) 326–2831.

Sincerely,

[Azrak-Hamway representative to be identified]

APPENDIX F.—LIST OF TELEVISION STATIONS TO RECEIVE LETTER

Station	Channel	Location
KABB–TV	29	San Antonio, TX.
KCAL–TV	09	Los Angeles, CA.
KCPQ–TV	13	Seattle-Tacoma, WA.
KDAF–TV	33	Dallas-Ft. Worth, TX.
KDEB–TV	27	Springfield, MO.
KDNL–TV	30	St. Louis, MO.

APPENDIX F.—LIST OF TELEVISION STATIONS TO RECEIVE LETTER—Continued

Station	Channel	Location
KHTV–TV	39	Houston, TX.
KITN–TV	29	Minneapolis-St. Paul, MN.
KLGT–TV	23	Minneapolis-St. Paul, MN.
KMSP–TV	09	Minneapolis-St. Paul, MN.
KNXV–TV	15	Phoenix-Flagstaff, AZ.
KOKH–TV	25	Oklahoma City, OK.
KPDX–TV	49	Portland, OR.
KPLR–TV	11	St. Louis, MO.
KPHO–TV	05	Phoenix-Flagstaff, AZ.
KPRC–TV	02	Houston, TX.
KPRL–TV	11	St. Louis, MO.
KSHB–TV	41	Kansas City, MO.
KSMO–TV	62	Kansas City, MO.
KSTU–TV	20	Salt Lake City, UT.
KSTW–TV	11	Seattle-Tacoma, WA.
KTLA–TV	05	Los Angeles, CA.
KTTV–TV	11	Los Angeles, CA.
KTVD–TV	20	Denver, CO.
KTVT–TV	11	Dallas-Ft. Worth, TX.
KTXH–TV	20	Houston, TX.
KWGN–TV	02	Denver, CO.
WBFS–TV	33	Miami-Ft. Lauderdale, FL.
WCCB–TV	18	Charlotte, NC.
WCNC–TV	36	Charlotte, NC.
WFLD–TV	32	Chicago, IL.
WFXI–TV	08	Greenville, New Bern-Washington, NC.
WFXT–TV	25	Boston, MA.
WGBS–TV	57	Philadelphia, PA.
WGN–TV	09	Chicago, IL.
WGNX–TV	46	Atlanta, GA.
WGRZ–TV	02	Buffalo, NY.
WHNS–TV	21	Greenville-Asheville-Spartanburg, NC.
WIVB–TV	04	Buffalo, NY.
WJZY–TV	03	Charlotte, NC.
WKBD–TV	50	Detroit, MI.
WKCF–TV	18	Orlando-Daytona, FL.
WKFT–TV	40	Raleigh-Durham, NC.
WKRN–TV	02	Nashville, TN.
WLBZ–TV	02	Bangor, ME.
WLFL–TV	22	Raleigh-Durham, NC.
WLVI–TV	56	Boston, MA.
WNUV–TV	54	Baltimore, MD.
WOFL–TV	35	Orlando-Daytona, FL.
WOIO–TV	19	Cleveland-Akron, OH.
WPGH–TV	53	Pittsburgh, PA.

APPENDIX F.—LIST OF TELEVISION STATIONS TO RECEIVE LETTER—Continued

Station	Channel	Location
WPHL–TV	17	Philadelphia, PA.
WPIX–TV	11	New York, NY.
WPTT–TV	22	Pittsburgh, PA.
WPWR–TV	60	Chicago, IL.
WSBK–TV	38	Boston, MA.
WSTR–TV	64	Cincinnati, OH.
WSYT–TV	68	Syracuse, NY.
WTBS–TV	17	Atlanta, GA
WTEN–TV	10	Albany-Schenectedy, NY.
WTIC–TV	61	Hartford-New Haven, CT.
WTOG–TV	44	Tampa-St. Petersburg, FL.
WTTG–TV	05	Washington, DC.
WTTV–TV	04	Indianapolis, IN.
WTVZ–TV	33	Norfolk-Portsmith, VA.
WTXF–TV	29	Philadelphia, PA.
WUAB–TV	43	Cleveland-Akron, OH.
WXIX–TV	19	Cincinnati, OH.
WXMI–TV	17	Grand Rapids-Kalamazoo, MI.
WXON–TV	62	Detroit, MI.
WYFF–TV	04	Greenville-Asheville-Spartanburg, NC.
WZTV–TV	17	Nashville, TN.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Azrak-Hamway, International, Inc. (''Azrak-Hamway''), and Marvin Azrak and Ezra Hamway, officers of Azrak-Hamway.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter charges Azrak-Hamway with engaging in deceptive advertising of the ''Steel Tec Construction System'' line of toys, which are marketed by Azrak-Hamway's Remco Toy Division. The complaint challenges television advertisements and packaging for eight Steel Tec toys, which represent that

these toys can move and operate in various ways unaided. According to the complaint, the television advertisements and packaging for the motorized helicopter, the ''Formula 1'' race car, the ''Off Road Super Sport'' vehicle, the ''Sand Buggy'' vehicle, the ''Harley-Davidson® Electra Glide'' motorcycle, the ''Hypersonic Fighter'' plane, the ''Dozer'' vehicle, and the ''Dump Truck'' vehicle represented that the demonstrations of these toys flying, driving, or moving in the manners depicted in the ads were unaltered and that the results shown accurately represent the performance of the actual, unaltered toys under the depicted conditions. This representation is alleged to be false and misleading. According to the complaint, these toys were suspended, pulled, and/or guided by monofilament wires, or a black tube recessed out of view from the camera, held by humans off camera to create the advertised effects. In the case of the motorized helicopter, the rotors were also spun manually by humans off camera to create the effect of motorized spinning.

The complaint also alleges that the respondents falsely represented that the above-listed toys can perform by flying, driving, or moving in the manners depicted.

The complaint also alleges that the respondents falsely represented that the Steel Tec Off Road Super Sport vehicle, Sand Buggy vehicle, Harley-Davidson® Electra Glide motorcycle, Dozer vehicle, and Dump Truck vehicle can be used on dirt, sand, and similar surfaces. According to the complaint, the ''Helpful Hints Manual'' accompanying these products warns against using the toys on these surfaces to avoid damage to the toys.

The complaint also alleges that the packaging for the challenged Steel Tec toy sets misrepresented that each package contains the number of parts required to build the number of toys depicted on the package at the same time.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part IA of the order prohibits the respondents from misrepresenting that an advertised demonstration, picture, experiment or test proves, demonstrates or confirms any material quality, feature or merit of any toy. Part IA enumerates examples of such misrepresentations, including: (1) the undisclosed use or substitution of a material mock-up or prop; (2) the undisclosed material alteration in a material characteristic of the advertised toy or any other material prop or device depicted in the advertisement; or (3) the undisclosed use of a visual perspective or camera, film, audio or video technique. Part IA also states that the order does not preclude the use of fantasy segments or prototypes which are otherwise not deceptive. Part IB prohibits the respondents from misrepresenting any performance characteristic of any toy. Part IC prohibits the respondents from misrepresenting the number of toys contained in, or that can be constructed with the parts contained in, the package.

Part II requires the respondents to maintain certain records and materials relating to future representations covered by the order.

Part III sets forth a consumer redress program through which purchasers of the Steel Tec toys at issue in this matter may obtain a refund of the price of the toy(s) plus postage upon return of the toy(s) to the company. The respondents are required to mail an explanatory letter and refund application to all purchaser names known to them and to any others that contact them within one hundred twenty (120) days after the order is issued.

Part IV requires the respondents to send a letter to each television station that aired any of the challenged advertisements notifying those stations that Azrak-Hamway has entered into a consent agreement with the Commission, and referring those stations to the availability of the Guidelines for Children's Advertising published by the Children's Advertising Review Unit of the Council of Better Business Bureaus, Inc.

Parts V through VII and IX relate to the respondents' obligations to provide copies of the order to certain Azrak-Hamway officers and personnel; to notify the Commission of changes in corporate structure, or, in the case of the individuals, changes in employment; and to file compliance reports with the Commission. Part VIII provides that the order will terminate after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–4007 Filed 2–21–96; 8:45 am]

BILLING CODE 6750–01–M

[File No. 961 0018]

Hughes Danbury Optical Systems, Inc., Hughes Electronics Corporation, General Motors Corporation; Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: This Consent Agreement, accepted subject to final Commission approval, settles alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition arising from the purchase of the business and selected assets of the Itek Optical Systems Division of Litton Industries by Hughes Danbury Optical Systems, Inc. (''HDOS''). The proposed complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, and Section 5 of the Federal Trade Commission Act, as amended, in the market for the research, development, manufacture and sale of an Airborne Laser (''ABL'') system for use in the U.S. Air Force's ABL program. The ABL program currently envisions developing an ABL system that would utilize a customized 747 aircraft to fly at high altitudes near the forward edge of a battle area to locate and destroy incoming short-range ballistic missiles. Two teams—with The Boeing Company and Rockwell International Corporation as the primary contractors—have been awarded contracts to develop a concept design for an ABL demonstrator. The proposed consent order would, among other things, prohibit the respondents from enforcing the exclusivity provisions contained in a teaming agreement—between HDOS and Xinetics, Inc.—so that Xinetics will be free to supply the Boeing team with deformable mirrors for the ABL program. The respondents have also entered into an Interim Agreement with the Commission in which they agreed to be bound by the proposed consent order as of February 9, 1996.

DATES: Comments must be received on or before April 22, 1996.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room H–159, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: William J. Baer, FTC/H–374, Washington, DC 20580 (202) 326–2932; or Ann B. Malester, FTC/S–2308, Washington, DC 20580 (202) 326–2682.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade

Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order

The Federal Trade Commission (''the Commission''), having initiated an investigation of the acquisition of the Itek Optical Systems Division of Litton Systems, Incorporated (''Itek''), by Hughes Danbury Optical Systems, Incorporated (''HDOS''), which is a wholly-owned subsidiary of Hughes Aircraft Company, which is a wholly-owned subsidiary of Hughes Electronics Corporation (''Hughes''), which is a wholly-owned subsidiary of General Motors Corporation (''GM''), and it now appears that HDOS, Hughes and GM, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to refrain from certain acts and providing for other relief:

It is hereby agreed by and between proposed respondents, by their duly authorized officers and attorneys, and counsel for the Commission that:

1. Proposed respondent HDOS is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 100 Wooster Road, Danbury, Connecticut 06810.

2. Proposed respondent Hughes is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 7200 Hughes Terrace, Los Angeles, California 90045.

3. Proposed respondent GM is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 3044 W. Grand Blvd., Detroit, Michigan 48202.

4. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

5. Proposed respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

6. Proposed respondents shall submit within thirty (30) days of the date this agreement is signed by proposed respondents an initial report, pursuant to Section 2.33 of the Commission's Rules, signed by the proposed respondents setting forth in detail the manner in which the proposed respondents will comply with Paragraph II and Paragraph III of the order when and if entered. Such report will not become part of the public record unless and until the accompanying agreement and order are accepted by the Commission.

7. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

8. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached, or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

9. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to refrain from certain acts in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

10. Proposed respondents have read the draft of complaint and order contemplated hereby. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that, as used in this order, the following definitions shall apply:

A. ''HDOS'' means Hughes Danbury Optical Systems, Inc., its officers, employees, agents and representatives, predecessors, successors, and assigns; its subsidiaries, divisions, groups and affiliates controlled by HDOS, and the respective officers, employees, agents, and representatives, successors and assigns of each.

B. ''Hughes'' means Hughes Electronics Corporation, its officers, employees, agents and representatives, predecessors, successors, and assigns; its subsidiaries, divisions, groups and affiliates controlled by Hughes, and the respective officers, employees, agents, and representatives, successors and assigns of each.

C. ''GM'' means General Motors Corporation, its officers, employees, agents and representatives, predecessors, successors, and assigns; its subsidiaries, divisions, groups and affiliates controlled by GM, and the respective officers, employees, agents, and representatives, successors and assigns of each.

D. ''Itek'' means Itek Optical Systems Division of Litton Systems, Incorporated, its officers, employees, agents and representatives,

predecessors, successors, and assigns; its subsidiaries, divisions, groups and affiliates controlled by Itek, and the respective officers, employees, agents, and representatives, successors and assigns of each.

E. ''Respondents'' means HDOS, Hughes and GM.

F. ''Commission'' means the Federal Trade Commission.

G. ''Xinetics'' means Xinetics Incorporated, a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business located at 410 Great Road #A6, Littleton, Massachusetts 01460.

H. ''Person'' means any natural person, corporate entity, partnership, association, joint venture, government entity, trust or other business or legal entity.

I. ''HDOS/Xinetics Letter of Intent'' means the Letter of Intent entered into on September 21, 1995, between HDOS and Xinetics in which HDOS expresses its intention to use Xinetics as a supplier of any Deformable Mirror which may be required for the Phillips Laboratory Airborne Laser Program.

J. ''Phillips Laboratory Airborne Laser Program'' is a United States Air Force Advanced Technology Demonstration program to develop and then demonstrate the necessary technologies to acquire, track, and destroy theater ballistic missiles during the boost phase of flight.

K. ''Non-Public ABL Information'' means any information not in the public domain received or developed by Itek in its capacity as a subcontractor to Lockheed Martin Corporation for the Phillips Laboratory Airborne Laser Program. Non-Public ABL Information shall not include: (i) information which subsequently falls within the public domain through no violation of this order by Respondents, or (ii) information which subsequently becomes known to Respondents not in breach of a confidential disclosure agreement.

II

It is further ordered that Respondents shall not enforce or attempt to enforce any provision contained in the HDOS/Xinetics Letter of Intent, or take any other action, that would inhibit Xinetics from teaming or otherwise contracting with any other person for the purpose of bidding on, designing, developing, manufacturing, or supplying any part of the Phillips Laboratory Airborne Laser Program.

III

It is further ordered that:

A. Respondents shall not receive, gain access to or in any manner obtain any Non-Public ABL Information without the express written permission of Lockheed Martin Corporation.

B. Upon request from Lockheed Martin Corporation, Respondents shall provide to Lockheed Martin Corporation any Non-Public ABL Information in a timely fashion not to exceed seven (7) days from the receipt of such request. Respondents may require payment for their own direct costs in providing such information.

IV

It is further ordered that Respondents shall comply with all terms of the Interim Agreement, attached to this order and made a part hereof as Appendix I.

V

It is further ordered that within sixty (60) days of the date this order becomes final and every sixty days thereafter for the first year after this order becomes final, and at such other times as the Commission may require, Respondents shall file a verified written report with the Commission setting forth in detail the manner and form in which they have complied and are complying with this order. Respondents shall include in their compliance reports, among other things that are required from time to time, a full description of the efforts being made to comply with Paragraph II and Paragraph III of the order. Respondents shall include in their compliance reports copies of all written communications, all internal memoranda, and all reports and recommendations concerning compliance with the provisions in Paragraph II and Paragraph III of the order.

VI

It is further ordered that Respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate Respondents, such as dissolution, assignment, sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or any other change in the corporate Respondents that may affect compliance obligations arising out of the order.

VII

It is further ordered that, for the purpose of determining or securing compliance with this order, Respondents shall permit any duly authorized representative of the Commission:

A. Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of any Respondent relating to any matters contained in this order; and

B. Upon five (5) days' notice to any Respondent without restraint or interference from it, to interview officers, directors, or employees of that Respondent, who may have counsel present, regarding such matters.

Interim Agreement

This Interim Agreement is by and between Hughes Danbury Optical Systems, Incorporated (''HDOS''), Hughes Electronics Corporation (''Hughes''), and General Motors Corporation (''GM''), three corporations organized and existing under the laws of the State of Delaware (collectively referred to as ''Proposed Respondents''), and the Federal Trade Commission (the ''Commission''), an independent agency of the United States Government, established under the Federal Trade Commission Act of 1914, 15 U.S.C. § 41, *et seq.* (collectively, the ''Parties'').

Premises

Whereas, HDOS has proposed to acquire the Itek Optical Systems Division of Litton Systems, Incorporated (''Itek''); and

Whereas, the Commission is now investigating the proposed acquisition to determine if it would violate any of the statutes the Commission enforces; and

Whereas, if the Commission accepts the Agreement Containing Consent Order (''Consent Agreement''), the Commission will place it on the public record for a period of at least sixty (60) days and subsequently may either withdraw such acceptance or issue and serve its Complaint and decision in disposition of the proceeding pursuant to the provisions of Section 2.34 of the Commission's Rules; and

Whereas, the Commission is concerned that if an understanding is not reached, preserving competition during the period prior to the final acceptance of the Consent Agreement by the Commission (after the 60-day public notice period), there may be interim competitive harm and divestiture or other relief resulting from a proceeding challenging the legality of the proposed acquisition might not be possible, or might be less than an effective remedy; and

Whereas, Proposed Respondents entering into this Interim Agreement shall in no way be construed as an admission by Proposed Respondents that the proposed acquisition constitutes a violation of any statute; and

Whereas, Proposed Respondents understand that no act or transaction contemplated by this Interim Agreement shall be deemed immune or exempt from the provisions of the antitrust laws or the Federal Trade Commission Act by reason of anything contained in this Interim Agreement.

Now, therefore, the Parties agree, upon the understanding that the Commission has not yet determined whether the proposed acquisition will be challenged, and in consideration of the Commission's agreement that, at the time it accepts the Consent Agreement for public comment, it will grant early termination of the Hart-Scott-Rodino waiting period, as follows:

1. Proposed Respondents agree to execute and be bound by the terms of the Order contained in the Consent Agreement, as if it were final, from the date the Consent Agreement is accepted for public comment by the Commission.

2. Proposed Respondents agree to deliver within three (3) days of the date the Consent Agreement is accepted for public comment by the Commission, a copy of the Consent Agreement and a copy of this Interim Agreement to the United States Department of Defense, The Boeing Company, Lockheed Martin Corporation and Xinetics Incorporated.

3. Proposed Respondents agree to submit within thirty (30) days of the date the Consent Agreement is signed by the Proposed Respondents, an initial report, pursuant to Section 2.33 of the Commission's Rules, signed by the Proposed Respondents setting forth in detail the manner in which the Proposed Respondents will comply with Paragraph II and Paragraph III of the Consent Agreement.

4. Proposed Respondents agree that, from the date the Consent Agreement is accepted for public comment by the Commission until the first of the dates listed in subparagraphs 4.a and 4.b, they will comply with the provisions of this Interim Agreement:

a. Ten (10) business days after the Commission withdraws its acceptance of the Consent Agreement pursuant to the provisions of Section 2.34 of the Commission's Rules;

b. The date the Commission issues its Complaint and Decision and Order.

5. Proposed Respondents waive all rights to contest the validity of this Interim Agreement.

6. For the purpose of determining or securing compliance with this Interim Agreement, Proposed Respondents shall permit any duly authorized representative of the Commission:

a. Access during office hours and in the presence of counsel to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of any Proposed Respondent relating to any matters contained in this Interim Agreement; and

b. Upon five (5) days' notice to any Proposed Respondent and without restraint or interference from it, to interview officers, directors, or employees of that Proposed Respondent, who may have counsel present, regarding any such matters.

7. This Interim Agreement shall not be binding until accepted by the Commission.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a proposed Consent Order from General Motors Corporation, Hughes Electronics Corporation (''Hughes''), and Hughes Danbury Optical Systems, Inc. (''HDOS''), collectively referred to as ''respondents.'' The proposed Consent Order prohibits respondents from enforcing exclusivity provisions in a teaming agreement between HDOS and Xinetics Incorporated for the U.S. Air Force's Airborne Laser (''ABL'') program. In addition, the proposed Consent Order prohibits respondents from obtaining information not in the public domain developed or obtained by the Itek Optical Systems Division of Litton Systems, Inc., in its capacity as a member of the Boeing-Lockheed Martin team for the ABL program without the express written permission of Lockheed Martin Corporation.

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed Order.

On September 26, 1995, HDOS entered into a letter of intent to purchase the business and selected assets of the Itek Optical Systems Division of Litton Industries, Inc. (''Itek''). The proposed complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, in the market for the research, development, manufacture and sale of an Airborne Laser system for use in the U.S. Air Force's Airborne Laser program.

The Airborne Laser program is the premier anti-missile program in the Department of Defense's Theater Missile Defense System. As currently envisioned, the ABL system will utilize a customized 747 aircraft to fly at high altitudes near the forward edge of a battle area to locate and destroy incoming short-range ballistic missiles. The ABL system would intercept an enemy missile during its launch or boost phase by focusing a high energy laser beam on the missile's fuel tank to rupture the tank and destroy the missile. Destruction of the missile during launch would cause the warhead to fall on enemy territory. If the ABL system works as planned, an enemy could find it impossible to launch its missiles for fear of contaminating its own territory with nuclear, chemical or biological warheads.

The ABL program is currently in the Demonstrator Concept Design phase (Phase I). Two teams have each been awarded $21.4 million contracts to develop a concept design for an ABL demonstrator. The prime contractors for the two teams are The Boeing Company (''Boeing'') and Rockwell International Corporation (''Rockwell''). The Air Force plans to release the Request For Proposal (''RFP'') for the building of an ABL demonstrator (Phase II) in May 1996. In January 1997, one of the two teams will be awarded $700 million to build the Phase II ABL demonstrator based on its Phase I design.

Both Hughes and Itek are participating in the ABL program. Hughes is exclusively teamed with Rockwell. Itek is a member of the Boeing team through an exclusive teaming agreement with Lockheed Martin. Both Hughes and Itek are responsible for designing and supplying an adaptive optics system for their respective teams.

Both teams will utilize an adaptive optics system as a part of their ABL demonstrator design to improve the accuracy and intensity of the ABL's laser beam. Adaptive optics systems compensate for distortions in light waves caused by atmospheric turbulence by recording and comparing wavefront characteristics and feeding this information to an array of deformable mirrors. A deformable mirror is a thin, flexible mirror

equipped with electromechanical actuators. The mirror's actuators respond to an electrical signal from a computer and alter the mirror's shape to counteract the distortions of the atmosphere. Deformable mirrors are critical to the effective functioning of the adaptive optics system.

There are only two viable manufacturers of deformable mirrors for the ABL, Itek and Xinetics. Itek has exclusively contracted with Lockheed Martin to supply deformable mirrors to the Boeing team. Xinetics has exclusively contracted with Hughes to supply deformable mirrors to the Rockwell team.

The standard *Merger Guidelines* entry analysis utilizing a two year time period is not applicable to the ABL competition. The ABL Phase I concept design review is scheduled to occur in March 1996 and the bids for Phase II are expected to be due in July of 1996. Therefore, the only viable entrants are firms with the current capability to supply deformable mirrors. Itek and Xinetics are the only firms that currently possess the expertise, personnel and facilities required to design and fabricate deformable mirrors.

Respondents' acquisition of Itek poses serious antitrust concerns. Following the acquisition, the Boeing-Lockheed Martin team would not be able to replace Hughes/Itek as the supplier of its deformable mirrors for the ABL competition. This would allow Hughes to: (1) increase the bid prices for the ABL competition by raising the price of the deformable mirrors on both teams; (2) decrease its investment in technology or quality on one or both teams' designs; and/or (3) gain access to competitively sensitive information relating to the Boeing team's technical design and cost for its entire adaptive optics system.

Under the proposed Consent Order, respondents are prohibited from enforcing the exclusivity provisions contained in Hughes's teaming agreement with Xinetics for the ABL program. Xinetics will be free to supply the Boeing team with deformable mirrors for the ABL program. This will ensure that the Boeing team will have an alternate source of deformable mirrors for the ABL competition. The purpose of this provision of the Consent Order is to constrain Hughes's ability to raise the price of both teams' bids or decrease its investment in technology or quality on one or both teams' designs for the ABL competition.

Under the proposed Consent Order, respondents are also prohibited from receiving, gaining access to, or obtaining in any manner, without Lockheed Martin's approval, information not in the public domain that was developed or obtained by Itek in its capacity as a member of the Boeing team for the ABL program. The purpose of this provision of the Consent Order is to ensure that the Rockwell team will not have access to competitively sensitive information relating to the technical design and cost of the Boeing team's adaptive optics system for the ABL competition.

In order to preserve competition in the market for the research, development, manufacture and sale of an Airborne Laser system for use in the U.S. Air Force's Airborne Laser program during the period prior to the Commission's issuance of the Consent Order (after the 60-day public notice period), respondents have entered into an Interim Agreement with the Commission in which they agreed to be bound by the proposed Consent Order as of the date the Commission accepted the proposed Consent Order for public comment.

The purpose of this analysis is to facilitate the public comment on the proposed Order, and it is not intended to constitute on official interpretation of the agreement and proposed Order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–4005 Filed 2–21–95; 8:45 am]

BILLING CODE 6750–01–M

[File No. 952–3481]

Starwood Advertising, Inc., Les Towne; Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would bar the Aspen, Colorado-based advertising agency from using deceptive demonstrations and certain other misrepresentations in future advertising campaigns. The consent agreement settles allegations stemming from Starwood's advertising campaign for Azrak-Hamway International's line of Steel Tec toy vehicles.

DATES: Comments must be received on or before April 22, 1996.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Toby Milgrom Levin, Federal Trade Commission, S–4002, 6th and Pennsylvania Avenue, NW, Washington, DC 20580. (202) 326–3156.

Joel Winston, Federal Trade Commission, S–4002, 6th and Pennsylvania Avenue, NW, Washington, DC 20580. (202) 326–3153.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii).

United States of America Before Federal Trade Commission

In the Matter of: Starwood Advertising, Inc., a corporation, and Les Towne, individually and as an officer of said corporation. File No. 952 3481.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission, having initiated an investigation of certain acts and practices of Starwood Advertising Inc., a corporation, and Les Towne, individually and as an officer of said corporation (''proposed respondents''), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Starwood Advertising, Inc., by its duly authorized officer, and Les Towne, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Starwood Advertising, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Colorado, with its office and principal place of business located at 600 North Starwood Drive, Aspen, Colorado 81612.

Proposed respondent Les Towne is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said

corporation and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondents, Starwood Advertising, Inc., a corporation, its successors and assigns, and its officers, and Les Towne, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of any toy in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. In connection with any advertisement or package depicting a demonstration, experiment or test, making any representation, directly or by implication, that the demonstration, picture, experiment or test depicted in the advertisement or package proves, demonstrates or confirms any material quality, feature or merit of any toy when such demonstration, picture, experiment or test does not prove, demonstrate or confirm the representation for any reason, including but not limited to:

1. The undisclosed use or substitution of a material mock-up or prop;

2. The undisclosed material alteration in a material characteristic of the advertised toy or any other material prop or device depicted in the advertisement; or

3. The undisclosed use of a visual perspective or camera, film, audio or video technique;

that, in the context of the advertisement as a whole, materially misrepresents a material characteristic of the advertised toy or any other material aspect of the demonstration or depiction.

Provided, however, that notwithstanding the foregoing, nothing in this order shall be deemed to otherwise preclude the use of fantasy segments or prototypes which use otherwise is not deceptive.

Provided further, however, that it shall be a defense hereunder that respondents neither knew nor had reason to know that the demonstration, experiment or test did not prove, demonstrate or confirm the representation.

B. Misrepresenting, directly or by implication, any performance characteristic of any toy.

II

It is further ordered that for three (3) years after the last date of dissemination of any representation covered by this order, respondent Starwood Advertising, Inc., or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. All materials that were relied upon in disseminating such representation;

B. Any and all videotapes, in complete as well as unedited form, and any and all still photographs taken during the production of any advertisement depicting a demonstration, experiment, or test;

C. Any and all affidavits or certifications submitted by an employee, agent or representative of respondent to a television network or to any other individual or entity, other than counsel for respondent, which affidavit or certification affirms the accuracy or integrity of a demonstration or demonstration techniques contained in an advertisement; and

D. Any toy involved in such representation.

III

It is further ordered that respondent Starwood Advertising, Inc. shall, within thirty (30) days after its service, distribute a copy of this order to each of its operating divisions and to each officer, agent and personnel responsible for the preparation, review or placement of advertising, or other materials covered by this order and shall secure from each such person a signed statement acknowledging receipt of this order.

IV

It is further ordered that respondent Les Towne shall, for a period of ten (10) years from the date of entry of this order, notify the Commission within

thirty (30) days of the discontinuance of his present business or employment and of his affiliation with any new business or employment. Each such notice of affiliation with any new business or employment shall include the respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his duties and responsibilities.

V

It is further ordered that respondent Starwood Advertising, Inc. shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in its corporate structure, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, the planned filing of a bankruptcy petition, or any other corporate change that may affect compliance obligations arising out of this order.

VI

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this order that terminates in less than twenty years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

VII

It is further ordered that respondents shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Starwood Advertising, Inc. (''Starwood'') and Les Towne, officer of Starwood. Starwood is the advertising agency for Azrak-Hamway International, Inc. (''Azrak-Hamway'').

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter alleges that Starwood prepared and disseminated advertising for the ''Steel Tec Construction System'' line of toys, which are manufactured by Azrak-Hamway and marketed by Azrak-Hamway's Remco Toy Division. The complaint challenges as deceptive television advertisements for eight Steel Tec toys, which represent that these toys can move and operate in various ways unaided. According to the complaint, the television advertisements for the motorized helicopter, the ''Formula 1'' race car, the ''Off Road Super Sport'' vehicle, the ''Sand Buggy'' vehicle, the ''Harley-Davidson® Electra Glide'' motorcycle, the ''Hypersonic Fighter'' plane, the ''Dozer'' vehicle, and the ''Dump Truck'' vehicle represented that the demonstrations of these toys flying, driving, or moving in the manners depicted in the ads were unaltered and that the results shown accurately represent the performance of the actual, unaltered toys under the depicted conditions. This representation is alleged to be false and misleading. According to the complaint, these toys were suspended, pulled, and/or guided by monofilament wires, or a black tube recessed out of view from the camera, held by humans off camera to create the advertised effects. In the case of the motorized helicopter, the rotors were also spun manually by humans off camera to create the effect of motorized spinning.

The complaint also alleges that the challenged advertisements falsely represented that the eight toys can perform by flying, driving, or moving in the manners depicted.

The complaint also alleges that the challenged advertisements falsely represented that the Steel Tec Off Road Super Sport vehicle, Sand Buggy vehicle, Harley-Davidson® Electra Glide motorcycle, Dozer vehicle, and Dump Truck vehicle can be used on dirt, sand, and similar surfaces. According to the complaint, the ''Helpful Hints Manual'' accompanying these products warns against using the toys on these surfaces to avoid damage to the toys.

The complaint also alleges that the respondents knew or should have known that the representations set forth above were false and misleading.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part IA of the order prohibits the respondents from misrepresenting that an advertised demonstration, picture, experiment or test proves, demonstrates or confirms any material quality, feature or merit of any toy. Part IA enumerates examples of such misrepresentations, including: (1) the undisclosed use or substitution of a material mock-up or prop; (2) the undisclosed material alteration in a material characteristic of the advertised toy or any other material prop or device depicted in the advertisement; or (3) the undisclosed use of a visual perspective or camera, film, audio or video technique. Part IA also states that the order does not preclude the use of fantasy segments or prototypes which are otherwise not deceptive, and provides the respondents with a defense to liability if they neither knew nor had reason to know that the demonstration, experiment or test did not prove, demonstrate or confirm the representation. Part IB prohibits the respondents from misrepresenting any performance characteristic of any toy.

Part II requires the respondents to maintain certain records and materials relating to future representations covered by the order.

Parts III through V and VII relate to the respondents' obligations to provide copies of the order to certain Starwood officers and personnel; to notify the Commission of changes in corporate structure, or, in the case of the individual, changes in employment; and to file compliance reports with the Commission. Part VI provides that the order will terminate after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–4006 Filed 2–21–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94F–0250]

Registration and Consulting Co. AG; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to future filing, of a food additive petition (FAP 4B4424) proposing that the food additive regulations be amended to provide for the safe use of 8,9,10,11-tetrachloro-12H-phthaloperin-12-one (C.I. Solvent Red 135) as a colorant in polyethylene phthalate polymers intended for use as food-contact articles.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 5, 1994 (59 FR 40036), FDA announced that a food additive petition (4B4424) had been filed on behalf of the Registration and Consulting Co. AG, c/o Bruce A. Schwemmer, Bruce EnviroExcel Group, Inc., 94 Buttermilk Bridge Rd., Washington, NJ 07882 (formerly, c/o Reynaldo A. Gustilo, 125A 18th St., suite 142, Newport Plaza, Jersey City, NJ 07310). The petition proposed to amend the food additive regulations in § 178.3297 Colorants for polymers (21 CFR 178.3297) to provide for the safe use of 8,9,10,11-tetrachloro-12H-phthaloperin-12-one (C.I. Solvent Red 135) as a colorant in polyethylene phthalate polymers intended for use in food-contact articles complying with 21 CFR 177.1630. Registration and Consulting Co. AG has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 1, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–3906 Filed 2–21–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 92F–0432]

Victorian Chemical Co., Pty. Ltd.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to future filing, of a food additive petition (FAP 2A4340) proposing that the food additive regulations be amended to provide for the safe use of the following: ethyl esters of fatty acids in aqueous emulsions for dehydrating corn, cereal grains, beans, sulfated butyl oleate, and sulfated ethyl oleate alone or in combination for dehydrating grapes to raisins, cereal grains, and beans.

FOR FURTHER INFORMATION CONTACT: Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW.,Washington, DC 20204, 202–418–3072.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of January 7, 1993 (58 FR 3027), FDA announced that a food additive petition (FAP 2A4340) had been filed by Victorian Chemical Co., Pty. Ltd., P.O. Box 71, Richmond, Victoria 3121, Australia. The petition proposed to amend the food additive regulations in § 172.225 Methyl and ethyl esters of fatty acids produced from edible fats and oils (21 CFR 172.225) (57 FR 12709, April 13, 1992) and § 172.270 Sulfated butyl oleate (21 CFR 172.270) (57 FR 12709, April 13, 1992) to provide for the safe use of: (1) ethyl esters of fatty acids in aqueous emulsions for dehydrating corn, cereal grains, and beans and (2) sulfated butyl oleate and sulfated ethyl oleate alone or in combination in aqueous emulsions for dehydrating grapes to raisins, cereal grains, and beans.

Victorian Chemical Co., Pty. Ltd., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: January 22, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–3907 Filed 2–21–96; 8:45 am]

BILLING CODE 4160–01–F

Public Health Service

Health Resources and Services Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Health Resources and Services Administration (HRSA).

ACTION: Publication of minor changes to system-of-records notices.

SUMMARY: In accordance with Office of Management and Budget Circular No. A–130, Appendix I, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' HRSA is publishing minor changes to its notices of systems of records.

SUPPLEMENTARY INFORMATION: HRSA has completed the annual review of its systems of records and is publishing below those minor changes which affect the public's right or need to know, such as system deletions, title changes, and changes in the system location of records, or the addresses of systems managers.

1. HRSA has deleted the following systems of records since the last annual review due to the reassignment of the Division of Fiscal Services, Office of Operations and Management, Office of the Administrator, from HRSA to the Program Support Center, DHHS (60 FR 51480, 10/2/95):

09–15–0022 Accounts Receivable, HHS/HRSA/OA.
09–15–0026 Medical Fellowships and Educational Loans, HHS/HRSA/OA.
09–15–0043 Cuban Loan Program, HHS/HRSA/OA.
09–15–0045 Health Resources and Services Administration Loan Repayment/Debt Management Records Systems, HHS/HRSA/OA.

2. The following are no longer active systems and have also been deleted:

09–15–0040 Health Professions Student Loan Repayment Program, HHS/HRSA/BHPr.
09–15–0041 Health Professions Student Loan Cancellation, HHS/HRSA/BHPr.
09–15–0052 Nurse Practitioner and Nurse Midwifery Traineeship, HHS/HRSA/BHPr.

3. Other minor system-notice changes affecting individual categories are published below.

Dated: February 9, 1996.

Thomas G. Morford,

Associate Administrator for Operations and Management.

Table of Contents

The following table of contents lists all currently active Privacy Act systems

of records maintained by the Health Resources and Services Administration:

09–15–0001 Division of Federal Occupational Health Medical and Counseling Records, HHS/HRSA/BPHC.
09–15–0002 Record of Patients' Personal Valuables and Monies, HHS/HRSA/BPHC.
09–15–0003 Contract Physicians and Consultants, HHS/HRSA/BPHC.
09–15–0004 Federal Employee Occupational Health Data System, HHS/HRSA/BPHC.
09–15–0007 Patients Medical Records System PHS Hospitals/Clinics, HHS/HRSA/BPHC.
09–15–0028 PHS Clinical Affiliation Trainee Records, HHS/HRSA/BPHC.
09–15–0037 Public Health Service (PHS) and National Health Service Corps (NHSC) Scholarship/Loan Repayment Participant Records System, HHS/HRSA/BPHC.
09–15–0038 Disability Claims of the Nursing Student Loan Program, HHS/HRSA/BHPr.
09–15–0039 Disability Claims in the Health Professions Student Loan Program, HHS/HRSA/BHPr.
09–15–0042 Physician Shortage Area Scholarship Program, HRSA/HRSA/BPHC.
09–15–0044 Health Educational Assistance Loan Program (HEAL) Loan Control Master File, HHS/HRSA/BHPr.
09–15–0046 Health Professions Planning and Evaluation, HHS/HRSA/OA.
09–15–0054 National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners, HHS/HRSA/BHPr.
09–15–0055 Organ Procurement and Transplantation Network (OPTN) Data System, HHS/HRSA/BHRD.
09–15–0056 National Vaccine Injury Compensation Program, HHS/HRSA/BHPr.
09–15–0057 Scholarships for the Undergraduate Education of Professional Nurses Grant Programs, HHS/HRSA/BHPr.
09–15–0058 Disadvantaged Health Profession Faculty Loan Repayment Program, HHS/HRSA/BHPr.
09–15–0059 Health Resources and Services Administration Correspondence Control System, HHS/HRSA/OA.

Changes

09–15–0037

SYSTEM NAME:

Public Health Service (PHS) and National Health Service Corps (NHSC) Scholarship/Loan Repayment Participant Records System, HHS/HRSA/BPHC.

A minor change has been made to this system-of-records notice. The following category should be revised:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Policy Coordinating Official: Director, Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA), 4350 East West Highway, 11th Floor, Bethesda, MD 20814.

System Manager (Scholarship Applicants/Recipients): Director, Division of Scholarships and Loan Repayment, BPHC, HRSA, 4350 East West Highway, 10th Floor, Bethesda, MD 20814.

System Manager (Placement/Assignment): Director, Division of National Health Service Corps, BPHC, HRSA, 4350 East West Highway, 8th Floor, Bethesda, MD 20814.

* * * * *

09–15–0038

SYSTEM NAME:

Disability Claims of the Nursing Student Loan Program, HHS/HRSA/BHPr.

A minor change has been made to this system-of-records notice. The following category should be revised:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Office for Campus Based Programs, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8–34, Rockville, MD 20857.

* * * * *

09–15–0039

SYSTEM NAME:

Disability Claims in the Health Professions Student Loan Program, HHS/HRSA/BHPr.

A minor change has been made to this system-of-records notice. The following category should be revised:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Office for Campus Based Programs, Division of Student Assistance, Bureau of Health Professions, Health Resources and Service Administration, 5600 Fishers Lane, Room 8–34, Rockville, MD 20857.

* * * * *

09–15–0044

SYSTEM NAME:

Health Education Assistance Loan Program (HEAL) Loan Control Master File, HHS/HRSA/BHPr.

Minor changes have been made to this system-of-records notice. The following categories should be revised:

* * * * *

SYSTEM LOCATION:

Division of Student Assistance, Bureau of Health Professions, Health Resources and Service Administration, 5600 Fishers Lane, Room 8–37, Rockville, MD 20857.

Records are also located at contractor sites. A list of contractor sites where individually-identifiable data are currently located is available upon request to the System Manager.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 701 and 702 of the Public Health Service Act, as amended, (42 U.S.C. 292) which authorize the establishment of a Federal program of student loan insurance.

Section 715 of the Public Health Service Act, as amended, (42 U.S.C. 292n) which directs the Secretary to require institutions to provide information for each student who has a loan.

Debt Collection Act of 1982 (5 U.S.C. 5514 note)

Section 222 of the Health Professions Training Assistant Act of 1985 (50 U.S.C. App. 462 note) which provides for a study on compliance with the Selective Service Act.

Section 709 of the Public Health Service Act, as amended, (42 U.S.C. 292h) which authorizes disclosure and publication of HEAL defaulters.

* * * * *

09–15–0046

SYSTEM NAME:

Health Professions Planning and Evaluation, HHS/HRSA/OA. Minor changes have been made to this system-of-records notice.

The following categories should be revised:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority is found in the following sections of the Public Health Service Act: Title III, Part D, Primary Health Care (42 U.S.C. 254b); Title VII, Health Research and Training Facilities and Training of Professional Health Personnel (42 U.S.C. 292a); Title VIII, Nurse Education (42 U.S.C. 296K); and Title XXVI, Section 241, Evaluation of Programs (42 U.S.C. 238j). Authority is also found in section 401 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 note).

* * * * *

RECORD ACCESS PROCEDURES:

Requests must be made to the System Manager and should contain, if possible, information about the specific project. You may also request a list of accountable disclosures that have been made of your record.

Requests in person: An individual who appears in person seeking access or disclosure of records relating to him/her shall provide his/her current address and at least one piece of tangible identification, such as drivers license, passport, or similar forms of identification, sufficient to verify the identify of the requester.

Requests by mail: Requests for access to records received by mail must contain the name and address of the requester and sufficient additional information to verify that the requester is the person he/she claims to be.

Requests by phone: Since positive identification of the caller cannot be established, telephone requests are not honored.

* * * * *

09–15–0054

SYSTEM NAME:

National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners, HHS/HRSA/BHPr.

A minor change has been made to this system-of-records notice. The following category should be revised:

* * * * *

SYSTEM LOCATION:

The SRA Corporation (the contractor) operates the National Practitioner Data Bank (the Bank) under contract with the Bureau of Health Professions (BHPr), Health Resources and Services Administration (HRSA). Records are located at SRA Corporation, 4350 Fairlakes Court, Suite 400, Fairfax, VA 22033.

* * * * *

09–15–0055

SYSTEM NAME:

Organ Procurement and Transplantation Network (OPTN) Data System, HHS/HRSA/BHRD.

A minor change has been made to this system-of-records notice. The following category should be revised:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations and Analysis Branch, Division of Transplantation, Bureau of Health Resources Development, Health Resources and Services Administration, Room 7–18, 5600 Fishers Lane, Rockville, MD 20857.

* * * * *

09–15–0057

SYSTEM NAME:

Scholarships for the Undergraduate Education of Professional Nurses Grant Programs, HHS/HRSA/BHPr.

A minor change has been made to this system-of-records notice. The following category should be revised:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Office for Campus Based Programs, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8–34, Rockville, MD 20857.

* * * * *

09–15–0058

SYSTEM NAME:

Disadvantaged Health Profession Faculty Loan Repayment Program, HHS/HRSA/BHPr.

Minor changes have been made to this system-of-record notice. The system name and the following category should be revised:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992 (42 U.S.C. 293G) which authorizes the establishment of a program for entering into contract with individuals from disadvantaged backgrounds for payment of educational loans in exchange for teaching services.

* * * * *

09–15–0059

SYSTEM NAME:

Health Resources and Services Administration Correspondence Control System, HHS/HRSA/OA.

Minor changes have been made to this system-of-records notice. The following categories should be revised.

* * * * *

SYSTEM LOCATION

1. Executive Secretariat, Office of Policy Coordination, Office of the Administrator, Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 14A–08, Rockville, MD 20857.

2. Office of Program Support, Bureau of Health Professions, HRSA, 5600 Fishers Lane, Room 8–15, Rockville, MD 20857.

3. Office of the Director, Bureau of Health Resources Development, HRSA, 5600 Fishers Lane, Room 7–68, Rockville, MD 20857.

4. Office of Program and Policy Development, Bureau of Primary Health Care, HRSA, 4350 East West Highway, Room 7–2B3, Rockville, MD 20857.

5. Office of the Director, Maternal and Child Health Bureau, 5600 Fishers Lane, Room 18–05, Rockville, MD 20857.

6. Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

* * * * *

RETRIEVABILITY

Hard-copy records are indexed by date signed; or name of addressee and date of outgoing correspondence; or by name of sender and date of incoming correspondence; or by subject. Records may also be cross-referenced.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Policy Coordinator: Associate Administrator for Policy Coordination, Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 14A–08, Rockville, MD 20857.

System Manager: Chief, Executive Secretariat, Office of the Administrator, HRSA, 5600 Fishers Lane, Room 14A–08, Rockville, MD 20857.

Systems Manager: Information Management Specialist, Office of the Director, Bureau of Health Resources Development, HRSA, 5600 Fishers Lane, Room 6–78, Rockville, MD 20857.

Systems Manager: Information Systems Specialist, Office of Program and Policy Development, Bureau of Primary Health Care, HRSA, 4350 East West Highway, Room 7–2B3, Rockville, MD 20857.

Systems Manager: Correspondence Coordinator, Office of the Director, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Room 18–05, Rockville, MD 20857.

* * * * *

[FR Doc. 96–3973 Filed 2–21–96; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Eye Institute, Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Eye Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Clinical Research.

Date: March 21, 1996.
Time: 8:30 a.m.
Place: Holiday Inn Gaithersburg.
Contact Person: Andrew P. Mariani, Ph.D., Executive Plaza South, Room 350, 6120 Executive Blvd., Bethesda, MD 20892–7164, (301) 496–5561.
Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research: National Institutes of Health)

Dated: February 15, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4001 Filed 2–21–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: Review of Environmental Justice: Partnerships for Communication (ES–96–002).
Date: March 3–5, 1996.
Time: 7:00 p.m.
Place: (3/3/96) Best Western Crown Park Hotel, Research Triangle Park, NC.
(3/4–5/96) NIEHS, South Campus Building 101–C Research Triangle Park, NC.
Contact Person: Mr. David Brown, National Institute of Environmental Health Sciences, P. O. Box 12233, Research Triangle Park, NC 27709, (919) 541–4964.
Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health)

Dated: February 15, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4002 Filed 2–21–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Multidisciplinary Sciences.
Date: March 5, 1996.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 5116, Telephone Conference.
Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 6701 Rockledge Drive, Room 5116, Bethesda, Maryland 20892, (301) 435–1171.

This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 18, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4178, Telephone Conference.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 19, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4178, Telephone Conference.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Biological and Physiological Sciences.
Date: March 25, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 5198, Telephone Conference.
Contact Person: Dr. Peggy McCardle, Scientific Review Administrator, 6701 Rockledge Drive, Room 5198, Bethesda, Maryland 20892, (301) 435–1258.

Name of SEP: Behavioral and Neurosciences.
Date: March 25–26, 1996.
Time: 8:30 a.m.
Place: Ramada Inn, Rockville, MD.
Contact Person: Dr. Joseph Marwah, Scientific Review Administrator, 6701 Rockledge Drive, Room 5188, Bethesda, Maryland 20892, (301) 435–1253.

Name of SEP: Multidisciplinary Sciences.
Date: March 25–27, 1996.
Time: 7:00 a.m.
Place: University Inn, Ithaca, NY.
Contact Person: Dr. Nabeeh Mourad, Scientific Review Administrator, 6701 Rockledge Drive, Room 5110, Bethesda, Maryland 20892, (301) 435–1168.

Name of SEP: Biological and Physiological Sciences.
Date: March 28, 1996.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 5198, Telephone Conference.
Contact Person: Dr. Peggy McCardle, Scientific Review Administrator, 6701 Rockledge Drive, Room 5198, Bethesda, Maryland 20892, (301) 435–1258.

Name of SEP: Biological and Physiological Sciences.
Date: March 28, 1996.
Time: 8:30 a.m.
Place: Hyatt, Fair Oaks, VA.
Contact Person: Dr. Gerald Greenhouse, Scientific Review Administrator, 6701 Rockledge Drive, Room 5140 Bethesda, Maryland 20892, (301) 435–1023.

Name of SEP: Clinical Sciences.
Date: March 29, 1996.
Time: 8:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Ms. Josephine Pelham, Scientific Review Administrator, 6701 Rockledge Drive, Room 4106, Bethesda, Maryland 20892, (301) 435–1786.

Name of SEP: Behavioral and Neurosciences.
Date: April 1, 1996.
Time: 9:00 a.m.
Place: Embassy Suites, Washington, DC.
Contact Person: Dr. Joseph Kimm, Scientific Review Administrator, 6701 Rockledge Drive, Room 5178, Bethesda, Maryland 20892, (301) 435–1249.

Purpose/Agenda: To review Small Business Innovation Research.
Name of SEP: Multidisciplinary Sciences.
Date: March 11, 1996.
Time: 8:00 a.m.
Place: Double Tree Hotel, Rockville, MD.
Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 6701 Rockledge Drive, Room 5116, Bethesda, Maryland 20892, (301) 435–1171.

Name of SEP: Biological and Physiological Sciences.
Date: March 18–19, 1996.
Time: 8:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Harish Chopra, Scientific Review Administrator, 6701

Rockledge Drive, Room 5112, Bethesda, Maryland 20892, (301) 435–1169.

Name of SEP: Clinical Sciences.
Date: April 15–16, 1996.
Time: 8:30 a.m.
Place: Bethesda Marriott, Bethesda, MD.
Contact Person: Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435–1173.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Date: February 15, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4003 Filed 2–21–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Biological and Physiological Sciences.
Date: March 4, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 5146, Telephone Conference.
Contact Person: Dr. Ramesh Nayak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5146, Bethesda, Maryland 20892 (301) 435–1026.

This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Clinical Sciences.
Date: March 11, 1996.
Time: 1:30 p.m.
Place: NIH, Rockledge 2, Room 4128, Telephone Conference.
Contact Person: Dr. Anshumali Chaudhari, Scientific Review Administrator, 6701 Rockledge Drive, Room 4128, Bethesda, Maryland 20892 (301) 435–1210.

Name of SEP: Biological and Physiological Sciences.
Date: March 12, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 6170, Telephone Conference.
Contact Person: Dr. Dennis Leszczynski, Scientific Review Administrator, 6701 Rockledge Drive, Room 6170, Bethesda, Maryland 20892 (301) 435–1044.

Name of SEP: Chemistry and Related Sciences.
Date: March 14, 1996.
Time: 8:30 a.m.
Place: Embassy Suites, Washington, DC.
Contact Person: Dr. Edward Zapolski, Scientific Review Administrator, 6701 Rockledge Drive, Room 4168, Bethesda, Maryland 20892, (301) 435–1725.
Name of SEP: Multidisciplinary Sciences.
Date: March 18, 1996.
Time: 10:00 a.m.
Place: Marriott Hotel, Bethesda, Maryland.
Contact Person: Dr. Paul Parakkal, Scientific Review Administrator, 6701 Rockledge Drive, Room 5118, Bethesda, Maryland 20892, (301) 435–1172.

Name of SEP: Chemistry and Related Sciences.
Date: March 21–23, 1996.
Time: 8:00 p.m.
Place: Embassy Suites, San Diego, CA.
Contact Person: Dr. Richard Panniers, Scientific Review Administrator, 6701 Rockledge Drive, Room 5106, Bethesda, Maryland 20892, (301) 435–1166.

Purpose/Agenda: To review Small Business Innovation Research.
Name of SEP: Multidisciplinary Sciences.
Date: March 25–27, 1996.
Time: 8:00 a.m.
Place: Ramada Inn-Congressional, Rockville, MD.
Contact Person: Dr. Dharam Dhindsa, Scientific Review Administrator, 6701 Rockledge Drive, Room 5206, Bethesda, Maryland 20892, (301) 435–1174.

Name of SEP: Multidisciplinary Sciences.
Date: March 28–29, 1996.
Time: 8:00 a.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Bill Bunnag, Scientific Review Administrator, 6701 Rockledge Drive, Room 5212, Bethesda, Maryland 20892, (301) 435–1177.

Name of SEP: Multidisciplinary Sciences.
Date: April 11–12, 1996.
Time: 8:00 a.m.
Place: Ramada Inn, Bethesda, MD.
Contact Person: Dr. Bill Bunnag, Scientific Review Administrator, 6701 Rockledge Drive, Room 5212, Bethesda, Maryland 20892, (301) 435–1177.

Name of SEP: Multidisciplinary Sciences.
Date: April 17–19, 1996.
Time: 8:00 a.m.
Place: Ramada Inn, Bethesda, MD.
Contact Person: Dr. Nadarajen Vydelingum, Scientific Review Administrator, 6701 Rockledge Drive, Room 5210, Bethesda, Maryland 20892, (301) 435–1176.

Name of SEP: Chemistry and Related Sciences.
Date: April 18–19, 1996.
Time: 8:00 a.m.
Place: Holiday Inn-Chevy Chase, Chevy Chase, MD.
Contact Person: Dr. Marjam Behar, Scientific Review Administrator, 6701 Rockledge Drive, Room 5218, Bethesda, Maryland 20892, (301) 435–1180.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393, 93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 15, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4000 Filed 2–21–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. FR–3917–N–45]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: April 22, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Oliver Walker, Housing, Department of Housing and Urban Development, 451–7th Street, SW, Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Oliver Walker, Telephone number (202) 708–1694 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: HUD Conditional Commitment/Direct Endorsement, Statement of Appraised Value.

OMB Control Number: 2502–0494.

Description of the need for the information and the proposed use: A uniform form for HUD and HUD approved lenders to use which puts forth the value, terms and conditions of a property for mortgage insurance purposes.

Agency form numbers: HUD–92800.5B.

Members of affected public: Individuals, Small businesses, Households and Businesses.

An estimation of the total numbers of hours needed to prepare the information collection is 128,333 number of respondents is 1,100,000 frequency response is dependent upon the occasion of the application process and the hour of response is 0.05 of an hour.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 13, 1996.

Stephanie A. Smith,

Acting General Deputy, A/S Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96–3963 Filed 2–21–96; 8:45 am]

BILLING CODE 4210–27–M

[Docket No. FR–3879–N–03]

Office of the Assistant Secretary for Public and Indian Housing; Announcement of Funding Awards for Emergency Shelter Grants Set-Aside for Indian Tribes and Alaska Native Villages Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1995 for the Emergency Shelter Grants Set-Aside for Indian Tribes and Alaska Native Villages. The purpose of this Notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to provide assistance to the Indian Tribes and Alaska Native Villages.

FOR FURTHER INFORMATION CONTACT: Bruce Knott, Director, Housing and Community Development Division, Office of Native American Programs, Department of Housing and Urban Development, Room B–133, 451 Seventh Street, SW, Washington, DC 20410–7000; telephone (202) 755–0068 (this is not a toll-free number). Hearing- or speech-impaired persons, may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Emergency Shelter Grants program funding for this Notice is authorized by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1995 (Pub. L. 103–327, approved September 28, 1994). The proposed rule on Emergency Shelter Grants Program; Set-Aside Allocation for Indian Tribes and Alaskan Native Villages, published in the Federal Register on April 5, 1993 (58 FR 17764), describes the method for allocating these funds.

This Notice announces FY 1995 funding of $1,568,000 to be used to assist in improving the quality of existing emergency shelters for the homeless, to make available additional emergency shelters, to meet the costs of operating emergency shelters and of providing essential social services to homeless individuals, and to help prevent homelessness. The FY 1995 awards announced in this Notice were selected for funding consistent with the provisions in the Notices of Funding Availability published in the Federal Register on April 11, 1995 (60 FR 18524).

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is hereby publishing the names, addresses, and amounts of those awards as shown in Appendix A.

Dated: February 13, 1996.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

APPENDIX A

FISCAL YEAR 1995.—EMERGENCY SHELTER GRANTS PROGRAM FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

[Recipients of Funding Decisions]

Funding Recipient (Name and Address)	Amount Approved
Pascua Yaqui Tribe, 7474 South Camino, Little DE Oeste, Tucsan, AZ 85746	$211,052
Mescalero Apache Tribe, P.O. Box 228, Mescalero, NM 88340	225,521
Lac Courte Oreilles Tribe, Tribal Office Route 2, P.O. Box 2700, Hayward, WI 54843	197,266
Pleasant Point Passamaquoddy Tribe, P.O. Box 343, Perry, Maine 04667	132,784
Cook Inlet Tribal Council, Inc., 670 W. Fireweed Lane, Suite 200, Anchorage, AK 99503	110,831
Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576	47,250
Native Village of Eyak Tribal Council, P.O. Box 1388, Cordova, AK 99574–1388	26,650
Rosebud Sioux, P.O. Box 430, Rosebud, SD 57570	142,391
Oglala Sioux, P.O. Box H, Pine Ridge, SD 57770	232,321
Cherokee, P.O. Box 948, Tahlequah, OK 74465	56,029
Choctaw, P.O. Drawer 1210, Durant, OK 74701	30,186
Ft. Sill Apache, Fort Sill Apache Business Committee, Route 2, Box 121, Apache, OK 730006	68,755

FISCAL YEAR 1995.—EMERGENCY SHELTER GRANTS PROGRAM FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES—Continued

[Recipients of Funding Decisions]

Funding Recipient (Name and Address)	Amount Approved
Miami, P.O. Box 1326, Miami, OK 74355	86,334
Total	$1,567,370

[FR Doc. 96–3961 Filed 2–21–96; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

PRT–811008

Applicant: Dr. Daniel J. Hornbach, Macalester College, St. Paul, Minnesota.

The applicant requests a permit to take (capture, handle and release; collect dead specimens) Higgins' eye pearly mussel (*Lampsilis higginsi*) and winged mapleleaf mussel (*Quadrula fragosa*) in the St. Croix River between Riverside, Wisconsin, and its confluence with the Mississippi River. Proposed activities are expected to result in population status information that will be useful in recovery of the species.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/725–3536 x250); FAX: (612/725–3526).

Dated: February 14, 1996.

Matthias A. Kerschbaum,

Acting Assistant Regional Director, Ecological Services, Region 3, Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. 96–3869 Filed 2–21–96; 8:45 am]

BILLING CODE 4310–55–M

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–811103

Applicant: Wildlife Conservation Society, Bronx, NY.

The applicant requests a permit to export one pair of captive-born babirusa (*Babyrousa babyrussa*) to Singapore Zoological Gardens for the purpose of enhancement of the species through captive-breeding.

PRT–811128

Applicant: Wildlife Conservation Society, Bronx, NY.

The applicant requests a permit to import one pair of captive-born babirusa (*Babyrousa babyrussa*) from Singapore Zoological Gardens for the purpose of enhancement of the species through captive-breeding.

PRT–810936

Applicant: Mary Killett, Sykesville, MD.

The applicant requests a permit to import the sport-hunted trophy of a leopard (*Panthera pardus*) to be taken in the Central African Republic for the purpose of enhancement of the survival of the species.

PRT–811287

Applicant: Washington State Department of Fish and Wildlife, Olympia, WA.

The applicant requests a permit to import 20 to 30 woodland caribou (*Rangifer tarandus caribou*) per year for three years from the Blue River/Wells Grey Park and Prince George populations in British Columbia, Canada, to establish a population in northeastern Washington for enhancement of the species in accordance with the recovery plan for the species. This notification covers activities conducted by the applicant over a period of five years.

PRT–808448

Applicant: Peter Papac, Montesano, WA.

The applicant requests a permit to import the sport-hunted trophy of one male Kara Tau argali (*Ovis ammon nigrimontana*) from Kazakhstan for the purpose of enhancement of the survival of the species.

PRT–811272

Applicant: Jeanne Mortimer, University of Florida, Gainesville, FL.

The applicant request a permit to import blood samples and gut contents from green sea turtle (*Chelonia mydas*) and hawksbill sea turtle (*Eretmochelys imbricata*) located on beaches or in waters on/around the Republic of Seychelles and Chagos Islands, British Indian Ocean Territory for the purpose of scientific research to benefit the species. This notification covers activities conducted by the applicant over a period of five years.

PRT–810606

Applicant: Southwest Foundation for Biomedical Research, San Antonio, TX.

The applicant requests a permit to import tissue and blood samples of captive-born golden lion tamarins (*Leontophithecus rosalia rosalia*) from the Skansen Zoo, Sweden, for the purpose of enhancement of the species through scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: February 16, 1996.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96–3952 Filed 2–21–96; 8:45 am]

BILLING CODE 4310–55–P

Issuance of Permit for Marine Mammals

On November 30, 1996, a notice was published in the Federal Register, Vol. 60, No. 230, Page 61571, that an application had been filed with the Fish and Wildlife Service by the Point

Defiance Zoo for a permit (PRT–808562) to take for the purposes of public display a female polar bear recovered as an orphan near Barrow, Alaska.

Notice is hereby given that on February 6, 1996, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 420(c), Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Date: February 16, 1996.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96–3951 Filed 2–21–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Land Management

[AK–962–1410–00–P; AA–8099–01]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e), will be issued to Calista Corporation for approximately 5,322 acres. The lands involved are in the vicinity of Nyac, Alaska, and are described as within T. 10 N., Rgs. 61 and 62 W., Seward Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 25, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Terry R. Hassett

Chief, Branch of Gulf Rim Adjudication

[FR Doc. 96–3943 Filed 2–21–96; 8:45 am]

BILLING CODE 4310–JA–P

[NM-030-7122-03-8532]

Draft Environmental Impact Statement (EIS) for the Copper Flat Mine Project, Sierra County, New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability and public hearings.

SUMMARY: Pursuant to 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, the BLM Las Cruces District has prepared a Draft EIS on the impacts of a proposed copper mine on private and Federal lands, 4 miles northeast of Hillsboro in Sierra County, New Mexico.

DATES: Written comments on the Draft EIS must be postmarked on or before April 15, 1996. Public hearings will be held at the times and places listed under **SUPPLEMENTARY INFROMATION.**

ADDRESSES: Written comments should be sent to: Russell Jentgen, Copper Flat Team Leader, BLM, Las Cruces District, 1800 Marquess, Las Cruces, NM 88005.

FOR FURTHER INFORMATION CONTACT: Russel Jentgen, Copper Flat Team Leader, (505) 525-4351.

SUPPLEMENTARY INFORMATION: Public hearings will be held at the following times and locations.

Date	Time	City	Location
March 26, 1996.	7 p.m.	Hillsboro, New Mexico.	Fire Station.
March 27, 1996.	7 p.m.	Truth or Consequences, New Mexico.	Civic Center, 400 West 4th Ave.

Both oral and written comments may be given at the hearings. Written comments may also be submitted to the BLM, Las Cruces District, 1800 Marquess, Las Cruces, NM 88005 on or before April 15, 1996.

Oral testimony at the hearings will be limited to 10 minutes for each witness. Additional time may be granted at the discretion of the presiding officer based on the number of speakers registered. Written text of prepared speakers may be filed at the hearing whether or not the speaker has been able to complete the oral delivery in the allotted time.

All oral and written comments on the adequacy of the Draft EIS will receive consideraiton in the Final EIS.

Copies of the Draft EIS have been distributed to a mailing list of identified interested parties. Single copies of the Draft EIS may be obtained from the BLM Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico; the BLM New Mexico State Office, 1474 Rodeo Road, Santa Fe, New Mexico; and the Socorro Resource Area Office, 198 Neel Veneue, NW, Socorro, New Mexico. Public reading copies are available for review at public and university libraries in Las Cruces, Alamogordo, Truth or Consequences, Socorro, Albuquerque, and Santa Fe, New Mexico and El Paso, Texas.

The Alta Gold Corporation of Henderson, Nevada submitted a proposed plan of operations to conduct mining activities on approximately 1,103 acres at Copper Flat. The plan was prepared pursuant to Title 43 Code of Federal Regulations (CFR), subpart 3809 (suface management-operations authorized by the mining laws). Four primary alternatives were assessed for the Copper Flat Project Draft EIS. These alternatives were the proposed action, a reduced stripping ratio alternative, a consolidated waste rock disposal alternative, and a no action alternative. Under the proposed action, approximately 537 acres of public land managed by the BLM and 566 acres of private land would be disturbed, a total of 1,103 acres. Under the reduced stripping ratio alternative, a total of 1.023 acres would be disturbed, and under the consolidated waste rock disposal alternative the total disturbance would be 1,080 acres. In the no action alternative, approximately 656 acres of previously disturbed mine lands would remain in the existing partially reclaimed condition.

During scoping, several issues were determined to require in-depth assessment. These issues were acid rock drainage from waste disposal areas, impacts to the water table from dewatering the mine pit, impacts to ground water from the tailings disposal area, and impacts to the water table from pumping up to 6,000 gallon of water per minute from the water supply well field. Other impacts were also assessed in the Draft EIS.

Dated: February 14, 1996.

Linda S. C. Rundell,

District Manager.

[FR Doc. 96–3942 Filed 2–21–96; 8:45 am]

BILLING CODE 4310–VC–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–380]

Certain Agricultural Tractors Under 50 Power Take-Off Horsepower; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 16, 1996, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Kubota Tractor Corporation, 3401 Del Amo Boulevard, Torrance, California 90503, Kubota Manufacturing of America Corporation, Industrial Park North, 2715 Ramsey Road, Gainesville, Georgia 30501, and Kubota Corporation, 2–47 Shikitsuhigashi 1-chome, Naniwa-ku, Osaka 556, Japan. A letter supplementing the complaint was filed on February 2, 1996. The complaint as supplemented alleges violations of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain agricultural tractors under 50 power take-off horsepower by reason of alleged infringement of U.S. Registered Trademark Nos. 922,330, 1,028,211, 1,775,620, and 1,874,414. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after a hearing, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Kent Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2579.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 13, 1996, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain agricultural tractors under 50 power take-off horsepower by reason of infringement of U.S. Registered Trademark Nos. 922,330, 1,028,211, 1,775,620, or 1,874,414, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Kubota Tractor Corporation, 3401 Del Amo Boulevard, Torrance, California 90503
Kubota Manufacturing of America Corporation, Industrial Park North, 2715 Ramsey Road, Gainesville, Georgia 30501
Kubota Corporation, 2–47 Shikitsuhigashi 1-chome, Naniwa-ku, Osaka 556, Japan

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Eisho World Ltd., 1–9 Asahi-cho, Handa-shi, Aichi-ken, 475 Japan
Nitto Trading Corporation, 232–10 Shimizu, Uozumi-cho, Akashi-shi, Hyogo-ken, 674 Japan
Nitto Trading Co. Ltd, 1–9–5 Shinmoji Moji-ku, Kita-Kyushu-shi, 800–01 Japan
Sanko Industries Co., Ltd., 1–10–7 Shinmachi, Nishi-Ku, Osaka, 550 Japan
Sonica Trading, Inc., Koa Building 3F, 3–20–4 Ueno, Taito-ku, Tokyo, 110 Japan
Suma Sangyo, Mitsuta-umadome, Shijimi-cho, Miki-shi, Hyogo-ken, 673–05 Japan
Toyo Service Co., Ltd., 10–21 Imazukita 4-chome, Tsurumi-ku, Osaka, 538 Japan
Bay Implement Company, P.O. Box 20001, Red Bay, Alabama 35582
Casteel Farm Implement Co., 107 Highway 425 South, Monticello, Arkansas 71655
Casteel Farm Implement Co., 4110 Highway 65 South, Pine Bluff, Arkansas 71601
Casteel World Group, Inc., 639 West Gaines, Monticello, Arkansas 71655
Gamut Trading Co., 1340 Nomwaket Road, Apple Valley, California 92308
Gamut Imports, 14354 Cronese Road, Apple Valley, California 92307
Lost Creek Tractor Sales, 1050 S. Nutmeg, Bennett, Colorado 80102
MGA Inc. Auctioneers, 28999 Front Street, Suite 203, Temecula, California 92590
Tom Yarbrough Equipment Rental and Sales, Inc., 2410 U.S. Hwy 92 East, P.O. Drawer 2508, Plant City, Florida 33564
The Tractor Shop, 1804 S. Azalea Drive, Wiggins, Mississippi 39577
Tractor Company, 8392 Meadowbrook Way S.E., Snoqualmie, Washington 98045
Wallace International Trading Co., 1197 Bacon Way, Lafayette, California 94549
Wallace Import Marketing Co. Inc., 1197 Bacon Way, Lafayette, California 94549

(c) Kent Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401–L, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure. 19 C.F.R. § 210.13. Pursuant to sections 201.16(d) and 210.13(a) of the Commission's Rules, 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.

Issued: February 14, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–3956 Filed 2–21–96; 8:45 am]

BILLING CODE 7020–02–P

[Inv. No. 337–TA–381]

Certain Electronic Products, Including Semiconductor Products, Manufactured by Certain Processes; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 16, 1996, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Texas Instruments Incorporated, 13500 North Central Expressway, Dallas, Texas 75265. Supplements to the complaint were filed on January 31, 1996 and February 5, 1996. The complaint, as supplemented, alleges violations of section 337 based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic products, including semiconductor products, that are manufactured, produced, and assembled using processes that are covered by one or more claims of U.S. Letters Patent 4,884,674; U.S. Letters Patent 5,216,613; and U.S. Letters Patent 4,490,209.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2572.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 14, 1996, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic products, including semiconductor products, manufactured by processes covered by claims 1–8 or 9 of U.S. Letters Patent 4,884,674; claims 1–6 or 7 of U.S. Letters Patent 5,216,613; or claims 1–14 or 15 of U.S. Letters Patent 4,490,209; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Texas Instruments Incorporated, 13500 North Central Expressway, Dallas, Texas 75265

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Company, Ltd., Samsung Main Building, 10th Floor, 250, 2-ka Taepyung-Ro Chung-Ku, Seoul, Korea
Samsung America, Inc., 105 Challenger Road, Ridgefield Park, New Jersey 07660
Samsung Semiconductor, Inc., 3655 North First Street, San Jose, California 95134

(c) Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401–Q, Washington, D.C. 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to sections 201.16(d) and 210.13(a) of the Commission's Rules, 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.

Issued: February 15, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–3955 Filed 2–21–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 337–TA–372]

Certain Neodymium-Iron-Boron Magnets, Magnet Alloys, and Articles Containing Same; Notice of Commission Decisions to Extend Target Date for Completion of Investigation, Not To Review an Initial Determination Finding a Violation of Section 337, and of the Schedule for Filing Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined not to review the initial determination (ID) issued on December 11, 1995, by the presiding administrative law judge (ALJ) in the above-captioned investigation. That ID found a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain neodymium-iron-boron magnets. Notice is also hereby given that the Commission has decided to extend the target date for completion of this investigation from March 11, 1996, to March 29, 1996.

FOR FURTHER INFORMATION CONTACT: Lyle B. Vander Schaaf, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3107. Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired persons are advised that

information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: On March 3, 1995, the Commission instituted an investigation of a complaint filed by Crucible Materials Corporation under section 337 of the Tariff Act of 1930. The complaint, as supplemented, alleged that respondents imported, sold for importation, or sold in the United States after importation certain neodymium-iron-boron magnets, magnet alloys, and articles containing same that infringed claims 1–3 of U.S. Letters Patent 4,588,439 (the '439 patent), owned by Crucible. The Commission's notice of investigation named eight respondents: San Huan New Materials Corporation of Bejing, China (now known as San Huan New Materials High Tech, Inc.); Ningbo Konit Industries, Inc. of Zhejiang Province, China; San Huan/Tridus International, Inc. of Paramount, CA; Novel Hightech, Ltd. of Hong Kong; Hennaco Industrial Enterprises, Inc. of Parsippany, NJ; Hennaco Excell, Inc. of Flushing, NY; Sino American Products, Ltd. of New York, NY; and InJohnson Precision Industrial Co., Ltd of Taipei, Taiwan.

The ALJ issued his final ID on December 11, 1995. He found that (1) claims 1–3 of the '439 patent are valid and enforceable; (2) there is a domestic industry manufacturing and selling products covered by the patent claims in issue; (3) respondents Novel, Hennaco Industrial, Hennaco Excell, Sino American, and InJohnson infringe claims 1–3 of the '439 patent. Based upon these findings, the ALJ concluded that there was a violation of section 337.

The Commission investigative attorney (IA) filed a petition for review of the ID on January 19, 1996, and complainant Crucible filed a response thereto on January 26, 1996. No government comments on the ID were received by the Commission.

In connection with final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see the Commission Opinion, *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed, if remedial orders are issued.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on March 1, 1996. Reply submissions must be filed no later than the close of business on March 8, 1996. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 C.F.R. § 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and Rules 210.42 and 210.51 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42 and 210.51).

Issued: February 14, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary

[FR Doc. 96–3954 Filed 2–21–96; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL SCIENCE FOUNDATION

Presidential Faculty Fellows Awards Panel in Chemical and Transportation Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical & Transport Systems (#1190).

Date: March 5, 1996; 8:30 am to 5:30 pm.

Place: Room 530, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Maria K. Burka, Program Director, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: 703/306–1370.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Presidential Faculty Fellows Award proposals submitted to the Chemical and Transport Systems Division as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. The matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3997 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date & Time: March 12 and March 13, 1996; 8:30 a.m. to 5:00 p.m.

Place: NSF, 4201 Wilson Boulevard, Room 530, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Dr. Devendra P. Garg, Program Director, Dynamic Systems & Control Program, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvd., Arlington, VA 22230 703/306–1361, x 5068.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3998 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date & Time: March 5, 1996; 8:30 a.m. to 5:00 p.m.

Place: NSF, 4201 Wilson Boulevard, Room 580, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Dr. Devendra P. Garg, Program Director, Dynamic Systems & Control Program, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvd., Arlington, VA 22230 703/306–1361, x 5068.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3988 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: March 12, 1996, 8:00 a.m.—5:00 p.m.

Place: Rooms 365, 370, 565 and 580, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Warren DeVries and Dr. Kesh Narayanan, Manufacturing Processes and Equipment Program, Dr. George Hazelrigg, Design and Integration Engineering Program, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Grant Opportunities for Academic Liaison with Industry (GOALI) and Presidential Faculty Fellows (PFF) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3992 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Earth Sciences Proposal Review Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Earth Sciences Proposal Review Panel (1569).

Date: March 13, 14 & 15, 1996.

Time: 8:00 a.m. to 6:00 p.m. each day.

Place: Rooms 375, 340, 360, 370, 380 & 390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Alan M. Gaines, Section Head, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA, (703) 306–1553.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate earth sciences proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3993 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Earth Sciences Proposal Review Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Earth Sciences Proposal Review Panel (#1569).

Date and Time: March 11–12, 1996; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Room 320.

Type of Meeting: Closed.

Contact Person: Dr. Leonard E. Johnson, Program Director, Continental Dynamics Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230; Telephone: (703) 306–1559.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Continental Dynamics proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3989 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date & Time: March 13, 1996: 7:00 to 9:00 p.m.; March 14, 1996: 8:00 a.m. to 5:00 p.m.; March 15, 1996: 8:00 to 4:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 830, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Lola E. Rogers, Program Director, 4201 Wilson Blvd., Suite 815, Arlington, VA 22230. Telephone: 703/306–1637.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Model Projects for Women and Girls Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3996 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Information, Robotics and Intelligent Systems (#1200).

Date and Time: March 14–15, 1996, 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, Conference room 1150.

Type of Meeting: Closed.

Contact Person: Dr. Maria Zemankova, Deputy Division Director, Robotics and Intelligent Systems, room 1115N, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1929.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate career proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3995 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (DMR).

Date and Time: March 13, 1996; 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd. Rooms 1005 and 970, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Dr. Lorretta J. Inglehart, Program Director, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Blvd, Arlington, VA, 22230, Telephone (703) 306–1817.

Purpose of Meeting: To provide advice and recommendations concerning support for Instrumentation for Materials Research proposals.

Agenda: Evaluation of proposals.

Reason for Closing: The proposal being reviewed may include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552b. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3994 Filed 2–21–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (DMR).

Date and Time: March 15, 1996; 8:00 pm–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 1020, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Dr. LaVerne D. Hess, Program Director, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230, Telephone (703) 306–1835.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Faculty Early Career Development (CAREER) Program.

Reason for Closing: The proposals being reviewed may include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3990 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Mathematical and Physical Sciences (#66).

Date and Time: March 10, 11, and 12, 1996 7:30 am–7:00 pm.

Place: Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Morris L. Aizenman, Executive Officer, Division of Astronomical Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: 703/306–1821.

Purpose of Meeting: To provide oversight review of the programs in the Division of Astronomical Sciences.

Agenda: To carry out Committee of Visitors review of the programs in the Division of Astronomical Sciences, including examination of decisions of proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. These matters that are exempt under 5 U.S.C. 552(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 16, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–3991 Filed 2–21–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review or continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 9: Public Records.

2. Current OMB approval number: 3150–00043.

3. How often the collection is required: On occasion.

4. Who is required or asked to report: Individuals requesting access to records under the Freedom of Information or Privacy Acts, or to records that are already publicly available in the NRC Public Document Room.

5. The number of annual respondents: 13,764.

6. The number of hours needed to complete the requirement or request: 3519.

7. Abstract: 10 CFR Part 9 establishes information collection requirements for individuals making requests for records under the Freedom of Information or Privacy Acts. It also contains requests to waive or reduce fees for searching for and reproducing records in response to FOIA requests. The information required from the public is necessary to identify the records they are requesting or to justify requests for waivers or reductions in searching or copying fees.

Submit, by April 22, 1996, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW. (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608.

Comments and questions may be directed to the NRC Clearance Officer, Brenda Jo Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC, 20555–0001, or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 14th day of February 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–3940 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 82nd meeting on March 27, 28 and 29, 1996, Room T–2B3, at 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the Federal Register on Wednesday, December 6, 1995 (60 FR 62485).

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).

The agenda for this meeting shall be as follows:

Wednesday, March 27, 1996—8:30 a.m. until 6:00 p.m.

Thursday, March 28, 1996—8:30 a.m. until 6:00 p.m.

Friday, March 29, 1996—8:30 a.m. until 4:00 p.m.

During this meeting the Committee plans to consider the following:

A. *Time Frames for Regulatory Concern*—The Committee will review time frames for regulatory compliance in the disposal of high- and low-level radioactive waste.

B. *NRC Staff Issue Resolution Process*—The Committee will review various NRC staff initiatives that will be used to bring about closure on issues raised in its review of DOE's high-level waste program.

C. *Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards*—The Director will discuss items of current interest related to the Division of Waste Management programs which may include: progress at the Yucca Mountain site, comments on DOE's Total System Performance Assessment, and a draft technical position on expert elicitation.

D. *Preparation of ACNW Reports*—The Committee will discuss proposed reports, including: time frames for regulatory concern, the use of expert elicitation, elements of a low-level waste disposal program, spent fuel storage containers, and a list of ACNW priority issues.

E. *Total System Performance Assessment (TSPA)*—The Committee will be briefed by an ACNW consultant on insights into waste disposal to be gained through the use of TSPA.

F. *Alternatives for NRC's LLW Program*—The Committee will review the NRC staff's final position on alternatives for NRC's low-level waste program.

G. *Joint ACRS/ACNW Working Group Meeting on Spent Fuel Storage*—The Committee will hear a report from two of its members who participated in the joint working group meeting.

H. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members. The Committee will also consider potential new ACNW members. A portion of this session may be closed to public attendance to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).

I. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were

published in the Federal Register on September 27, 1995 (60 FR 49924). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Major if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415–7366), between 8:00 a.m. and 5:00 p.m. edt.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the ''NRC MAIN MENU.'' Direct Dial Access number to FedWorld is (800) 303–9672; the local direct dial number is 703–321–3339.

Dated: February 15, 1996.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 96–3933 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 6, 1996, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows: *Wednesday, March 6, 1996—1:30 p.m. until 4:00 p.m.*

The Subcommittee will discuss proposed ACRS activities and related matters. It will also discuss the qualifications of candidates nominated for appointment to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 15, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96–3934 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Instrumentation and Control Systems and Computers; Notice of Meeting

The ACRS Subcommittee on Instrumentation and Control Systems and Computers will hold a meeting on March 6, 1996, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, March 6, 1996—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review proposed Regulatory Guides, Standard Review Plan Sections, and Branch Technical Positions related to the digital instrumentation and control systems. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Michael Markley (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: February 15, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96–3935 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

[Project No. 672]

Issuance of the Draft of the Final Preapplication Safety Evaluation Report for the Modular High-Temperature Gas-Cooled Reactor

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Issuance of a Safety Evaluation Report for an Advanced Reactor Design.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing the draft of the final preapplication safety evaluation report (PSER) for the modular high-temperature gas-cooled reactor (MHTGR) proposed by the U.S. Department of Energy (DOE). The NRC has been conducting a preapplication review of the MHTGR design since 1986 at the request of DOE and in a manner consistent with the Commission's Advanced Reactor Policy Statement (51 FR 24643, July 8, 1986). The preapplication review process is described in NUREG–1226, ''Development and Utilization of the NRC Policy Statement on the Regulation of Advanced Nuclear Power Plants,'' June 1988, and is conducted before an application is submitted for design approval: preliminary design approval, final design approval, or design certification under 10 CFR Part 52. The PSER is comprised of two volumes: Volume 1, which contains the staff's preapplication review of the MHTGR design and the staff's conclusions on the design from this review, and Volume 2, which contains the appendices to the draft PSER. Volume 2 of the draft PSER is being issued without copies of the documents listed in Appendices C through J to reduce its size. These documents are in the PDR or in NRC Central Files, and are not essential for the staff's discussion of MHTGR licensability and policy issues in the draft PSER. They will be issued with the publication of the final PSER for completeness and will be made available to the public for the draft PSER upon request.

A copy of the draft PSER has been placed in NRC's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555, for review by interested persons.

FOR FURTHER INFORMATION CONTACT: Jack N. Donohew, NRC, Office of Nuclear Reactor Regulation, Washington, DC 20555–0001, telephone (301) 415–1307.

Dated at Rockville, Maryland, this 14 day of February, 1996.

For the Nuclear Regulatory Commission.

Theodore R Quay,

Director, Standardization Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–3939 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

Operator Licensing Examination Standards Draft Revision; Notice of Availability and Request for Comment

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of Availability and Request for Comment.

SUMMARY: NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors,'' (formerly ''Operator Licensing Examiner Standards'') provides guidance for the development, administration, and grading of written examinations and operating tests used to determine the qualifications of individuals who apply for operator and senior operator licenses at nuclear power plants pursuant to Part 55 of Title 10 of the *Code of Federal Regulations* (10 CFR 55). The NUREG provides similar guidance for verifying the continued qualifications of licensed operators when the staff determines that NRC requalification examinations are necessary.

The Examination Standards have been revised to incorporate the examination development process described in Generic Letter 95–06, ''Changes in the Operator Licensing Program,'' including lessons learned during the pilot examination program that began in October 1995. The guidance that was previously contained in NUREG/BR–0122, ''Examiners' Handbook for Developing Operator Licensing Written Examinations,'' has been appended to the Examination Standards, and a number of minor improvements and clarifications that were recommended by industry groups, licensed operators, and NRC examiners and managers have also been adopted. The entire NUREG has been reformatted to more clearly identify the various organizational responsibilities and will be reissued in its entirety.

The staff believes that it would be beneficial to solicit public comments on this revision from all interested parties. The staff is also interested in obtaining an estimate of the burden that assuming responsibility for drafting the initial license examinations will place on facility licensees. Commenters should recognize that presently most NRC examinations are drafted by NRC contractors and that the contractor costs are passed on to the facility at which the examination is administered. The revised Examination Standards will eliminate contractor support, while the NRC direct resources involved in operator licensing are projected to remain constant. After considering the public comments, the NRC staff plans to brief the Commission and seek its approval to implement the revised process. Pending Commission approval and any additional changes that might be necessary, the staff expects to issue the revised Examination Standards and implement the revised examination process at or near the beginning of fiscal year 1997.

DATE: The comment period ends March 25, 1996. Comments received after this date will be considered if it is practical to do so, but the staff is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm Federal workdays. Copies of comments received and draft revisions of NUREG–1021 are available for review and/or copying for a fee in the NRC's Public Document Room, 2120 L Street (Lower Level), Washington, DC. NUREG–1021 is also electronically available for downloading from the Internet at ''http://www.nrc.gov/news.htm#exam''.

FOR FURTHER INFORMATION CONTACT: Fred Guenther, Mail Stop O10–D22, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 504–1056; and email at ''SXG@NRC.GOV''.

Dated at Rockville, Maryland, this 15th day of February 1996.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Chief, Operator Licensing Branch, Division of Reactor Controls, and Human Factors, Office of Nuclear Reactor Regulation.

[FR Doc. 96–3938 Filed 2–21–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21753; 811–5359]

Dean Witter Managed Assets Trust; Notice of Application

February 15, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dean Witter Managed Assets Trust.

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 January 26, 1996.

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 March 11, 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.

ADDRESS: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, c/o Sheldon Curtis, Two World Trade Center, New York, New York 10048.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized under the laws of the Commonwealth of Massachusetts pursuant to a Declaration of Trust. On October 12, 1987, applicant registered under the Act and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on April 25, 1988, and the initial public offering commenced on May 24, 1988.

2. On August 24, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization (the ''Plan''). The Plan provided that applicant would transfer all of its assets to Dean Witter Strategist Fund (''Strategist'').

3. Applicant and Strategist may be deemed to be affiliated persons of each other under the Act. In compliance with rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1]

4. Applicant filed its preliminary proxy materials on Form N–14 with the SEC on August 28, 1995 and filed definitive copies of its proxy materials on October 25, 1995. Applicant's shareholders approved the Plan at a meeting held on December 19, 1995.

5. On December 22, 1995, the reorganization was consummated. Applicant transferred all of its assets and liabilities to Strategist in exchange for shares of Strategist with an aggregate net asset value equal to the net asset value of applicant's assets transferred. Specifically, in exchange for $322,451,283 assets transferred, Strategist issued 1,665,682 shares of beneficial interest.

6. All expenses incurred in the solicitation of proxies were borne by the applicant. Such expenses were approximately $129,053. Applicant and Convertible Trust bore all of their respective other expenses associated with the reorganization.

7. At the time of filing the application, applicant had no assets, outstanding debts or liabilities. Applicant has no shareholders and is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

[1] Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of each other solely by reason of having a common investment adviser, common directors, and/or common officers.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3984 Filed 2–21–96; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21755; 812–9780]

Harris & Harris Group, Inc.; Notice of Application

February 15, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Harris & Harris Group, Inc.

RELEVANT ACT SECTION: Section 61(a)(3)(B).

SUMMARY OF APPLICATION: Applicant requests an order authorizing applicant to issue stock options to applicant's non-employee directors pursuant to applicant's Amended and Restated 1988 Stock Option Plan (the ''Stock Option Plan'').

FILING DATES: The application was filed on September 22, 1995 and amended on December 29, 1995 and on February 8, 1996.

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 March 11, 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, One Rockfeller Plaza, New York, New York 10020.

FOR FURTHER INFORMATION CONTACT: Sarah A. Buescher, Staff Attorney, at (202) 942–0573, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application

may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a business development company (''BDC'') under the Act. Applicant's investment objective is long-term growth through capital appreciation primarily through investing in start-up companies and other investments. Applicant's investment portfolio includes companies ranging from software development to biotechnology. Applicant may provide assistance to its portfolio companies in the form of product planning and development, raising capital, and establishing relationships with investment bankers and other professionals. In addition, several of applicant's officers serve on the boards of the portfolio companies.

2. Applicant requests an order authorizing it to grant options to purchase shares of applicant's common stock to each of its present non-employee directors (''Outside Directors'') and to each Outside Director who may be elected or appointed to its board of directors in the future. In this regard, applicant's shareholders approved certain amendments to the Stock Option Plan on October 20, 1995. Applicant will implement the amendments subsequent to receiving an order from the SEC.

3. Under the Stock Option Plan, all Outside Directors who have not previously received options would receive options to purchase 20,000 shares of applicant's common stock, cumulatively vesting 20% each year for a five-year period commencing on the date of grant. Each option will have a term of not more than ten years. The exercise price of the options may not be less than the current market value of applicant's common stock on the date of grant. The options would not be transferable except by will or by the laws of descent and distribution.

4. Each Outside Director receives $1,000 for each board meeting attended, $500 for each committee meeting attended, and reimbursement for out of pocket expenses.

5. At the end of an Outside Director's service, an Outside Director may exercise options only with respect to the number of shares of stock that the Outside Director could have acquired by an exercise of the options immediately prior to cessation of service as an Outside Director.

6. In the event of an Outside Director's retirement, all of the Outside Director's unexercised options would immediately become exercisable for a period of three years following the date of retirement, but in no event after the expiration date of the options. In the event of an Outside Director's death or disability, all the Outside Director's unexercised options would immediately become exercisable for a period of six months following the date of death or one year following the date of disability, but in no event after the expiration date of the options. If an Outside Director ceases to serve as Outside Director for any reason other than those mentioned above, any options held by the Outside Director shall be exercisable for 90 days after cessation of service, but in no event after the expiration date of the options.

7. The aggregate number of options to be granted to Outside Directors is limited to 200,000 shares, exclusive of any options outstanding on August 31, 1995. As of August 31, 1995, the total number of applicant's voting securities that would be issued as a result of the exercise of all options issued or currently issuable to applicant's directors, officers, and employees under the Amended 1988 Plan would be 1,391,763, of which 648,563 are fully vested. The options to purchase 1,391,763 shares, together with the 475,017 shares available for future awards and the 200,000 shares to be granted pursuant to the order sought hereby, comprise 2,066,780 shares reserved for the issuance of awards. Options granted to purchase 200,000 shares of applicant's common stock would currently represent 1.9% of applicant's 10,333,902 outstanding shares of common stock. None of the Outside Directors who previously received options will be eligible to receive additional options under the Stock Option Plan.[1] Applicant has no other warrants, options or rights to purchase its voting securities outstanding other than those granted to its directors, officers, and employees.

Applicant's Legal Analysis

1. Section 61(a)(3)(B) of the Act provides, in pertinent part, that a BDC may issue to its non-employee directors options to purchase its voting securities pursuant to an executive compensation plan, provided that certain conditions are met, including the options being approved by the company's shareholders and the SEC issuing an order approving the options on the basis that the proposal is fair and reasonable and does not involve overreaching of the company or its shareholders.

[1] *See* Harris & Harris Group, Inc., Investment Company Act Release Nos. 21174 (June 29, 1995) (notice) and 21250 (July 25, 1995) (order).

2. Applicant represents that the Stock Option Plan and the options to be granted to applicant's Outside Directors pursuant to the Stock Option Plan meet the requirements of section 61(a)(3)(B), other than SEC approval. Applicant believes that the terms of the Stock Option Plan and the options to be granted automatically to applicant's Outside Directors are fair and reasonable and do not involve any overreaching of applicant or its shareholders. Applicant also believes that the exercise of the options would not have a significant dilutive effect on applicant's existing shareholders.

3. Applicant states that its long-term success is tied to its ability to attract retain, and provide appropriate incentives to the Outside Directors. Applicant asserts that because the stock options granted to Outside Directors would vest in cumulative installments of 20% per year, the Stock Option Plan would provide Outside Directors with incentives to remain with applicant. In addition, applicant contends that because the options granted pursuant to the Stock Option Plan have no value unless the price of applicant's common stock exceeds the exercise price of the option, the interests of Outside Directors would be aligned with the interests of the Company's shareholders.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3983 Filed 2–21–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21754; 811–8610]

TCW/DW Global Convertible Trust; Notice of Application

February 15, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: TCW/DW Global Convertible Trust.

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 January 26, 1996.

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 March 11, 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.

ADDRESS: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, c/o Sheldon Curtis, Two World Trade Center, New York, New York 10048.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized under the laws of the Commonwealth of Massachusetts pursuant to a Declaration of Trust. On July 6, 1994, applicant registered under the Act, and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on August 24, 1994, and the initial public offering commenced on September 23, 1994.

2. On August 24, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization (the ''Plan''). The Plan provided that applicant would transfer all of its assets to Dean Witter Convertible Securities Trust (''Convertible Trust'').

3. Applicant and Convertible Trust may be deemed to be affiliated persons of each other under the Act. In compliance with rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1]

4. Applicant filed its preliminary proxy materials on Form N–14 with the SEC on August 28, 1995 and filed definitive copies of its proxy materials on October 25, 1995. Applicant's shareholders approved the Plan at a meeting held on December 19, 1995.

5. On December 22, 1995, the reorganization was consummated. Applicant transferred all of its assets and liabilities to Convertible Trust in exchange for shares of Convertible Trust with an aggregate net asset value equal to the net asset value of applicant's assets transferred. Specifically, in exchange for $19,188,653 of assets transferred, the Convertible Trust issued 1,665,682 shares of beneficial interest.

6. All expenses incurred in the solicitation of proxies were borne by applicant. Such expenses were approximately $129,053. Applicant and Convertible Trust bore all of their respective other expenses associated with the reorganization.

7. At the time of filing the application, applicant had no assets, outstanding debts or liabilities. Applicant has no shareholders and is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3985 Filed 2–21–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of each other solely by reason of having a common investment adviser, common directors, and/or common officers.

(Release No. 34–36848; File No. SR–Amex–95–58)

Self-Regulatory Organizations; Order Granting Accelerated Approval To Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 1 and 2 to Proposed Rule Change by the American Stock Exchange, Inc., Relating to Listing and Trading of Warrants Based on the Vantage Point Index.

February 14, 1996.

I. Introduction

On January 2, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''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 list and trade warrants based on the ''undervalued market basket'' index.[3]

The proposed rule change appeared in the Federal Register on January 23, 1996.[4] No comments were received on the proposed rule change. The Exchange subsequently filed Amendment No. 1 to the proposed rule change on February 5, 1996[5] and Amendment No. 2 to the proposed rule change on February 13, 1996.[6] This order approves the Amex's proposal, as amended.

II. Description

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled index warrants based on the Vantage Point Index (''Index Warrants''). On August 29, 1995, the Commission approved an Exchange proposal that established uniform listing and trading guidelines for stock index, currency, and currency index warrants (''Generic Warrant Listing Standards Approval Order'').[7] The Exchange states that the listing and trading of warrants based on the Index

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] The Amex has clarified that the name of the index will be the Vantage Point Index (''Index''). Telephone Conversation between Michael T. Bickford, Vice President, Capital Markets Development, Amex, and Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division of Market Regulation (''Division''), Commission, on February 8, 1996.

[4] *See* Securities Exchange Act Release No. 36721 (January 16, 1996), 61 FR 1799 (January 23, 1996).

[5] In Amendment No. 1, the Amex amended its rule filing to provide that: (1) the Exchange will advise the Commission whenever less than 75% of the component securities in the Index are eligible for standard options trading; (2) if the number of component securities in the basket drops below 25, the Exchange will apply the minimum margin requirements for stock index industry group warrants; and (3) the Amex is presently only seeking the authority to list and trade a single issuance of warrants on the Index and that if the Exchange proposes to list and trade other products based on the Index, including other index warrants, the Exchange will notify the Commission to determine whether a rule filing pursuant to Section 19(b) of the Act will be required. *See* letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division, Commission, dated February 5, 1996 (''Amendment No. 1'').

[6] In Amendment No. 2, the Amex clarified its role in the calculation and maintenance of the Index. *See* letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division, Commission, dated February 13, 1996 (''Amendment No. 2'').

[7] *See* Securities Exchange Act Release No. 36168 (August 29, 1995), 60 FR 46637 (September 7, 1995) (order approving File No. SR–Amex–94–38).

will comply in all respects with the rules that were amended and enacted through the Generic Warrant Listing Standards Approval Order, including Section 106 of the Amex Company Guide, Amex Rules 1100 through 1110, and Amex Rule 462 (collectively, the ''Amex warrant listing standards'').

A. Design of the Index

The Exchange represents that the Index is a broad-based index comprised of the common stocks of 43 diverse corporations operating in several industry groups, including, computers, aerospace, retail, banking, cellular telecommunications, pharmaceuticals, medical supplies, petroleum products, hotel/motel, toys, and retail stationary.[8] The Index is equal-dollar weighted and is therefore designed to ensure that each of the component securities is represented in an approximately ''equal'' dollar amount. Accordingly, each of the 43 companies included in the Index will represent approximately 2.32 percent of the weight of the Index at the time of issuance of the warrant. The Index multipliers will be determined to yield the benchmark value of 100.00 on the date the warrant is priced for initial offering to the public.

On December 22, 1995, the 43 stocks in the Index ranged in market capitalization from a high of approximately $48.5 billion to a low of approximately $126 million.[9] The total capitalization of the Index on December 22, 1995 was approximately $345 billion. In addition, during the six-month period from June 1995 through November 1995, the average monthly trading volume of the stocks in the Index ranged from 500,000 shares to 188.5 million shares.[10] The Exchange also represents that at least 90% of the total capitalization of the Index is currently represented by component securities that meet the Exchange's criteria for standardized options trading.[11]

B. Maintenance of the Index

The Exchange represents that it will monitor the component securities in the Index on a monthly basis. In this regard, the Exchange will notify the Commission if less than 75% of the component securities in the Index are eligible for standardized options trading. In addition, if the number of component securities in the Index drops below 25, the Exchange will apply the minimum margin requirements for stock index industry group warrants.[12]

Shares of a component stock will only be replaced (or supplemented) under certain limited circumstances, such as the conversion of a component stock into another class of security, the termination of a depositary receipt program, or the spin-off of a subsidiary. Accordingly, all replacement or supplemental Index component securities will be related to the original component stock. The Exchange represents that decisions regarding such changes will be made by the Determination Agent, Bear Stearns & Co. Inc. (''Bear Stearns''), with the consent of the Amex. Moreover, if a change in the composition of the Index is contemplated for reasons other than those set forth above, the Exchange will notify the Commission to determine whether a rule filing pursuant to Section 19(b) of the Act will be required.

If the stock remains in the Index, the multiplier of that security may be adjusted to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In the event that a security in the Index is removed due to a corporate consolidation and the holders of such security receive cash, the cash value of such security will be included in the Index and will accrue interest at LIBOR to term, compounded daily.

C. Trading of the Index Warrants

Index Warrants will be direct obligations of their issuer, subject to cash-settlement in U.S. dollars and either exercisable throughout their life (*i.e.*, American-style) or exercisable only immediately prior to their expiration date (*i.e.*, European-style). Upon exercise (or at the warrant expiration date in the case of warrants with European-style exercise), the holder of an Index Warrant structured as a ''put'' will receive payment in U.S. dollars to the extent that the value of the Index has declined below a pre-stated cash settlement value. Conversely, upon exercise (or at the warrant expiration date in the case of warrants with European-style exercise), the holder of an Index Warrant structured as a ''call'' will receive payment in U.S. dollars to the extent that the value of the Index has increased above the pre-stated cash settlement value. Index Warrants that are ''out-of-the-money'' at the time of expiration will expire worthless.

D. Calculation and Dissemination of the Value of the Index

The Index value will be continuously calculated by the Amex using the most recently reported prices, and will be publicly disseminated every fifteen seconds over the Consolidated Tape Association's Network B.

In addition, the multiplier of each component stock in the Index remains fixed except in the event of certain types of corporate actions such as the payment of a dividend other than an ordinary cash dividend, stock distribution, stock split, reverse stock split, rights offering, distribution, reorganization, recapitalization, or similar event. The multiplier of each component stock may also be adjusted, if necessary, in the event of a merger, consolidation, dissolution, or liquidation of an issuer or in certain other events such as the distribution of property by an issuer to shareholders, the expropriation or nationalization of a foreign issuer, or the imposition of certain foreign taxes on shareholders of a foreign issuer.

E. Classification of the Index as Broad-Based

The Amex has designed the Index to meet certain objective criteria which it believes are appropriate to classify the Index as broad-based for warrant trading. To ensure that the Index remains representative of a broad spectrum of industries and is comprised

[8] The component securities of the Index are as follows: Aluminum Company of America; Biomet, Inc.; The Boeing Company; Cardinal Health, Inc.; Citicorp; Compaq Computer Corporation; CUC International, Inc.; Donnkenny, Inc.; Electronic Arts Inc.; Enserch Exploration, Inc.; Federal Home Loan Mortgage Corporation; First USA, Inc.; Green Tree Financial Corporation; Hershey Foods Corporation; H.F. Ahmanson & Company; Intel Corporation; Kerr-McGee Corporation; Kimberly-Clark Corporation; Ligand Pharmaceuticals Incorporated; Luxottica Group S.p.A.; Manville Corporation; Mattel, Inc.; Maxxim Medical, Inc.; MCI Communications Corporation; MFS Communications Corporation; Mirage Resorts, Inc.; Mobile Telecommunications Technology Corp.; Monsanto Company; News Corporation Ltd.; Nine West Group, Inc.; Nordstrom, Inc.; OfficeMax, Inc.; Oracle Corporation; Parker Hannifin Corporation; Patriot American Hospitality, Inc.; Pharmacia & Upjohn, Inc.; Seagate Technology, Inc.; Seitel, Inc.; USF&G Corporation; Viacom Inc.; Wells Fargo & Company; Wendy's International, Inc.; and WMX Technologies, Inc.

[9] In addition, the median market capitalization of the companies in the Index on December 22, 1995 was approximately $3.2 billion, and the average market capitalization of these companies on that date was approximately $8 billion.

[10] Two of the component securities, Patriot American Hospitality, Inc. and Pharmacia & Upjohn, Inc., have been trading for less than six months. Patriot American Hospitality began trading on September 27, 1995 as an initial public offering and has had an average monthly trading volume for the months of October and November of 2.7 million shares. Pharmacia & Upjohn was the result of a merger between Pharmacia Aktiebolag and The Upjohn Company and began trading on November 3, 1995. Pharmacia & Upjohn traded 47.5 million shares during the month of November.

[11] *See* Amex Rule 915.

[12] *See* Amex Rule 462, which the Exchange proposes to amend in File No. SR–Amex–95–39. *See* Securities Exchange Act Release No. 36448 (November 1, 1995), 60 FR 56180 (November 7, 1995).

of relatively actively-traded stocks, the Exchange represents that the Index currently meets and exceeds the following criteria: (1) each underlying security has had an average daily trading volume of at least 40,000 shares during the preceding six months (to remain in the Index, each underlying security will have to maintain an average daily trading volume of at least 20,000 shares); (2) no more than 20% of the total weight to the Index is represented by underlying securities that have had an average daily trading volume of less than 75,000 shares in the preceding six months; (3) no underlying security represents more than 10% of the total weight of the Index; (4) the five most heavily weighted securities do not represent more than 30% of the total weight of the Index; (5) the Index is comprised of at least ten industry sectors represented by no less than 43 underlying securities; and (6) at least 75% of the total capitalization of the Index is represented by underlying securities that meet the Exchange's criteria for standardized options trading.[13] The Exchange also notes that the Index meets and exceeds the Designation Criteria for Futures Contracts Involving Non-Diversified Stock Indexes.[14]

F. Listing Standards and Customer Safeguards

As stated above, the listing and trading of warrants based on the Vantage Point Index will comply in all respects with the Amex warrant listing standards. These standards will govern all aspects of the listing and trading of the Index Warrants, including, issuer eligibility,[15] position and exercise limits,[16] reportable positions,[17] automatic exercise,[18] settlement,[19] margin,[20] and trading halts and suspensions.[21]

Additionally, these warrants will be sold only to accounts approved for the trading of standardized options [22] and, the Exchange's options suitability standards will apply to recommendations regarding Index Warrants.[23] The Exchange's rules regarding discretionary orders will also apply to transactions in Index Warrants.[24] Finally, prior to the commencement of trading, the Amex will distribute a circular to its membership calling attention to specific risks associated with warrants on the Index.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[25] Specifically, the Commission finds that the trading of warrants based on the Vantage Point Index will serve to protect the public interest, and will help to remove impediments to a free and open market by providing investors holding positions in some or all of the securities underlying the Index with a means to hedge exposure to the market risk associated with their portfolios.[26]

Nevertheless, the trading of warrants on the Index raises several concerns related to the design and maintenance of the Index, customer protection, surveillance, and market impact. The Commission believes, however, for the reasons discussed below, that the Amex has adequately addressed these concerns.[27]

A. Design and Maintenance of the Index

The Commission finds that it is appropriate and consistent with the Act for the Amex to designate the Index as broad-based for warrant trading. First, the Index is comprised of a diverse basket of common stocks, representing such industry sectors as banking, computers, and retail. Second, the Index consists of 43 actively-traded stocks,[28] of which 32 trade on the New York

[13] *See* Amex Rule 915.

[14] *See* Securities and Exchange Commission and Commodity Futures Trading Commission Joint Statement of Policy, Release No. 20578 (January 18, 1984), 49 FR 2884.

[15] *See* Section 106 of the Amex Company Guide. Issuers are required to have a minimum tangible net worth in excess of $250 million or, in the alternative, to have a minimum tangible net worth in excess of $150 million, provided that the issuer does not have (including as a result of the proposed issuance) issued and outstanding warrants where the aggregate original issue price of all such warrant offerings (combined with offerings by its affiliates) listed on a national securities exchange or that are National Market securities traded through Nasdaq exceeds 25% of the issuer's net worth.

In addition, Sections 106(b)–(d) of the Amex Company Guide require that warrant issues: (i) have a term of one to five years; (ii) have a minimum public distribution of one million warrants together with a minimum of 400 public holders, and an aggregate market value of $4 million; and (iii) be cash-settled in U.S. dollars.

[16] *See* Amex Rules 1107 and 1108. Under Amex Rule 1107, no member can hold or control an aggregate position in a stock index warrant issue, or in all warrants issued on the same stock index, (whether long or short) on the same side of the market, in excess of 15 million warrants (7.5 million warrants with respect to warrants on the Standard & Poor's MidCap 400 Index) with an original issue price of ten dollars or less. Stock index warrants with an original issue price greater than ten dollars will be weighted more heavily in calculating position limits.

Amex Rule 1108 establishes exercise limits on stock index warrants analogous to those found on stock index options. Accordingly, no member, acting alone or in concert with others, directly or indirectly, may exercise a long position in warrants within five consecutive business days in excess of the permissible position limit. In addition, such limits are separate and distinct from any exercise limits that may be imposed by the issuers of stock index warrants.

[17] *See* Amex Rule 1110. Under Amex Rule 1110, members are required to file a report with the Exchange whenever any account in which the member has an interest has established an aggregate position (whether long or short) of 100,000 warrants overlying the same index, currency, or currency index.

[18] *See* Section 106(f) of the Amex Company Guide. Under Section 106(f) of the Amex Company Guide, all unexercised warrants that are in-the-money will be automatically exercised on their expiration date or on or promptly following the date on which the warrants are delisted by the Exchange (provided that such warrant issue has not been listed on another organized securities market in the U.S.).

[19] *See* Section 106(e) of the Amex Company Guide. Under Section 106(e) of the Amex Company Guide, domestic index warrants (*i.e.,* warrants based on indexes for which 25% or more of the index value is represented by securities traded primarily in the U.S.) are required to utilize a.m. settlement for valuing expiring warrants as well as during the last two business days prior to the valuation date.

[20] *See* Amex Rule 462. In general, the margin requirements for long and short positions in stock index warrants are the same as the margin requirements for long and short positions in stock index options. Accordingly, the purchase of a stock index warrant will require payment in full, and the short sale of a stock index warrant will require margin of 100% of the current value of the warrant plus 15% of the current value of the underlying index less the amount by which the warrant is out-of-the-money (but not less than ten percent of the index value).

[21] *See* Amex Rule 1109 and 918C(b).

[22] *See* Amex Rules 1101 and 921.

[23] *See* Amex Rules 1102 and 923.

[24] *See* Amex Rules 1103 and 924.

[25] 15 U.S.C. § 78f(b) (1988).

[26] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new securities product upon a finding that the introduction of such product is in public interest. Such a finding would be difficult with respect to a warrant that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

[27] The Commission also notes that the Amex is presently only seeking the authority to list and trade a single issuance of warrants on the Index and that if the Exchange proposes to list and trade other products based on the Index, including other index warrants, the Exchange will advise the Commission in order to determine whether a rule filing pursuant to Section 19(b) of the Act will be necessary or appropriate. This limitation is important since the Index's limited maintenance criteria might present additional issues if the Index was proposed to be used for index options trading.

[28] The Commission notes that if the Amex determines to maintain the Index with some number of component securities other than 43, the Exchange should immediately notify the Commission to determine whether a rule filing pursuant to Section 19(b) of the Act will be required.

Stock Exchange, Inc. (''NYSE''), 1 trades on the Amex, and 10 trade on Nasdaq. Third, the market capitalization of the stocks comprising the Index are very large. Specifically, the total capitalization of the Index, as of December 22, 1995, was approximately $345 billion, with the market capitalization of the individual stocks in the Index ranging from a high of approximately $48.5 billion to a low of approximately $126 million. Fourth, no one particular stock or group of stocks dominates the Index. Specifically, no single stock accounts for more than approximately 2.32% of the Index's value, and the percentage weighting of the five largest issues in the Index account for approximately 11.6% of the Index's value. Accordingly, the Commission believes that it is appropriate to classify the Index as broad-based so that the Exchange may list warrants for trading pursuant to the Amex warrant listing standards.

The Commission notes that with respect to the maintenance of the Index, shares of a component stock will only be replaced (or supplemented) under certain limited circumstances, such as the conversion of a component stock into another class of security, the termination of a depositary receipt program, or the spin-off of a subsidiary. Accordingly, all replacement or supplemental Index component securities will be related to the original component stock. In addition, although the Index will be maintained by Bear Stearns, changes to the composition of the Index can only be made with the consent of the Amex. Moreover, if a change in the composition of the Index is contemplated for reasons other than those set forth above, the Exchange will notify the Commission to determine whether a rule filing pursuant to Section 19(b) of the Act will be required.[29]

The Amex has also implemented several safeguards in connection with the listing and trading of the Index Warrants that will serve to ensure that the Index maintains its intended character as a highly capitalized, diversified, and actively-traded index. In this regard, the Exchange will notify the Commission if less than 75% of the component securities in the Index are eligible for standardized options trading, or if any underlying security fails to maintain an average daily trading volume of at least 20,000 shares.

B. Customer Protection

The Commission notes that the rules and procedures of the Exchange adequately address the special concerns attendant to the trading of index warrants. Specifically, the applicable suitability, account approval, disclosure, and compliance requirements of the Amex warrant listing standards, satisfactorily address potential public customer concerns. Moreover, the Amex plans to distribute a circular to its membership calling attention to specific risks associated with warrants on the Index. Finally, pursuant to the Exchange's listing guidelines, only companies capable of meeting the Amex's index warrant issuer standards will be eligible to issue Index Warrants.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a security index derivative product and the exchange(s) trading the securities underlying the derivative product is an important measure for the surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of the information necessary to detect and deter potential manipulations and other trading abuses, thereby making the security index product less readily susceptible to manipulation. In this regard, the Amex, the NYSE, and the National Association of Securities Dealers, Inc. (''NASD'') are all members of the Intermarket Surveillance Group (''ISG''), which provides for the exchange of all necessary surveillance information.[30]

In addition, the Exchange has developed enhanced surveillance procedures to apply to domestic stock index warrants which the Commission believes are adequate to surveil for manipulation and other abuses involving the warrant market and component securities.[31] Among these enhanced surveillance procedures, the Commission notes that the issuers are required to report to the Exchange on settlement date the number and value of domestic index warrants subject to early exercise the previous day. The Commission believes that this information will aid the Amex in its surveillance capacity and help it to detect and deter market manipulation and other trading abuses.

D. Market Impact

The Commission believes that the listing and trading of warrants on the Index will not adversely impact the underlying securities. First, the Amex's existing index warrants surveillance procedures will apply to warrants on the Index. Second, the Index is broad-based, diversified, and includes highly capitalized securities that are actively-traded. Lastly, the Amex has established reasonable position and exercise limits for stock index warrants, which will serve to minimize potential manipulation and other stock market concerns.

The Commission finds good cause to approve the proposed rule filing, including Amendment Nos. 1 and 2, prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. The Commission notes that no comments were received on the proposal, which was subject to the full 21-day notice and comment period.[32] Moreover, Amendment Nos. 1 and 2 to the Amex's proposal describe details of certain Index maintenance procedures. In this regard, the Commission believes that the Exchange's monthly review of the Index's component securities for options eligibility and applicable margin treatment, as described above, will help to ensure that the Index maintains its intended market character as well as remains an appropriate trading vehicle for public customers. Accordingly, the Commission believes that it is consistent with Section 6(b)(5) of the Act to approve the proposed rule change, including Amendment Nos. 1 and 2, on an accelerated basis.

Interested persons are invited to submit written data, views, and arguments concerning the rule proposal,

[29] In this regard, the Commission notes that appropriate procedures must be maintained by those responsible for maintaining the Index in order to help to prevent and to deter the misuse of any informational advantages with respect to changes in the composition of the Index. Such procedures should include, for example, appropriate informational barriers.

[30] The ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. The members of the ISG are: the Amex; the Boston Stock Exchange, Inc.; the Chicago Board Options Exchange, Inc.; the Chicago Stock Exchange, Inc.; the NASD; the NYSE; the Pacific Stock Exchange, Inc.; and the Philadelphia Stock Exchange, Inc. Due to the potential opportunities for trading abuses involving stock index futures, stock options, and the underlying stock, as well as for the need for greater sharing of surveillance information for these potential intermarket trading abuses, the major stock index futures exchanges (*e.g.*, the Chicago Mercantile Exchange and the Chicago Board of Trade) have also joined the ISG as affiliate members.

[31] In addition, the Commission notes that issuers are required to report to the Exchange all trades to unwind a warrant hedge that are effected as a result of the early exercise of domestic index warrants. This will enable the Exchange to monitor the unwinding activity to determine if it was effected in a manner that violates Exchange or Commission rules.

[32] *See supra* note 4.

as amended. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–95–58 and should be submitted by March 14, 1996.

IV. Conclusion

For the foregoing reasons, the Commission finds that the Amex's proposal to list and trade warrants based on the Vantage Point Index is consistent with the requirements of the Act and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[33] that the proposed rule change (SR–Amex–95–58), as amended, is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[34]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3919 Filed 2–21–96; 8:45 am]

BILLING CODE 8010–01–M

[33] 15 U.S.C. § 78s(b)(2) (1988)

[34] 17 CFR 200.30–3(a)(12) (1994).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2830]

Virginia; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on January 27, 1996, and amendments thereto on January 31 and February 1, 2, and 9, I find that the Counties of Alleghany, Augusta, Bath, Botetourt, Clarke, Frederick, Highland, Loudoun, Page, Rockbridge, Rockingham, Shenandoah, and Warren, and the Independent Cities of Buena Vista, Clifton Forge, Covington, Harrisonburg, Lexington, Staunton, Waynesboro, and Winchester in the Commonwealth of Virginia constitute a disaster area due to damages caused by flooding which occurred January 19 through February 1, 1996. Applications for loans for physical damages may be filed until the close of business on March 27, 1996, and for loans for economic injury until the close of business on October 28, 1996 at the address listed below:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Albemarle, Amherst, Bedford, Craig, Fairfax, Fauquier, Greene, Madison, Nelson, Prince William, Rappahannock and Roanoke Counties in Virginia.

Interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural co-operatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 283006 and for economic injury the number is 874300.

Any counties contiguous to the above-named primary counties and not listed herein, have been declared under a separate declaration for the same occurrence.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: February 14, 1996.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 96–3929 Filed 2–21–96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Emergency Order No. 20, Notice No. 1]

Commuter and Intercity Passenger Railroads, Including Public Authorities Providing Passenger Service, and Affected Freight Railroads; Emergency Order Requiring Enhanced Operating Rules and Plans for Ensuring the Safety of Passengers Occupying the Leading Car of a Train

Introduction

The Federal Railroad Administration (FRA) of the United States Department of Transportation (DOT) has determined that the safety of passengers and railroad employees compels issuance of this Emergency Order. Based on the historical record, rail passenger transportation in the United States is an extremely safe mode of transportation. However, recent train accidents in New Jersey and Maryland, which have claimed a total of fourteen lives, have caused DOT, FRA, and the Federal Transit Administration (FTA) (also part of DOT) to have very serious concerns about the safety of certain aspects of rail passenger transportation. The National Transportation Safety Board (NTSB) has the lead in investigating both accidents. FRA is assisting in both investigations. Although NTSB will not reach final conclusions as to probable cause of either accident for some time, NTSB's preliminary conclusions and what FRA has learned from the investigations (set forth in detail, below) compel that certain steps be taken now to reduce the risks to passengers and crew that apparently exist under certain operating conditions.

Of particular concern are those operations that involve carrying passengers in the lead car of a train over segments of track that do not have either cab signal systems (which provide the engineer with an on-board display of signal indications alongside the tracks) or automatic train stop or automatic train control systems (which automatically cause the train to stop or reduce speed where an engineer fails to respond appropriately to a trackside signal). Both of the recent accidents involved such operations. While thousands of such operations occur daily without incident, the occurrence of two fatal accidents in one week has caused DOT, FRA, and FTA to examine closely the need for immediate enhancements in the safety of such operations. Also of great concern, based

on the Maryland accident, is passenger and crew egress after an accident.

In summary, this order requires that commuter and intercity passenger railroads, including public authorities providing passenger service through contracts with other railroads, and any other entities (*e.g.*, freight railroads with affected passenger service on their lines) whose actions are necessary to effectuate this order, take certain immediate steps with regard to any of their operations above 30 miles per hour that do not entail cab signal, automatic train stop, or automatic train control protections and that permit passengers to occupy the leading car (i.e., using either cab cars as the forward car in the push-pull mode or self-propelled locomotives with passenger seating (MU locomotives)). As set forth in detail below, those railroads are required to: (1) adopt and comply with an operating rule requiring that, when a passenger train stops for any reason, including a station stop, or its speed is reduced below 10 m.p.h., the train shall proceed under any speed limitations set forth in applicable railroad operating rules, and in addition, must be prepared to stop before passing the next signal; the train must maintain the prescribed speed until the next wayside signal is clearly visible and that signal displays a proceed indication, and the track to that signal is clear; (2) adopt and comply with an operating rule requiring that a crew member located in the operating cab of a controlling locomotive, cab car, or MU car, shall have a means to orally communicate and will communicate to another crew member the indication and location of each wayside signal affecting the movement of the train as soon as the signal becomes visible, for all signals which require either that the train be prepared to stop at the next wayside signal or that the train be prepared to pass the next wayside signal at restricted speed; (3) take certain measures to instruct and test employees on the aforementioned operating rules; and (4) submit to FRA an interim system safety plan for enhancing the safety of such operations that includes (i) a description of circumstances in which the leading car is permitted to be occupied by passengers; (ii) a review of operating rules relevant to such operations; (iii) plans for any short-term technology enhancements that would enhance train control; (iv) a review of crew management practices to see what steps can be taken to improve crew alertness; (v) a review of the hazards posed to passengers in the forward car by vehicles using highway-rail grade crossings; and (vi) a review of practices, in addition to marking exits, used by the railroad to inform passengers of the location and operation of emergency exits, specifying any plans for enhancing such information. In addition, each of these commuter and intercity passenger railroads, regardless of the speeds or equipment they use, is required to ensure that each emergency window on every passenger car is clearly marked on the outside and inside and that a representative sample has been inspected to make sure they are operable.

FRA may amend this order at any time to require other actions to ensure safety. For example, depending on what FRA learns from the railroads' interim safety plans and other sources after issuance of this order, it may decide that safety requires it to prohibit one or more railroads from carrying passengers in the lead car in the absence of a cab signal, automatic train stop, or automatic train control system.

Authority

Authority to enforce Federal railroad safety laws has been delegated by the Secretary of Transportation to the Federal Railroad Administrator. 49 CFR § 1.49. Railroads are subject to FRA's safety jurisdiction under the Federal railroad safety laws. 49 U.S.C. §§ 20101, 20103. FRA is authorized to issue emergency orders where an unsafe condition or practice ''causes an emergency situation involving a hazard of death or personal injury.'' 49 U.S.C. § 20104. These orders may immediately impose ''restrictions and prohibitions . . . that may be necessary to abate the situation.'' (*Ibid.*)

Background

New Jersey Transit Accident, Secaucus, NJ. On February 9, 1996, at about 8:40 a.m., a near-head-on collision occurred between New Jersey Transit trains 1254 and 1107 at mile post 2.8, on the borderline of Secaucus and Jersey City, New Jersey. Speed at the point of collision was approximately 7 m.p.h. for train 1254 and 53 m.p.h. for train 1107. Of the 325 passengers on both trains, one received fatal injuries and 162 reported minor injuries. The passenger fatality and most of the nonfatal injuries to passengers occurred on train 1254, which was operating with the cab control car forward and the locomotive pushing. In addition, the engineer was fatally injured. The cab control car incurred substantial damage as a result of near-frontal impact with the heavier locomotive of train 1107, operating in the ''pull'' mode. The locomotive engineer on train 1107 was fatally injured as a result of ''cornering'' of the locomotive cab that bypassed the collision posts in the short hood. Railroad property damage was estimated at more than $3.5 million. Although the trains involved were equipped with cab signal and automatic train control (ATC) apparatus, the wayside portion of the signal system on the lines in question did not provide cab signals. The method of operation was by wayside signal indication.

Based on preliminary information derived from the joint investigation of the NTSB, FRA, and other parties, the accident appears to have resulted from failure of train 1254 to observe signal indications requiring that the train be stopped short of the junction where the accident occurred. Agencies are investigating whether lack of alertness on the part of the locomotive engineer, who was working the second portion a night ''split shift,'' may have contributed to the failure to observe signal indications. Since the accident, New Jersey Transit has eliminated use of the night split shift, which had previously been a longstanding practice on the railroad.

MARC accident, Silver Spring, MD. On February 16, 1996, at approximately 5:40 p.m., a near-head-on collision occurred between Maryland Rail Commuter Authority (MARC) train P28616 and National Railroad Passenger Corporation (Amtrak) train PO2916 on the CSX Transportation line at Silver Spring, Maryland (milepost 8.3). The Amtrak train consisted of two locomotives in the lead and 15 cars. The MARC train consisted of a cab control car in the lead followed by two passenger coaches and a locomotive pushing the consist.

The accident resulted in 11 fatalities, consisting of 3 crew members and 8 passengers who were located in the MARC cab car. Non-fatal injuries were sustained by at least 13 additional passengers of the MARC train. As this order was prepared, one passenger remained in critical condition.

Early investigative findings by staff of the NTSB and FRA indicate that the MARC train, proceeding eastbound toward Washington Union Station on Track No. 2, passed an intermediate signal conveying an approach indication (proceed prepared to stop at next signal), made a scheduled station stop immediately past the signal, accelerated to approximately 63 miles per hour (maximum timetable speed 70 miles per hour), and then applied the train's emergency brakes upon rounding a curve and establishing sight distance for the home signal governing a crossover between the two main tracks, which is believed to have displayed a stop signal.

The MARC train proceeded past the signal and struck the midpoint of the lead locomotive of the Amtrak train, which was diverging from Track No. 2 to Track No. 1 through the crossover. The initial impact sheared off the left collision post of the MARC cab car, together with a substantial portion of the front, side, and roof structure on the left side approximately one-third of the way back along the length of the car. The impact also ruptured the left diesel fuel tank of the Amtrak lead locomotive, discharging an undetermined amount of diesel fuel into the MARC cab car. The MARC train continued substantially in line, apparently raking the second locomotive and coming to rest substantially parallel with the Amtrak train. Diesel fuel present in the cab car ignited.

Both of these accidents involved casualties in so-called ''push/pull'' operations with the consist being pushed by a locomotive at the rear. Control of such operations is conducted from the front of a cab control car, or ''cab car,'' where an engineer compartment is located. Control cables run the length of the train, as do electrical lines providing power for heat, lights, and other purposes throughout the train.

Cab cars provide passenger seating, as well as providing a location from which the train is operated. Cab cars are built with the same minimum longitudinal strength as locomotives and with substantial collision posts at each end to prevent incursion of other vehicles into the occupied volume. However, cab cars are lighter than powered vehicles, and no combination of structural measures can wholly prevent harm to persons in collisions involving substantial forces. Occupants of cab cars may incur a significantly higher risk of serious injury when compared with occupants of a locomotive-hauled consist, if the cab car collides with a heavier rail vehicle or any highway or rail vehicle transporting hazardous materials. Similar risks may obtain in the case of electric multiple-unit (EMU) service and diesel multiple-unit (DMU) service, because those vehicles have a structure similar to that of a cab car.

FRA recognizes that cab cars have provided hundreds of millions of miles of safe transportation since they were introduced in the late 1950s. EMU and DMU service has been provided with a high degree of safety since the early decades of this century. However, the recent accidents noted above compel FRA to review the safety of these operations to determine whether means can be found to further reduce the risk of serious injury in the subject service.

Prior accidents further illustrate the potential risk. For instance, on August 1, 1981, at Beverly, Massachusetts, a commuter train engineer was killed and 28 passengers were injured when a commuter train in the push mode collided head-on with a freight train due to dispatcher error. On January 2, 1982, at Southhampton, Pennsylvania, a single rail diesel car commuter train collided with a gas truck at a highway-rail crossing due to malfunction of the automated warning device at the crossing (loss of shunt). On November 12, 1987, at Boston, Massachusetts, a train in the push mode struck the locomotive at the back of a train proceeding in the same direction on the same track, resulting in injuries to 3 crew members and 220 passengers, due in part to a wayside signal malfunction. At Gary, Indiana, on January 18, 1993, two EMU consists struck in a cornering collision at the approach to a gauntlet bridge, resulting in 7 fatalities and 95 persons injured, due to failure of one of the engineers to observe signal indications.

Related FRA Rulemaking Actions

FRA is engaged in a broad range of actions designed to further enhance the safety of passenger operations. In September of 1994, the Secretary of Transportation announced that FRA would develop passenger equipment safety standards in two phases: initial regulations dealing with the most critical issues in three years, and final regulations dealing with all related subjects in five years. In November 1994, Congress passed the Federal Railroad Safety Authorization Act of 1994, section 215 of which requires the Secretary to issue regulations under the timetable the Secretary had previously announced, as measured from the enactment of the statute. FRA has begun a rulemaking concerning comprehensive passenger equipment safety standards. A Passenger Equipment Working Group, including representatives of passenger operators, employee representatives, rail passenger organizations, and States, assisted by railway suppliers, began work last summer on proposed rules. An Advance Notice of Proposed Rulemaking describing the issues under consideration by the working group will be published this spring, followed by one or more notices of proposed rulemaking on issues such as the following:

- Inspection, testing and maintenance of passenger equipment;
- Crashworthiness of passenger equipment, including cab car and passenger coach structural strength;
- Emergency features integral to the train (*e.g.*, emergency lighting, operation of doors, access points in the event equipment is on its side);
- Standards for high-speed equipment; and
- Passenger car interiors.

The working group will also prepare a second Notice of Proposed Rulemaking (NPRM) for passenger power brakes (which may be combined with other subject matter). FRA anticipates publication of an NPRM on passenger equipment safety measures in 1996, followed by a final rule in 1997, as required by law. Issues requiring further research and technology development may be included in a subsequent NPRM.

Under the same statutory authority, FRA has also established an Emergency Preparedness Working Group for rail passenger service that is broadly representative of interested parties. This effort builds on a process of research and consultation initiated in 1993. The working group is presently preparing an NPRM addressing issues such as on-board emergency equipment, availability of first aid, liaison with emergency responders, communication capability, and advance planning. Publication of the NPRM is anticipated in early summer.

The measures taken in this emergency order address matters of immediate concern as identified in the investigation of recent accidents. These measures will be integrated into the process of dialogue and discussion already underway with respect to passenger equipment safety and emergency preparedness. However, FRA believes that public safety requires the actions called for by this order now rather than waiting for the rulemaking process to run its course.

The Need for Action

Although definitive conclusions have not been reached, preliminary indications are that both the Secaucus and Silver Spring accidents could have been prevented had wayside signal indications been followed, and the death tolls might have been reduced significantly had occupied cab cars not been the lead cars. Additionally, the Silver Spring accident indicates a need to ensure that emergency windows are clearly marked and operable. FRA believes that certain immediate measures are necessary to prevent a recurrence of these problems.

There is no evidence that push/pull or EMU operations are in any way over represented in passenger train accidents. All rail passenger operations, like other forms of transportation,

involve some risk of injury due to collision with other vehicles or fixed structures. In certain accident scenarios (*e.g.*, where the passenger consist in question is impacted from the rear), push-pull operations with the cab car forward actually offer greater protection. However, in collisions involving the front of the passenger train, cab car forward and MU operations do present an increased risk of severe personal injury or death when compared with locomotive-hauled service. This risk is of particular concern where operations are conducted at relatively higher speeds, where there is a mix of various types of trains, and where there are numerous highway-rail crossings over which large motor vehicles are operated.

As the accidents of past two weeks illustrate, this potential for accidents of greater severity warrants a review of measures taken to prevent such accidents. Since most train collisions on the railroad result from human factors, the most effective preventive measure is a highly effective train control system. Cab signal systems serve an important safety purpose because they provide a constant display of the governing signal indication. This provides a corrective measure should an engineer fail to note, forget, or misread a restrictive wayside signal indication. Even greater security is provided by a train control system capable of intervening should the engineer fail to observe signals and operating rules for whatever reason (*e.g.*, lack of alertness due to fatigue, sudden incapacitation, loss of situational awareness due to unusual events). Such systems are referred to as automatic train control or automatic train stop systems. New technologies currently under development and demonstration that can prevent collisions and overspeed derailments are known as ''positive train separation'' (PTS), ''positive train control'' (PTC), or advanced train control (ATCS) systems.

1. Necessary Rule Changes

With regard to cab car forward and MU operations over territory lacking at least cab signals, the immediate need is to ensure that signal indications are followed. FRA believes that certain operating rules, already in place on many railroads, will assist engineers in remembering and adhering to signal indications. One rule will require that signal indications for an approach or less favorable than an approach be called out by the engineer as they are seen. A designated crewmember elsewhere in the train will acknowledge the communication and, in the absence of an appropriate response to a restrictive indication that has been communicated, take action to ensure the appropriate response. This will serve as a simple device to help the engineer remember to abide by signal indications and will add safety redundancy by involving other crew members in responsibility for safety with regard to compliance with signals.

The second rule will require that, if a passenger train enters a block on a signal indication and the train stops for any reason, including a station stop, or its speed is reduced below 10 m.p.h., the train shall proceed under speed limitations set forth in existing applicable operating rules, and in addition, must be prepared to stop before passing the next signal; the train must maintain the prescribed speed until the next wayside signal is clearly visible and that signal displays a proceed indication, and the track to that signal is clear. (For purposes of this order, a ''block'' is a length of track of defined limits the use of which is governed by wayside signal indications.) This will prevent situations where a signal displays an aspect less favorable than ''clear'' prior to a station stop but the engineer, after stopping and resuming movement, forgets that he or she should be operating at a reduced speed. This very well may be what happened in the Silver Spring accident. Under this rule, if the next signal is clear, timetable speed may be resumed. However, if the next signal requires a stop, the engineer will have the train under control and be prepared to stop short of the signal. This rule will presumably result in a certain amount of slowing of operations between station stops and the next forward signal, but FRA believes such relatively minimal delay is warranted to ensure safety.

2. Interim Safety Plans

FRA believes there is a broader need to have railroads carefully evaluate their passenger operations with a view toward enhancing the safety of those operations, with particular attention given to the safety of operations where passengers are in the lead car and to ways that train control systems might be upgraded. FRA has concluded that the safety of such operations can be enhanced by having each railroad develop an interim system safety plan addressing these subjects. This will both focus the attention of those railroads on avoiding occurrences similar to the recent accidents and provide FRA with detailed information allowing it to determine what further action may be necessary.

Therefore, this order will require railroads operating scheduled intercity or commuter rail service to conduct an analysis of their operations and file with FRA an interim safety plan indicating the manner in which risk of a collision involving a cab car is addressed. Railroads are encouraged to implement identified opportunities for risk reduction immediately. Upon review of these plans and the subject operations, FRA will determine whether further action is warranted.

Plans will be reviewed with the following factors in mind:

- Railroads operating trains with the benefit of cab signals incur reduced risk. Augmentation of cab signals with ATC or PTC further reduces risk.
- Lower speed operations (*e.g.*, not to exceed 30 miles per hour) involve less risk because of lower potential collision forces.
- The presence of automated warning devices, particularly flashing lights with gates, reduces risk of highway-rail crossing accidents involving heavy vehicles, particularly if crossing surfaces and approaches do not create a ''hump'' capable of hanging up a long, low truck or trailer.

Moreover, each interim safety plan will address these specific issues:

Passenger occupancy of cab/MU cars in lead. Each interim safety plan must include a review of the use of leading cab cars and MU cars for transportation of passengers. In the Silver Spring accident, most train occupants were located in the cab car, even though two very lightly loaded passenger coaches were available for occupancy. Some operating authorities limit access to cab cars when seating capacity is not required. This order asks other authorities to review this potential for risk reduction. For instance, an operator whose service gathers small numbers of passengers on branch lines, with heavier loadings at stops on a cab-signal-equipped main line, might direct passengers to trailing coaches until the train arrives on the main line.

Operating rules. As noted above, this order requires early amendment of operating rules to make passenger operations subject to the ''delayed in block'' provisions of most existing rule books and to require engineer-to-train crew communication of certain signals. These steps will enhance safety by adding a layer of redundancy in safety procedures where presently none exists. In addition to these steps, the order requires passenger railroads to review other operating rules applicable to their particular methods of operation to determine if enhancements in safety can be achieved consistent with provision of efficient rail passenger service.

Adverse operating conditions. Crew performance and other aspects of operational safety can be affected by unusual conditions such as heavy snow, fog, high water, and other unusual conditions. This order requires a review of existing procedures to determine if reasonable enhancements in safety can be made by compensating for the challenges these conditions pose to system performance.

Short-term technology enhancements. Where the railroad and all trains are not already cab signal/ATC-equipped, positive train control systems will offer the most secure means of preventing train collisions. However, PTC systems remain under development and will be deployed over a period of several years. The order requires review of possible technology enhancements that can be achieved over a short time period. For instance, FRA believes that virtually all passenger operations include the use of an alerting device that will stop the train should the engineer become incapacitated. However, certain freight operations on the same railroad may be conducted without such a device. Depending upon the number of units involved, equipping remaining trains with alerting devices (a readily available item) could close a gap in accident prevention at relatively low cost.

Crew management. Following the accident of February 9, New Jersey Transit found that it was able to eliminate night split shifts without adversely affecting operations. Night split shifts present special problems because of the effect of biological rhythms and fatigue on human performance. This order requires other passenger operators using cab car/MU forward trains to review their management of operating crews to determine if opportunities exist for risk reduction similar to the action taken by New Jersey Transit. FRA emphasizes that the issue of on- and off-duty periods is governed by the hours of service law, as codified at 49 U.S.C. 21102–21108, 21303–21304. The order requires passenger operators to consider safety improvements that may be undertaken voluntarily in a manner that is consistent with statutory law. FRA is also authorized to approve pilot projects involving variances from the periods specified by the statute upon petition by the railroad and designated representatives of the employees involved.

Highway-rail crossings. Cab-forward and MU operations pose a somewhat heightened risk of severe injury for passengers should an accident occur, in comparison to locomotive-hauled passenger coaches. Operators should give consideration to closer interface with private crossing holders that use the crossings for truck access, give greater attention to liaison with law enforcement authorities, and explore other means that may reduce risk at both public and private crossings. Accelerated application of locomotive alerting lights (already authorized by regulation and required by statute) may offer another opportunity for risk reduction. This order requires that each railroad's interim safety plan address these grade crossing issues in the context of cab-forward and MU operations. FRA is very concerned about the safety of such operations in absence of a plan to address grade crossing hazards.

Information on emergency exits. The Silver Spring accident has raised serious concerns about whether the MARC passengers had sufficient information about the location and operation of emergency exits to enable them to find and use those exits in a crisis. FRA believes it would be very useful for all commuter and intercity passenger railroads to review their practices, in addition to marking the exits, for providing this information.

3. Emergency Exits

Finally, there is a need to ensure that emergency exits are clearly marked and in operable condition on all passenger lines, regardless of the equipment used or train control system. FRA's regulations generally require that all passenger cars be equipped with at least four emergency opening windows, which must be designed to permit rapid and easy removal during a crisis situation. The investigation of the Silver Spring accident has raised some concerns that at least some of the occupants of the MARC train attempted unsuccessfully to exit through the windows. Whether those same people eventually were among those who exited safely, or whether those persons were attempting to open windows that were not emergency windows is not known at this time. However, there is sufficient reason for concern to require that measures be taken to ensure that such windows are readily identifiable and operable when they are needed. Accordingly, the order requires that any emergency windows that are not already legibly marked as such on the inside and outside be so marked, and that a representative sample of all such windows be examined to ensure operability. (FRA Safety Glazing Standards, 49 CFR Part 223, require that each passenger car have a minimum of four emergency window exits ''designed to permit rapid and easy removal during a crisis situation.'')

Finding and Order

FRA concludes that certain current conditions and practices on commuter and intercity passenger railroads pose an imminent and unacceptable threat to public and employee safety. Of greatest concern are push-pull and MU operations lacking the protection provided by cab signal, automatic train stop, or automatic train control systems. I find that the unsafe conditions discussed above create an emergency situation involving a hazard of death or injury to persons. Accordingly, pursuant to the authority of 49 U.S.C. § 20104, delegated to me by the Secretary of Transportation (49 CFR § 1.49), it is hereby ordered that each commuter and intercity passenger railroad, and any other entity (*e.g.*, freight railroads over whose lines affected passenger operations are conducted) whose actions are necessary to effectuate the directives in this order, take the following actions:

(1) Delayed in Block Rule.

Note: This rule applies to all push-pull and MU operations unless cab signal, automatic train stop, or automatic train control is in operation, speeds do not exceed 30 m.p.h., or within yard or terminal limits as specified for this purpose by the railroad.

- (A) Within 10 days of this order, have in effect, publish in its code of operating rules, and comply with a rule that requires: If a passenger train enters a block on a signal indication and the train stops for any reason, including a station stop, or its speed is reduced below 10 m.p.h., the train shall proceed under speed limitations set forth in existing applicable railroad operating rules, and in addition, must be *prepared to stop before passing the next signal.* The train must maintain the prescribed speed until the next wayside signal is clearly visible and that signal displays a proceed indication, and the track to that signal is clear. A copy of the rule will be provided to the FRA Office of Safety Assurance and Compliance in care of James T. Schultz, Staff Director, Operating Practices.
- (B) Within 30 days of the issuance of the railroad's rule, a railroad operating supervisor shall personally contact each engineer and conductor in passenger service and inform them in a face-to-face meeting of the requirements of that rule. Such briefing shall be documented and such documentation shall be available for FRA review upon request, including date, time, location, crew members contacted, and supervisor making the contact.

• (C) Within 60 days of the issuance of the railroad's rule, each engineer/conductor in such passenger service shall receive an unannounced operational (''efficiency'') test on the rule which requires a full stop at the signal ahead; and, within 90 days of rule publication, an on-board operational monitoring ride shall be conducted by an operating supervisor of the railroad to ensure a complete understanding of rule provisions. Such tests and operational monitoring checks shall be documented and such documentation shall be available for FRA review upon request, including date, time, location, crew members involved, and supervisor making the test/monitoring ride.

• (D) The railroad's program of operational tests and inspections under 49 CFR Part 217 shall be revised as necessary to include this rule, and shall specifically include a minimum of two such tests per year for each passenger engineer.

(2) Crew Communications Rule

Note: This rule applies to all push-pull and MU operations unless cab signal, automatic train stop, or automatic train control is in operation, speeds do not exceed 30 m.p.h., or within yard or terminal limits as specified for this purpose by the railroad.

• (A) Within 10 days of this order, have in effect, publish in its operating rules, and comply with a rule that requires: A crew member located in the operating cab of a controlling locomotive, cab car, or MU car, shall have means to communicate orally and shall communicate the indication and location of each wayside signal affecting the movement of the train as soon as the signal becomes visible, for all signals which require either (1) that the train be prepared to stop at the next wayside signal, or (2) that the train be prepared to pass the next wayside signal at restricted speed. In multiple track territory, the crew member shall include the affected track number. A copy of the rule shall be provided to the FRA Office of Safety Assurance and Compliance in care of James T. Schultz, Staff Director, Operating Practices.

• (B) A designated crew member located on a trailing unit or car shall immediately acknowledge the transmission, and confirm the information to the crew member(s) on the controlling locomotive by repeating the message. If the designated crew member fails to acknowledge the communication, the engineer must ascertain at the next scheduled stop why the message is not being confirmed. If necessary due to radio equipment failure, alternative means shall be established by the operating crew (e.g., via intercom, cellular telephone, etc.) to accomplish the procedure.

• (C) If the engineer fails to control the train movement in accordance with either a wayside signal indication or other restrictions imposed upon the train, the designated crew member in a trailing unit or car shall at once communicate with and caution the engineer regarding the restriction, and, if necessary, take appropriate action to ensure the safety of the train, including stopping the movement if appropriate.

• (D) Within 30 days of the issuance of the railroad's rule, a railroad operating supervisor shall personally contact each engineer and conductor in passenger service and inform them in a face-to-face meeting of the requirements of this rule. Such briefing shall be documented and such documentation shall be available for FRA review upon request, including date, time, location, crew members contacted, and supervisor making the contact.

• (E) Within 60 days of the issuance of the railroad's rule, each engineer/conductor in such passenger service shall receive an unannounced operational ''efficiency'' test on the rule; and, within 90 days of rule publication, an on-board operational monitoring ride shall be conducted by an operating supervisor of the railroad to ensure a complete understanding of rule provisions. Such tests and operational monitoring checks shall be documented and such documentation shall be available for FRA review upon request, including date, time, location, crew members involved, and supervisor making the test/monitoring ride.

• (F) The railroad's program of operational tests and inspections under 49 CFR Part 217 shall be revised as necessary to include this rule, and shall specifically include a minimum of two such tests per year for each passenger engineer.

(3) Emergency Egress: Marking and Inspecting Exits

• (A) Within 60 days of this order, ensure that each emergency exit location is marked both inside the car for passenger and crew information and, with regard to emergency window exits, on the exterior of the car as well for emergency responders. Markings for egress from inside the car shall be accompanied by clear and legible instructions for operation of the exit. Such markings must be clearly visible and legible at egress locations. This paragraph does not require action where reasonably conspicuous and fully legible markings and instructions already exist.

• (B) Immediately begin, and within 60 days of this order complete, a program to test a representative sample of emergency window exits on cars in its fleets to verify proper operation. Defective units will be repaired before the car is returned to service. Additionally, when a defective exit is discovered, all exits on that specific series/type of car will be tested and every defective exit replaced. Railroads must report to FRA when such action is necessary, and shall include a timetable for window inspection and replacement on the car series to remedy the problem in the most expedient manner.

• (C) Records of the date, car number, and verification of proper exit operation shall be maintained and available for FRA review upon request. Each railroad shall also verify emergency exit operation as part of routine vehicle maintenance cycles.

(4) Interim System Safety Plans

Each authority operating or contracting for the operation of push-pull, EMU or DMU service (including Amtrak) shall, not later than 45 days from this order, submit to FRA an interim system safety plan for the purpose of enhancing the safety of such operations. In developing such plans, the authority shall provide opportunity for the riding public and designated representatives of railroad employees to comment on proposed actions that may affect the quality of service, including passenger safety.

The plan shall address the following hazards associated with passenger occupancy of lead units:

• Train-to-train collisions.

• Derailments giving rise to the hazard of impact with fixed structures.

• Collisions with heavy vehicles at highway-rail crossings.

The plan shall take into consideration the overall safety of all passengers and crew members and shall, at a minimum, address the following opportunities for risk reduction:

(A) *Use of cab car/MU car.* The authority shall specify the circumstances under which occupancy of a cab or MU car in the lead position is permitted, by route and train assignment. The authority shall propose or report appropriate modifications in such practices, taking into consideration service needs (*e.g.*, equipment capacity, passenger loadings) and safety issues (*e.g.*, train densities, method of operation, availability of cab signals and automatic control, issues related to standing passengers, grade crossing exposure, and other relevant factors).

(B) *Operating rules.* The authority shall review railroad operating rules and

practices pertinent to the hazards listed above to determine if further enhancements in safety are warranted and advise FRA as to what action is necessary to enhance the level of safety. Changes in existing rules shall be specified. In conducting this review, the operating authority shall analyze the measures imposed in sections 1 and 2 of this order and may propose alternative approaches that ensure the same enhancements in safety associated with those measures.

(C) *Adverse conditions.* In conducting the review of railroad operating rules and practices, consideration shall be given to adverse or unusual operating conditions such as weather (*e.g.*, fog, heavy rain or snow, flooding, etc.).

(D) *Short-term technology enhancements.* The authority shall consider short-term enhancements in technology that may improve the safety of train operations, such as use of alerting devices, equipping of additional locomotives with cab signal/ATC apparatus (where in effect on the territory), or other available enhancements to enhance engineer performance or provide warning of operation in excess of authority provided by the wayside signal system. In addition, the authority shall consider whether the installation of additional signals on any particular line would appreciably reduce the risk of train collisions.

(E) *Crew management.* The authority shall review crew management practices in light of contemporary literature regarding shift work and cumulative fatigue to determine if the alertness and performance of employees can be promoted by changes in those practices. Special attention shall be given to the issue of night split shifts.

(F) *Highway-rail grade crossings.* The authority shall review risks to passengers associated with occupancy of cab or MU cars in the lead while passing over highway-rail crossings, particularly crossings utilized by heavy vehicles and vehicles transporting hazardous materials, and shall address measures that can reduce these risks.

(G) *Emergency exit notification.* The authority shall review methods it uses, in addition to marking emergency exits, to inform passengers of the location and operation of those exits, such as flyers dropped on seats, announcements to passengers, explanations on the face of passenger tickets, etc. The authority shall specify any plans it has to increase passenger awareness of the location and operation of emergency exits.

Upon receipt of plans responsive to the above-referenced requirements, the Administrator, in consultation with the FTA Administrator, will determine whether other mandatory action appears necessary to address hazards associated with the subject rail passenger service.

Relief

Petitions for special approval to take actions not in accordance with this order may be submitted to the Associate Administrator for Safety, who shall be authorized to dispose of those requests without the necessity of amending this order.

Penalties

Any violation of this order shall subject the person committing the violation to a civil penalty of up to $20,000. 49 U.S.C. § 1301. FRA may, through the Attorney General, also seek injunctive relief to enforce this order. 49 U.S.C. § 20112.

Effective Date and Notice to Affected Persons

This order shall take effect at 12:01 a.m on February 21, 1996. This notice will be published in the Federal Register as soon as possible. Prior to publication, copies of this notice will be delivered by overnight mail or facsimile to the affected passenger railroads, public authorities, and railroad labor organizations.

Review

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 U.S.C. § 20104(b) and section 554 of Title 5 of the United States Code.

Administrative procedures governing such review are found at 49 CFR Part 211. *See* 49 CFR §§ 211.47, 211.71, 211.73, 211.75, and 211.77.

Issued in Washington, DC, on February 20, 1996.

Jolene M. Molitoris,

Administrator.

[FR Doc. 96–4204 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–06–P

Office of the Secretary

Criteria and Application Process for the Secretary of Transportation's Community Partnership Awards

AGENCY: DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation (DOT) announces procedures and guidelines for nominating community programs to receive the Secretary of Transportation's Community Partnership Awards. These annual awards will recognize exceptional community partnerships that have implemented innovative transportation-related safety programs in their communities.

DEADLINE DATE: Applications for the Secretary of Transportation's Community Partnership Awards must be postmarked on or before April 19, 1996.

MAILING ADDRESSES: Applications and all documents are to be submitted to: Military Assistant to the Secretary, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street SW., Room 10200, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Wigle, Special Assistant to the Secretary, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street S.W., Room 10200, Washington, DC 20590, (202) 366–9361.

SUPPLEMENTARY INFORMATION:

Background

This Notice solicits nominations for the Secretary of Transportation's Community Partnership Awards and provides relevant information on the application and selection process. This award program recognizes exceptional community programs which have successfully implemented innovative programs to improve transportation safety.

Purpose

Transportation safety begins at home. Be it a parent securing a child in a safety seat or a bike helmet or a child reminding a car operator to buckle-up, those safe behaviors are carried out by individuals across the nation millions of times each day. It has been shown time and again that the way to instill safe behavior in people is to reach them through community programs and activities. One of the most significant developments in the fight to reduce transportation-related deaths, injuries and their costs is the emergence of local coalitions and programs addressing a community's transportation safety problems. The Secretary of Transportation has established the Secretary of Transportation's Community Partnership Awards to recognize and honor outstanding community transportation safety programs because of the important and vital role they play in keeping Americans safe each time they travel.

Award Categories

Four (4) awards will be presented in the following three (3) categories:

- Child Transportation Safety—One award will be presented to recognize an

exemplary community program partnership which addresses transportation safety issues involving children under the age of 16.

• Transportation Safety—Two awards will be made in this category to recognize community program partnerships addressing identified or potential transportation safety problems. One award, of the two, will recognize a program addressing multimodal transportation safety issues. Multimodal issues include traffic (bicycle, pedestrian, and roadway) boating, transit, railroad, aviation, pipeline, transportation of hazardous materials, and motor carrier safety issues; and

• Safe Communities—One award will be presented to a ''Safe Community'' program. In addition to transportation-related injuries, a Safe Community program addresses other types of injury such as: falls and those related to sports, occupation, and violence. This award will be made to a community transportation safety program that has shown innovation in moving toward this comprehensive injury prevention approach, has included a broad array of partners (including both traditional transportation partners and new partners from the health, medical, and business communities) and is focused on reducing injuries and associated costs.

Presentation of Awards

Recipients will receive an award and letter of commendation from the U.S. Secretary of Transportation. In addition, each recipient will be featured in an awards publication designed to share each program's success story as an illustration of creative solutions used to build safer and healthier communities. Awards will be presented at a special luncheon program during the Department of Transportation's ''*Moving Kids Safely '96: Building Safe Communities*,'' child safety conference to be held June 9–12, 1996 in Vienna, Virginia.

Further information about the award ceremony will be provided once the award recipients have been selected and notified. For further information about the conference, please call 1–800–784–1215.

Application Process

Attach a cover sheet stating the program's name, address, telephone and fax number, and contact person. A program may only be nominated in one award category; please specify on the cover sheet the award category for which the program is being nominated. To be eligible the application must contain a brief summary statement (no longer than one page) describing the program, how it has met the identified needs of the community, and its impact on the community. Beginning on a separate piece of page, please provide detailed information describing:

• the community being served by the program;

• the problem(s) or potential problem(s) and how they were identified;

• the program's goals, objectives, and outcomes;

• program partnerships; and

• how this program meets the identified transportation safety needs of the community and how its effectiveness is measured.

Review Criteria

Nominations will be evaluated based on the following criteria:

• Problem Identification and Community Assessment. The program demonstrates an understanding of the nature of the transportation-related fatalities, injuries and non-injury incidents within the community. This includes an understanding of the causes, the seriousness of the injuries, the risk factors, and the costs to the community. In addition, the program demonstrates an understanding of the community it serves, including local resources.

• Community Partnerships. The program demonstrates the importance of partnerships in determining and solving transportation-related safety problems by forging relationships with a variety of stakeholders such as local government, law enforcement, emergency medical services, hospitals, rehabilitation specialists, schools, and businesses. If the program is multimodal, representatives of the different transportation modes are involved.

• Innovative and Comprehensive Approaches. The program demonstrates visible community support by involving community members in prioritizing identified problems, identifying solutions unique to the community and implementing those solutions. It also demonstrates unique partnerships, creative approaches for involving partners, and solving community safety problems or potential risk situations using multiple strategies for addressing identified problems.

• Evidence of Concrete, Quantifiable Results. The program has achieved measurable results showing the effectiveness of its strategies in determining improvements in identified transportation safety problems and reduction of related costs.

Program Eligibility

To be eligible, a program must be a coordinated, comprehensive activity that addresses an identified or potential transportation-related safety problem(s) within a community. The community being served by the program should be defined by the applicant. Definitions of ''community'' include the citizenry in neighborhoods, towns, cities, villages, counties, etc. In addition, a nominated community program must have been operational for at least one year.

Review Process

An initial review of all applications will be conducted by DOT staff to determine completeness and compliance with the award criteria. Applications will then be submitted to a panel of reviewers that includes representatives from Departmental agencies, partner organizations, and community advocacy groups. Each award category will have a separate panel of reviewers. A numerical score will be given to each of the criteria segments. The criteria will be weighted equally.

Entry Rules

An original and three (3) copies of the nomination must be submitted to Commander Edward Gleason, Military Assistant to the Secretary, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street SW., Room 10200, Washington, DC 20590, and postmarked on or before April 19, 1996. Delivery by certified mail is recommended. Facsimile applications will not be accepted.

Issued this 15th day of February 1996, in Washington, DC, by: Commander Edward Gleason, Military Assistant to the Secretary.

Edward Gleason, Commander,

Military Assistant to the Secretary .

[FR Doc. 96–3932 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

[Summary Notice No. PE–96–5]

Petitions for Exemption; Summary of Petitioners Received; Disposition of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this

notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before March 8, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 16, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 28344.

Petitioner: Trans Continental Airlines, Inc., et al.

Sections of the FAR Affected: 14 CFR 91.805.

Description of Relief Sought/ Disposition: To allow Trans Continental Airlines, Inc., and other petitioners to operate their DC–8 airplane(s) with ''flaps-50,'' if necessary, for landings at St. Thomas, U.S.V.I. In their petition, they seek an emergency exemption under § 11.27(j) for this emergency relief flight(s) to St. Thomas in order to transport medical supplies, water, food, or other items designated as necessary by the Federal Emergency Management Agency (FEMA) to the Hurricane Marilyn victims in St. Thomas. *Grant, September 21, 1995, Exemption Nos. 6167–6173, 6198–6225, and 6231–6244.*

[FR Doc. 96–3980 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–96–8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 8, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on February 16, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28452.

Petitioner: Boeing Commercial Airplane Group.

Sections of the FAR Affected: 14 CFR 25.562(b)(2).

Description of Relief Sought: To permit the Boeing Commercial Airplane Group relief from the floor warpage testing requirements for flight deck seats on Boeing Model 737–600/–700/–800 airplanes.

Docket No.: 28268.

Petitioner: County of Charleston.

Sections of the FAR Affected: 49 U.S.C. subtitle VII, part A, chapter 417, sections 41708, 41709, and 41738; and chapter 447, sections 44701, 44702, and 44705.

Description of Relief Sought: To permit Charleston County to continue to perform mosquito abatement functions without meeting certain reporting and aircraft fitness requirements and without obtaining a part 135 or a part 137 operating certificate.

Dispositions of Petitions

Docket No.: 22286.

Petitioner: Finnair OY.

Sections of the FAR Affected: 14 CFR 21.197.

Description of Relief Sought/ Disposition: To extension Exemption No. 4598, as amended, which permits Finnair to allow the use of a special flight permit with continuing authorization for its DC–10–30 aircraft, Registration No. N345HC. *Grant, December 18, 1995, Exemption No. 4598E.*

Docket No.: 22441.

Petitioner: United Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.433(c)(1)(iii); 121.440(a); 121.441(a)(1) and (b)(1); appendix F to part 121; and SFAR 58.

Description of Relief Sought/ Disposition: To extend Exemption No. 3451, as amended, which permits United Airlines, Inc., (UAL) to combine recurrent flight and ground training and proficiency checks for UAL's pilots in command (PIC), seconds in command (SIC), and flight engineers (FE) in a single annual training and proficiency evaluation program, i.e., a single-visit training program. *Grant, January 29, 1996, Exemption No. 3451J.*

Docket No.: 25351.
Petitioner: USAir, Inc.
Sections of the FAR Affected: 14 CFR 121.371(a) and 121.378.
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 5005, as amended, which permits USAir to utilize certain foreign original equipment manufacturers (OEM) and related repair facilities to perform maintenance, preventive maintenance, and alterations on the components, parts, and appliances produced by these foreign manufacturers and used on British Aerospace BAC–111 and BAe–146; Boeing B–737–300, B–737–400, B–757, and B–767–200ER; and Fokker F–28 and F–100 aircraft operated by USAir. The amendment lists only two foreign OEMs that USAir is authorized to use under the authority of the exemption. *Grant, December 29, 1995, Exemption No. 5005E.*

Docket No.: 25390.
Petitioner: Airbus Industrie.
Sections of the FAR Affected: 14 CFR 145.35.
Description of Relief Sought/ Disposition: To amend Exemption No. 6029, which permits the production units of the members and associated partners of the Airbus Industrie consortium to be certificated collectively under Airbus Industrie as a U.S. foreign repair station to support maintenance of U.S.-registered A300, A310, A320, A321, A330, and A340 series aircraft. The amendment corrects an FAA omission in the original exemption and updates the authority cites. *Grant, December 28, 1995, Exemption No. 6029A.*

Docket No.: 25993.
Petitioner: A. J. Dunn et al.
Sections of the FAR Affected: 14 CFR 121.383(c).
Description of Relief Sought/ Disposition: To permit exemption from the Age 60 rule. *Denial, January 25, 1996, Exemption No. 6394.*

Docket No.: 26183.
Petitioner: Air Transport Association of America.
Sections of the FAR Affected: 14 CFR 121.434 and 121.438.
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 5400, as amended, which provides relief from 14 CFR appendix H to part 121, permitting the use of a Level C (Phase II) simulator for pilot-in-command training and checking. The amendment deletes from the exemption all reference to Air Carrier Operations Bulletin (ACOB) 8–88–1. The petitioner notes that Amendment No. 121–248 to §§ 121.434 and 121.438 supersedes the provisions of ACOB 8–88–1 and makes compliance with ACOB a moot point. The FAA concurs with this point and no longer requires compliance with this ACOB. *Grant, January 29, 1996, Exemption No. 5400B.*

Docket No.: 26532.
Petitioner: McCall & Wilderness Air, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 5381, as amended, which permits appropriately trained pilots employed by McCall & Wilderness Air, Inc. (McCall), to remove and reinstall passenger seats in aircraft that are type certificated for nine or fewer passenger seats and used in operations conducted by McCall under part 135. The amendment changes the name McCall Air Taxi, Inc., to McCall & Wilderness Air, Inc. *Grant, December 29, 1995, Exemption No. 5381B.*

Docket No.: 27346.
Petitioner: Fairchild Aircraft Incorporated.
Sections of the FAR Affected: 14 CFR 91.531(a)(3).
Description of Relief Sought/ Disposition: To extend Exemption No. 5367, as amended, which permits Fairchild to allow its type-rated company pilots to conduct production and experimental test flights in the SA227–CC and SA227–DC airplanes without a second in command (SIC). It also permits all operators of Fairchild commuter category airplanes (SA227–CC, SA227–DC, and other airplanes on the same type certificate) to conduct flight operations without a designated SIC pilot, provided the airplane is type certificated for single-pilot operations and is carrying nine or fewer passengers. *Grant, January 29, 1996, Exemption No. 5367C.*

Docket No.: 27469.
Petitioner: L.A.B. Flying Service.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 5804, as amended, which permits appropriately trained pilots employed by L.A.B. Flying Service (L.A.B.) to remove and reinstall passenger seats in aircraft that are type certificated for nine or fewer passenger seats and used in operations conducted by L.A.B. under part 135. The amendment includes the addition of a Piper PA–18, as well as revisions to the conditions and limitations of the prior exemption. *Grant, December 29, 1995, Exemption No. 5804A.*

Docket No. 28361.
Petitioner: ValuJet Airlines, Inc.
Sections of the FAR Affected: 14 CFR 91.203 (a) and (b).
Description of Relief Sought/ Disposition: To allow ValuJet to operate temporarily its U.S.-registered aircraft following the incidental loss or mutilation of the airworthiness certificate or the registration certificate, or both. *Grant, January 26, 1996, Exemption No. 6395.*

[FR Doc. 96–3979 Filed 2–21–96; 8:45 am]
BILLING CODE 4910–13–M

[Summary Notice No. PE–96–7]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 8, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 16, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 011SW.

Petitioner: Agusta S.P.A.

Sections of the FAR Affected: 14 CFR 27.1(a).

Description of Relief Sought: To allow Agusta to increase the maximum gross weight of the Agusta A109 series helicopters from 6,000 to 7,000 pounds.

Docket No.: 28383.

Petitioner: Matsushita Avionics Systems Corporation.

Sections of the FAR Affected: 14 CFR 21.303(g) and 21.325(b)(3).

Description of Relief Sought: To permit Matsushita Avionics Systems Corporation (MAS) to produce parts under a Parts Manufacturer Approval at its divisional facility located in Osaka, Japan. The exemption, if granted, would also permit Designated Manufacturing Inspection Representatives employed by MAS to issue Export Airworthiness Approvals or Identification Tags (Form 8130–0) for products shipped from the Osaka facility.

Docket No.: 28440.

Petitioner: Companhia Eletromecanica Celma.

Sections of the FAR Affected: 14 CFR 145.47(b)

Description of Relief Sought: To permit Companhia Eletromecanica Celma, an FAA-certificated foreign repair station located at Petropólis (FAA Certificate No. EM4Y159M) to substitute the calibration standards of the Brazilian national standards laboratory, Instituto Nacional de Metrologia, Normalização e Qualidade Industrial, for the calibration standards of the U.S. National Institute of Standards and Technology for its inspection and test equipment.

[FR Doc. 96–3978 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–M

International Civil Aviation Organization (ICAO), Committee On Aviation Environmental Protection (CAEP)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise interested parties of a briefing to be given by The Office of Environment and Energy on the results of the third meeting of the ICAO/CAEP Montreal, Canada, December 5–15, 1995. The ICAO/CAEP is a group of aviation experts from government and industry responsible for recommending international noise and emissions standards for civil aircraft and engines.

DATES: The meeting will be held on March 1, 1996.

TIME: 1:00 pm to 3:00 pm.

ADDRESS: The meeting will be held at Federal Aviation Administration, Washington, DC, in room 5 AB.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Muldoon, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, fax (202) 267–5594.

In 1992, four working groups were established under the CAEP to pursue the work of the committee. Terms of reference were developed to undertake specific studies related to the control of aircraft noise and gaseous emissions from aircraft engines. The working groups completed their studies and the findings were presented in Bonn, Germany, June, 1995. A briefing was provided by The Office of Environment and Energy on the results of that meeting on Sept. 15, 1995. The primary purpose of the December ICAO/CAEP meeting was to evaluate the analyses and recommendations of the working groups and to establish a future work program for the Committee.

The agenda for the March meeting will include:

- An overview of the meeting
- The disposition of recommendations on Noise and Emission Stringency by CAEP
- Next steps in the ICAO process
- Future CAEP work
- Question, comment and answer period

Attendance is open to the public, and will only be limited by space available. Arrangements can be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 7 calendar days before the meeting.

Jim Muldoon,

Office of Environment and Energy.

[FR Doc. 96–3966 Filed 2–16–96; 1:36 pm]

BILLING CODE 4910–13–M

Notice of Intent to Rule on Application to Use the Revenue from a Passenger Facility Charge (PFC) at Pellston Regional Airport of Emmet County, Pellston, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Pellston Regional Airport of Emmet County under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 25, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Raymond L. Thompson, Airport Manager, of the County of Emmet at the following address: Pellston Regional Airport of Emmet County U.S. 31 North Pellston, Michigan 49769.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Emmet under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jon B. Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (313–487–7281). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Pellston Regional Airport of Emmet County under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget

Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 7, 1996, the FAA determined that the application to use the revenue from a PFC submitted by the County of Emmet was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 22, 1996.

The following is a brief overview of the application.

PFC Application No.: 96–03–U–00–PLN;

Level of the PFC: $3.00;

Actual charge effective date: March 1, 1993;

Estimated charge expiration date: January 31, 1998;

Total approved net PFC revenue: $177,717.00; and

Brief description of proposed project(s): Rehabilitate Taxiway A; Rehabilitate medium intensity runway lighting (MIRL) for Runway 5/23; Purchase snow removal equipment (SRE).

Class or classes of air carriers which the public agency has requested not be required to collect PFCs; air taxies and charters.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the County of Emmet.

Issued in Des Plaines, Illinois, on February 14, 1995.

Benito DeLeon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 96–3975 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 95–27; Notice 2]

Decision That Nonconforming 1994 Volvo 945 GL Wagons Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1994 Volvo 945 GL Wagons are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1994 Volvo 945 GL Wagons not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1994 Volvo 940 GL Wagon), and they are capable of being readily altered to conform to the standards.

DATE: This decision is effective as of the date of its publication in the Federal Register (February 22, 1996).

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) petitioned NHTSA to decide whether 1994 Volvo 945 GL Wagon passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on May 1, 1995 (60 FR 21235) to afford an opportunity for public comment. As stated in the notice, the vehicle which Champagne believes is substantially similar is the 1994 Volvo 940 GL Wagon. Champagne submitted information indicating that the 1994 Volvo 940 GL Wagon was certified as conforming to all applicable Federal motor vehicle safety standards and offered for sale in the United States.

Champagne submitted information with its petition intended to demonstrate that the 1994 Volvo 945 GL Wagon, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1994 Volvo 940 GL Wagon, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claimed that the 1994 Volvo 945 GL Wagon is identical to the 1994 Volvo 940 GL Wagon with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *.*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials.*

Additionally, the petitioner stated that the 1994 Volvo 940 GL Wagon complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contended that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.—model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of U.S.—model front and rear sidemarker/reflector assemblies; (c) installation of U.S.—model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: Replacement of the passenger side rear view mirror, which is convex, but lacks the required warning statement.

Standard No. 114 *Theft Protection*: Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number*: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems*: Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) installation of a U.S.-model driver's side air bag and knee bolster. The petitioner stated that the vehicle is also equipped in both front seating positions with combination lap and shoulder belts that adjust by means of an automatic retractor and release by means of a single push button. The petitioner further stated that the vehicle is equipped at each rear outboard seating position with a lap and shoulder belt and with a lap belt at the rear center seating position.

Standard No. 214 *Side Impact Protection*: Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity*: Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

One comment was received in response to the notice of the petition, from Volvo Cars of North America, Inc., (''Volvo''), the United States representative of the vehicle's manufacturer, Volvo Car Corporation of Gothenburg, Sweden. In its comment, Volvo stated that in addition to the noncompliances noted by the petitioner, the 1994 Volvo 945 GL Wagon is equipped with a parking brake indicator light and an anti-lock brake system malfunction light that do not comply with Standard No. 101. Volvo also stated that it does not manufacture sealed beam headlamps for 1994 Volvo 945 GL Wagon that would comply with Standard No. 108, or know of such equipment being manufactured by any other company, and that none of the vehicle's external lamps comply with the standard. Volvo further stated that the vehicle's driver side rearview mirror does not comply with Standard No. 111, that it lacks a key-interlock system that would comply with Standard No. 114, and that it is neither equipped with U.S.-model bumpers nor been tested for compliance with the Bumper Standard, 49 CFR part 581.

Volvo's last comment was that the 1994 Volvo 945 GL Wagon is not equipped with a passenger side air bag and knee bolster, as found on the U.S. certified 1994 Volvo 945 GL Wagon. Volvo contends that these components are part of a ''complex and sensitive system which is integrated into the vehicle,'' and that it is not possible to retrofit such a system ''while still assuring system reliability.'' As a consequence, Volvo contends that the 1944 Volvo 945 GL Wagon is not capable of being readily altered to conform to the Federal motor vehicle safety standards.

NHTSA accorded Champagne an opportunity to respond to Volvo's comments. In its response, Champagne stated that it will install U.S.-model brake indicator and an anti-lock brake system malfunction lights to address the concerns that Volvo raised regarding compliance with Standard No. 101. Champagne further stated that it will replace the headlights on the 1994 Volvo 945 GL Wagon with U.S.-model components to assure compliance with Standard No. 108, and that its petition already addressed all other issues regarding this standard that were raised by Volvo. Champagne stated that it will replace the driver side rearview mirror with a U.S. model component to assure compliance with Standard No. 111. Champagne contended that its petition already addressed the Standard No. 114 compliance issue raised by Volvo. Champagne further contended that the bumper system on the 1994 Volvo 945 GL Wagon, consisting of an outer cover, a reinforcement bar, and impact absorbers.

In response to the Standard No. 208 compliance issue raised by Volvo, Champagne stated that it will install a passenger side air bag and related components in the 1994 Volvo 945 GL Wagon. These components will have the same part numbers as those found on U.S. certified 1994 Volvo 945 GL Wagon. Champagne stated that the installation of a passenger side air bag ''is a straightforward procedure,'' and that it has the technical ability to complete the installation, and have it comply with Standard No. 208, based on Champagne's past experience in installing this type of system on other foreign automobiles.

NHTSA has reviewed each of the issues that Volvo has raised regarding Champagne's petition. NHTSA believes that Champagne's responses adequately address each of those issues. NHTSA further notes that the modifications described by Champagne to achieve compliance with Standard Nos. 101, 108, 111, and 114 have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the 1994 Volvo 945 GL Wagon from being found ''capable of being readily modified to comply with all Federal motor vehicle safety standards.'' NHTSA also believes that the need to install a passenger side air bag to achieve compliance with Standard No. 208 would not preclude such a finding, given the nature of the modifications described by Champagne. However, in view of the concerns that Volvo has raised regarding this issue, NHTSA will closely monitor conformity statements to ensure that passenger side air bags are installed on imported vehicles in a manner that conforms to the requirements of Standard No. 208. NHTSA finally notes that because the Bumper Standard is not a Federal motor vehicle safety standard, issues regarding a vehicle's capability of compliance with the Bumper Standard are immaterial to a decision as to whether it is eligible for importation. Imported vehicles, of course, must nevertheless be brought into compliance with the bumper standard. NHTSA has accordingly decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–132 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1994 Volvo 945 GL Wagon not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1994 Volvo 940 GL Wagon originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 16, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–4013 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 96–12; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1995 Chevrolet 400 SS Pickup Trucks Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1995 Chevrolet 400 SS pickup trucks manufactured for the Mexican market are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1995 Chevrolet 400 SS pickup truck manufactured for the Mexican market that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is March 25, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''Wallace'') (Registered Importer No. R–90–005) has petitioned NHTSA to decide whether 1995 Chevrolet 400 SS pickup trucks manufactured for the Mexican market are eligible for importation into the United States. The vehicle which Wallace believes is substantially similar is the 1995 Chevrolet C1500. Wallace has submitted information indicating that General Motors Corporation, the company that manufactured the 1995 Chevrolet C1500, certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that it carefully compared the 1995 Chevrolet 400 SS to the 1995 Chevrolet C1500, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the 1995 Chevrolet 400 SS, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1995 Chevrolet C1500 that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1995 Chevrolet 400 SS is identical to the certified 1995 Chevrolet C1500 with respect to compliance with Standards Nos. 101 *Controls and Displays,* 102 *Transmission Shift Lever Sequence* * * *, 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 108 *Lamps, Reflective Devices and Associated Equipment,* 109 *New Pneumatic Tires,* 111 *Rearview Mirrors,* 113 *Hood Latch Systems,* 114 *Theft Protection,* 115 *Vehicle Identification Number,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the 1995 Chevrolet 400 SS complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 120 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection:* installation of an automatic restraint system consisting of a driver's side air bag and knee bolster. The petitioner states that the vehicle is equipped with Type 2 seat belts in both outboard seating positions.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 16, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–4014 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 96–10; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1992 Ferrari 348TS Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992 Ferrari 348TS passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1992 Ferrari 348TS that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is March 25, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9:30 a.m to 4 pm).

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

LPC of New York, Inc. of Ronkonkoma, New York (''LPC'') (Registered Importer 96–100) has petitioned NHTSA to decide whether 1992 Ferrari 348TS passenger cars are eligible for importation into the United States. The vehicle which LPC believes is substantially similar is the 1992 Ferrari 348TS that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1992 Ferrari 348TS to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

LPC submitted information with its petition intended to demonstrate that the non-U.S. certified 1992 Ferrari 348TS, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1992 Ferrari 348TS is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* * * *., 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 111 *Rearview Mirrors,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1992 Ferrari 348TS complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Placement of the appropriate symbols on the brake failure, parking brake, and seat belt warming lamps; (b) replacement of the speedometer/odometer, which is calibrated in kilometers per hour, with a U.S.-model component calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamps; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection:* Installation of a seat belt warning buzzer. The petitioner states that the vehicle is equipped with automatic seat belt assemblies that have part numbers identical to those on its U.S. certified counterpart.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before

and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 16, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–4016 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 96–11; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1990 Porsche 944 S2 2-Door Hatchback Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1990 Porsche 944 S2 2-door hatchback passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1990 Porsche 944 S2 2-door hatchback that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is March 25, 1996.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. (Docket hours are from 9:30 am to 4 pm).

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

LPC of New York, Inc. of Ronkonkoma, New York (''LPC'') (Registered Importer 96–100) has petitioned NHTSA to decide whether 1990 Porsche 944 S2 2-door hatchback passenger cars are eligible for importation into the United States. The vehicle which LPC believes is substantially similar is the 1990 Porsche 944 S2 2-door hatchback that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1990 Porsche 944 S2 2-door hatchback to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

LPC submitted information with its petition intended to demonstrate that the non-U.S. certified 1990 Porsche 944 S2 2-door hatchback, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1990 Porsche 944 S2 2-door hatchback is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* * * *., 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity, and* 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1990 Porsche 944 S2 2-door hatchback complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Placement of the appropriate symbols on the brake failure, parking brake, and seat belt warning lamps; (b) replacement of the speedometer/odometer with a U.S.-model component calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model taillamps; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection:* Installation of a seat belt warning buzzer. The petitioner states

that the vehicle is equipped with an automatic restraint system consisting of an air bag and knee bolster that have part numbers identical to those on its U.S. certified counterpart.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 16, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–4015 Filed 2–21–96; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 96–19]

Request for Public Comments Concerning Dissemination of Existing Information Product and Elimination of Microfiche

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice, request for public comments.

SUMMARY: The U.S. Customs Service provides rulings and publications on a variety of subjects for the guidance of the importing public. The rulings have been available in the past in a variety of formats, including printed media, diskette and microfiche. The Customs Service would like to provide these rulings, future publications and additional information in two new formats (CD–ROM and the Internet) with built-in search capabilities and ''hypertext'' links. In addition, the Customs Service would like to receive public comments on the elimination of one format used to supply rulings to the public by subscription (microfiche). This document invites public comment on the various proposals.

DATES: Comments must be submitted by March 25, 1996.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, U.S. Customs, Franklin Court, 1301 Constitution Avenue, NW, Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations & Rulings, Franklin Court, 1099 14th Street NW., Suite 4000W, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

For contents and technical aspects of the CD–ROM: Howard Plofker, 202–482–7077

For the Internet: Kathy Davis, 202–927–0255

For the microfiche: Thomas Budnik, 202–482–6909

SUPPLEMENTARY INFORMATION: In accordance with OMB Circular A–130 and Section 2 of the Paperwork Reduction Act of 1995 (Pub.L. 104–13, 44 U.S.C. 3506(d)), Customs is soliciting comments from the public on the dissemination of Customs information by CD–ROM (Compact Disc-read only memory) and the Internet and the elimination of microfiche rulings. In the past, the U.S. Customs Service has, pursuant to section 103.4, Customs Regulations (19 CFR 103.4), made its rulings available to the importing community. These rulings have been available in microfiche format, and in ASCII text format on 3.5•• and 5.25•• diskettes, on an annual subscription basis. They have also been available through a variety of private subscription services, which obtain the rulings from Customs.

CD–ROM

The New York and Headquarters rulings available in an electronic format now number approximately 23,000 rulings and take up a considerable amount of hard disk drive space when loaded on a PC or network. Over the past two years, Customs Office of Regulations & Rulings converted its internal electronic rulings (which had been distributed to the public on diskette, by subscription) into the Folio VIEWS® Infobase format. This format compresses the file size and indexes the records in a file. It has extensive search and query capabilities and is frequently used to disseminate legal and government publications. Customs has also converted the Harmonized Tariff Schedules, Title 19 of the Code of Federal Regulations, Title 19 of the U.S. Code, the Valuation Encyclopedia and other documents into this format for internal use.

Last July, the Office of Finance, in partnership with the Offices of Regulations & Rulings and Strategic Trade, began producing an in-house CD–ROM for Customs officers which contained those infobases together with other material. Since that time, material from other Customs offices has been added. This CD–ROM is prepared monthly for dissemination to Customs field offices. The internal CD–ROM utilizes the Windows version of Folio VIEWS® 3.1. Each CD–ROM disk can hold approximately 650 MB of material. The infobases contain ''hypertext'' jump links so that a researcher who sees a reference to another ruling, a regulation or statute cited within a ruling may ''double-click'' on the reference and bring up the referenced document, if it is on the CD–ROM. Documents or portions of documents may be cut, copied and pasted to other Windows applications, such as word processors, or printed. Many members of the public who have seen the system in use have recommended that it be made available to the public. Because some of the material on the Customs internal CD–ROM is copyrighted, proprietary or for internal use, that material cannot be distributed to the public.

The Customs Service agrees that in accordance with the ''informed compliance'' mandate contained in the legislative history of the Customs Modernization Act (Title VI, Public Law 103–182) the broadest dissemination possible should be made of this material. Customs seeks public comment on dissemination of the rulings and related material in a CD–ROM format. Customs would like to offer the CD–ROM in the Folio Views® format, since that format is being used for internal dissemination and minimal additional costs would be incurred in preparing a public version. Customs would include the licensing fee for the program in the price of the CD–ROM. It is expected that CD–ROMs would be offered on an annual subscription basis with an estimated cost of approximately $240–300 per year for 10–12 CD–ROMs.

It is anticipated that the initial CD–ROMs would contain all the rulings available in electronic format (including all Headquarters Rulings and New York Rulings previously available on diskette). The rulings on CD–ROMs will be cumulative, unlike the current diskette services. In addition the initial CD–ROM will contain 19 CFR, 19 U.S.C., the Harmonized Tariff Schedules of the U.S., and the Valuation Encyclopedia. It is hoped that future CD–ROMs will contain various

Informed Compliance publications and other material of interest to the importing and exporting community. The CD–ROMs would contain a small ''Infobase Manager'' program which would be installed on the PC's hard drive. The infobases themselves would remain on the CD–ROM, thereby conserving hard drive space. When a new CD–ROM is issued, the old one could be removed, since the CD–ROMs are cumulative. If this proposal is adopted, the first CD–ROMs would be available for the public in the Spring. An alternative to the above would be to provide the infobases on the CD–ROM without a program to run them. This would require the subscriber to purchase Folio Views® 3.1 from the Folio Corporation or an authorized reseller. A second alternative would be to put the ASCII (plain, un-indexed text) files containing the rulings and some other material or WordPerfect files on a CD–ROM without any indexing or hypertext program. Customs does not believe that this alternative will be as useful to the vast majority of users since the files will be uncompressed and unindexed and a search program will have to be purchased from another supplier.

Customs would encourage the broadest possible dissemination of the material contained on the CD–ROM infobases and would invite electronic publishers to add material on any commercial redistribution of the infobases. Customs also invites the public to identify the type of materials it would like to see on the CD–ROM.

Internet

Customs also proposes placing publications and other information of interest to the public on the Internet. Customs is considering including the CD–ROM infobases described above on the Internet where users could access, and search the material without charge. The public is invited to comment on these proposals and identify other documents and material which the public believes should be made available on the Internet. Public accessibility to the Customs material on the Internet is anticipated for late Spring, 1996.

Microfiche

For many years, Customs made microfiche copies of rulings available to the public by annual subscription. The production of microfiche is an expensive and time consuming process compared to the preparation and production of electronic rulings, which is a by-product of writing the ruling itself. The number of microfiche subscribers has been declining since the diskette subscription services were introduced. Customs expects to eliminate the microfiche service effective October, 1996, the beginning of the fiscal year. However, if sufficient public interest exists in continuing the microfiche rulings, Customs may reconsider this decision. However, it is anticipated that subscription prices will have to be increased dramatically to continue the microfiche.

Comments

Customs requests comments on implementation of the CD–ROM project and the Internet project and elimination of the microfiche rulings. Persons wishing to comment on any of these projects should send their comments to the Regulations Branch, Office of Regulations & Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229. Comments may be reviewed at the Regulations Branch, Office of Regulations and Rulings, Suite 4000W, 1099 14th Street, Washington, DC 20005 during the hours of 9:30 a.m. and 4:00 p.m.

Dated: February 14, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 96–3903 Filed 2–21–96; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

Proposed Information Collection Activity; Public Comment Request: Persian Gulf Registry Questionnaire; VA Form 10–20988 (NR)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Correction.

In Federal Register Volume 61, No. 20, appearing on page 3087, in the issue of Tuesday, January 30, 1996, make the following corrections:

1. On page 3087, in the first column, under **AGENCY:** The first and second lines should read ''Veterans Health Administration, Department of Veterans''.

2. On the same page, in the same column, under **SUMMARY:** the third and fourth lines should read ''burden, Veterans Health Administration (VHA) invites the''.

3. On the same page, in the same column, under **ADDRESSES:** the second and third lines should read ''to Ann Bickoff, Veterans Health Administration (161A4), Department of''.

Dated: February 14, 1996.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–3923 Filed 2–21–96; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 61, No. 36
Thursday, February 22, 1996

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).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 11:30 a.m.–2:00 p.m.

PLACE: ADF Headquarters.

DATE: Monday, February 26, 1996.

STATUS: Open.

Agenda

11:30 a.m. Lunch
12:00 noon Chairman's Report
12:15 p.m. President's Report
1:00 p.m. Other

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673–3916.

William R. Ford,

President.

[FR Doc. 96–4060 Filed 2–20–96; 9:43 am]

BILLING CODE 6116–01–P–M

ASSASSINATION RECORDS REVIEW BOARD

DATE: February 29–March 1, 1996.

PLACE: ARRB, 600 E Street, NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review and Accept Minutes of Closed Meeting
2. Review of Assassination Records
3. Other Business

CONTACT PERSON FOR MORE INFORMATION: Thomas Samoluk, Associate Director for Communications, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724–0088; Fax: (202) 724–0457.

T. Jeremy Gunn,

General Counsel.

[FR Doc. 96–4154 Filed 2–20–96; 2:19 pm]

BILLING CODE 6118–01–P

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 19, 26, March 4, and 11, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of February 19

Wednesday, February 21

3:30 p.m.
Affirmation Session (Public Meeting)
a. Kerr-McGee Chemical Corporation—Motion To Dismiss Proceeding and Vacate Underlying Decisions (Tentative)
(Contact: Andrew Bates, 301–415–1963)

Week of February 26—Tentative

Monday, February 26

10:00 a.m.
Briefing by Organization of Agreement States (Public Meeting)
(Contact: Kathy Schneider, 301–415–2320)

Tuesday, February 27

10:00 a.m.
Briefing by Staff on Steam Generator Issues (Public Meeting)
(Contact: Jack Strosnider, 301–415–2795)
2:00 p.m.
Briefing by National Academy of Sciences on Review of Medical Use Program (Public Meeting)
(Contact: Trish Holahan, 301–415–7847)

Wednesday, February 28

9:30 a.m.
Briefing by NARUC on Utility Deregulation (Public Meeting)
(Contact: Spiros Droggitis, 301–415–2367)

Week of March 4—Tentative

There are no meetings scheduled for the Week of March 4.

Week of March 11—Tentative

There are no meetings scheduled for the Week of March 11.

ADDITIONAL INFORMATION: By a vote of 3–0 on February 15, the Commission determined pursuant to U.S.C. 552(e) and § 9.107(a) of the Commission's rules that "Affirmation of Draft OGC Order in Response to Citizens Awareness Network in Matter of Yankee Atomic Electric Company" (Public Meeting) be held on February 15, and on less than one week's notice to the public.

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: February 16, 1996.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 96–4059 Filed 2–20–96; 9:43 a.m.]

BILLING CODE 7590–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, March 4, 1996, and at 8:30 a.m. on Tuesday, March 5, 1996, in Washington, D.C.

The March 4 meeting is closed to the public (see 61 FR 6297, February 16, 1996). The second item, a filing with the Postal Rate Commission for classification reform of nonprofit rates, has been deferred. The March 5 meeting is open to the public and will be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas, J. Koerber, at (202) 268–4800.

Agenda

Monday Session

March 4–1:00 p.m. (Closed)

1. Consideration of the Postal Rate Commission Decision in Docket No. MC95–1, Mail Classification Reform. (M. Richard Porras, Vice President, Controller; John H. Ward, Vice President, Marketing Systems; and John L. DeWeerdt, Chief Counsel, Classification and Customer Service.)
2. Overview of the International Business Unit and Consideration of International Rate Setting Process. (James F. Grubiak, Vice President, International Business.)

Tuesday Session

March 5–8:30 a.m. (Open)

1. Minutes of the Previous Meeting, February 5–6, 1996.
2. Remarks of the Postmaster General/Chief Executive Officer. (Marvin Runyon).

3. Appointment of Members to Board Committees. (Chairman Tirso del Junco, M.D.)

4. Capital Investment.

a. Multiline Optical Character Reader (MLOCR) Co-Directory. (William J. Dowling, Vice President, Engineering.)

5. Tentative Agenda for the April 1–2, 1996, meeting in Phoenix, Arizona.

Thomas J. Koerber,

Secretary.

[FR Doc. 96–4190 Filed 2–20–96; 3:24 pm]

BILLING CODE 7710–12–M

federal register

Thursday
February 22, 1996

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121 and 135

Training and Qualification Requirements for Check Airmen and Flight Instructors; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 28471; Notice No. 96–1]

RIN 2120–AF08

Training and Qualification Requirements for Check Airmen and Flight Instructors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: Some experienced pilots who would otherwise qualify as flight instructors or check airmen but who are not medically eligible to hold the requisite medical certificates, cannot perform flight instructor or check airmen functions even in simulators. This proposed rule would establish separate categories of requirements for check airmen who check only in flight simulators and flight instructors who instruct only in flight simulators. To ensure an equivalent level of safety, the affected check airmen and flight instructors would have to accomplish the following, which could be demonstrated in a flight simulator or flight training device: recency of experience requirements; biannual observation checks of their check airman/instructor abilities; and required training, including recurrent ground and flight training. A flight instructor (simulator) or check airman (simulator) would be required to meet recency of experience requirements, in the 12-month period preceding the performance of flight instruction or check airman functions, by flying two flight segments as a required crewmember for the type aircraft involved, if medically qualified and certificated, or by participating in a line-observation program. Additionally, the FAA proposes that check airmen and instructors can obtain all of their flight training in simulators, as opposed to the current scheme in which initial and transition flight training must include an in-flight element.

DATES: Comments must be submitted on or before March 25, 1996.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 28471, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 28471. Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tom Toula, Air Carrier Training Branch, (AFS–210), Flight Standards Service, Federal Aviation Administration , 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–3718.

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. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposal contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comment, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a pre-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. ____.'' The postcard will be date-stamped and mailed to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRMs should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The requirements for training, checking, and qualification of check airmen and flight instructors who perform training and checking for certificate holders operating under 14 Code of Federal Regulations parts 121 and 135 appear in §§ 121.411 and 135.337 (check airman and flight instructor qualification) and §§ 121.413 and 135.339 (check airman and flight instructor training and checking).

When parts 121 and 135 were implemented, the primary means of training was in an aircraft. Therefore there was a requirement for check airmen instructors to hold appropriate medical certificates. Even after flight simulators came into use in the late 1970s, check airmen and flight instructors were likely to use both aircraft and flight simulators. Despite significant changes in methods of training, particularly an increased use of flight simulation in training, the sections of parts 121 and 135 mentioned above have not been significantly revised in over 20 years. These sections still focus primarily on check airmen and flight instructors who perform their functions in airplanes.

Today, flight simulators and flight training devices are now so sophisticated that they are used to conduct most training and checking with significant benefits to safety and to the environment and with significant cost savings. Training and checking in simulators and flight training devices have distinct advantages over training and checking in flight. Flight simulators provide a safe flight training environment, more comprehensive training, and may reduce the number of training and in-service accidents by allowing training for emergency situations that cannot be safely conducted in flight. The use of flight simulators and flight training devices in lieu of aircraft has resulted in a reduction in air traffic congestion, energy use, noise, air pollution, and training costs.

Some experienced pilots who would otherwise qualify as flight instructors or check airmen but who are not medically eligible to hold the requisite medical certificates, cannot perform flight instructor or check airmen functions even in simulators. Thus the regulations do not establish separate categories of requirements for check airmen who check only in flight simulators or for

flight instructors who instruct only in flight simulators. There are a number of highly experienced airmen who might serve as flight instructors or check airmen, including former military pilots, former air carrier pilots, and furloughed pilots, as well as other experienced pilots, who because of medical conditions, are unable to hold an airman medical certificate.

This proposed rule would allow experienced check airmen and flight instructors who are not able to hold a current medical certificate to check or instruct in flight simulators and flight training devices. Affected check airmen and flight instructors would have to meet similar requirements that a pilot flying the line is required to meet, such as initial training, proficiency checks, and competency checks and could use flight simulators to meet these similar requirements. The proposed regulations also address check airmen in aircraft, check airmen in flight simulators or flight training devices, flight instructors in aircraft, and flight instructors in flight simulators or flight training devices.

The Air Carrier Training Working Group of the Aviation Rulemaking Advisory Committee (ARAC) recommended that the FAA amend its regulations so that airmen who were not eligible to hold medical certificates would nonetheless be eligible to instruct or check pilots and other airmen in simulators. On July 16, 1992, ARAC forwarded draft rule language for the FAA to review. The FAA used ARAC's draft as the basis for developing this proposal.

Discussion of the Proposed Rule

The proposed rule would revise the following sections of parts 121 and 135: §§ 121.411, 121.413, 135.337, and 135.339; it would add the following four new sections: §§ 121.412, 121.414, 135.338, and 135.340.

The most significant changes between the current and proposed rules are as follows:

(1) The categories of check airman (simulator) and flight instructor (simulator) would be defined with separate requirements for each.

(2) The following requirements for flight instructors and check airmen who only perform check airmen and instructor functions in flight simulators and flight training devices would be deleted:

- The requirement to hold at least a Class III medical certificate, in § 121.411(a)(6).
- The requirement to hold a Class I, II, or III medical certificate, in § 135.337(a).

(3) A flight instructor (simulator) or check airman (simulator) would be required to meet recency of experience requirements, in the 12-month period preceding the performance of flight instruction or check airman functions, by flying two flight segments as a required crewmember for the type aircraft involved, if medically qualified and certificated or by participating in a line-observation program.

(4) Training requirements for check airmen and flight instructors who serve in training programs under parts 121 and 135 are in §§ 121.413, 121.414, 135.339, and 135.340. The FAA proposes to change these requirements in the following ways:

- A new requirement would be imposed for check airmen and flight instructors, to satisfactorily complete, within the preceding 24 calendar months, an observation check of their check airman or flight instructor functions. This check may be accomplished in a flight simulator or in a flight training device as appropriate.
- Flight instructors would be required to have much of the same ground training requirements as check airmen. As a practical matter, ground training for flight instructors and check airmen are the same; however, the current rules are not specific in this area. This change would ensure that flight instructors and check airmen receive the same ground training.
- Initial and transitional flight training for pilot check airmen and pilot instructors currently requires in-flight training and practice. The FAA proposes to allow this training to take place in simulators or training devices.

These changes would allow certain experienced pilots who are unable to meet current medical certificate requirements to be able to check and instruct, but only in flight simulators and flight training devices. To allow this flexibility while maintaining safety, the proposed rules would require flight instructors (simulator) and check airmen (simulator) to meet recency of experience requirements, take biannual observation checks of their check airman/instructor abilities, complete the required recurrent training necessary to serve as a pilot-in-command under parts 121 and 135 or a flight engineer or flight navigator under part 121, and complete required proficiency or competency checks. A detailed section-by-section description of the proposed rule follows.

Section-by-Section Analysis

Section 121.411 Qualifications: Check Airmen (Airplane) and Check Airmen (Simulator)

Section 121.411(a)(1) now requires that a flight instructor or check airman who serves in a training program under part 121, for the particular airplane type involved, hold the airman certificates and ratings that must be held in order to serve as a pilot in command (PIC), a flight engineer, or a flight navigator, as appropriate, in operations under part 121. Current § 121.411(a)(6) requires that a check airman or flight instructor who serves in a training program under part 121 must hold at least a Class III medical certificate. Under current § 121.411(b)(1) a simulator instructor instructing for a course of training in an airplane simulator as provided in § 121.409(b) must hold an airline transport pilot (ATP) certificate.

Proposed revisions to this section would change the applicability from check airmen and flight instructors to check airmen (airplane) and check airmen (simulator). Flight instructors would be covered under proposed § 121.412. Proposed paragraph (a) of § 121.411 would state that a check airman (airplane) is a person who is qualified and permitted to conduct flight checks and instruction in an airplane, in a flight simulator, or in a flight training device for a particular type airplane. A check airman (simulator) would be qualified to conduct flight checks only in a flight simulator or in a flight training device for a particular type aircraft.

Proposed paragraph (b) would contain the eligibility requirements to serve as a check airman (airplane). With some editorial revisions and an additional requirement to satisfy the recency of experience requirement of § 121.439, the eligibility requirements would remain the same as the current requirements. The recency provisions would be added to ensure equivalent recency of experience for those check airmen who may not be flying line operations.

Proposed paragraph (c) of § 121.411 would establish the eligibility requirements for check airmen (simulator). These proposed requirements would be the same as those for check airmen (airplane) in proposed paragraphs (b) with two exceptions. There would be no requirement to hold a Class III medical certificate and the recency of experience requirements of proposed § 121.411(b)(6) would not be required of part 121 check airmen (simulator). Check airmen (simulator) would instead be allowed to meet proposed recency of

experience requirements in proposed paragraph (f), discussed later in this section. Check airmen (airplane) may only meet recency of experience requirements in an airplane because they are able to perform their functions in an airplane as a required flight crewmember. In addition, current § 121.411(c), which grants training relief to check airmen, flight instructors, and simulator instructors who were designated before December 22, 1969, would be deleted since the FAA believes that this provision is obsolete.

Proposed paragraph (d) would be added to clarify that the completion of the requirements of (b) (2), (3), and (4) or (c) (2), (3), and (4), whichever is applicable, must be entered into the operator's records for each individual check airman.

Proposed paragraph (e) would be added to restate the portion of current § 121.411(a)(6) allowing airmen who have passed their 60th birthday or who do not hold a medical certificate to perform check airmen functions, but, under this proposed paragraph, these airmen may not serve as crewmembers under part 121 operations.

Proposed paragraph (f) would be added to offer an alternate method for maintaining recency of experience requirements for check airmen (simulator). Under this proposal, check airmen (simulator) would, within the 12-month period preceding the performance of check airman duties, either fly two segments as a required crewmember for the type airplane or satisfactorily complete an approved line-observation program.

Proposed paragraph (g) would be added to provide that the recency of experience requirements of paragraph (f) may be completed in the calendar month before or the calendar month after the month in which it is due.

Section 121.412 Qualifications: Flight Instructors (Airplane) and Flight Instructors (Simulator)

The proposed requirements for this section are virtually identical to those in proposed § 121.411 for check airmen. Additionally, this proposed section would specify that individuals who do not hold a medical certificate may not function as a flight instructor in an airplane.

Section 121.413 Initial and Transition Training and Checking Requirements: Check Airmen (Airplane) and Check Airmen (Simulator)

Proposed paragraph (a)(1) would continue the current requirement that, in order to serve as a check airman, a person must have completed initial or transition check airman training. Additionally, proposed paragraph (a)(2) would require an observation check of check airman functions within the preceding 24 calendar months. The observation check could be done in part or in full in an airplane, in a flight simulator, or in a flight training device as appropriate. An FAA inspector or an appropriate designated examiner could administer this observation check. The FAA believes that the observation check requirement would better ensure that check airmen maintain their qualifications and their abilities to perform all other duties as appropriate for check airmen.

In proposed paragraph (b) the observation check requirement of paragraph (a)(2) could be accomplished in the month before or the month after the month in which it is due.

Proposed paragraph (c) of this section would cover initial ground training requirements for check airmen. Most of the requirements are in current paragraphs (a)(1) through (a)(6) of § 121.413. Some editorial revisions would be made in the proposal.

Proposed paragraph (d) would cover transition ground training for check airmen. This proposed paragraph would separate transition ground training requirements from initial ground training requirements, but would impose no new requirements since transition and ground training are currently required in § 121.413(a)(6).

Proposed paragraph (e) would be added to cover initial and transition flight training for pilot check airmen (airplane), flight engineer check airmen (airplane), and flight navigator check airmen (airplane). Proposed paragraph (e) would contain requirements equivalent to those contained in current § 121.413 (c) and (d), but would place greater emphasis on the safety issues required during checking that takes place under actual flight. Additionally, it would broaden the scope of current § 121.413(c) to include flight engineers (airplane) and flight navigators (airplane). The FAA believes that the flight engineer (airplane) and flight navigator (airplane) safety functions are as important to the safe conduct of a flight as that of the check airman (airplane).

Proposed paragraph (f) would be added to allow all the flight training provisions of proposed paragraph (e) to be accomplished in full or in part in flight, in flight simulators, or flight training devices as appropriate. Because of technological advances in simulation, the FAA believes that the requirements in current § 121.413(c)(1) may be conducted in a simulator. Current paragraph (c) allows the initial and transition flight training in safety measures for emergency situations (paragraph (c)(2)) and the results of improper or untimely safety measures (paragraph (c)(3)) to be accomplished in an approved flight simulator, but requires the training requirements of current paragraph (c)(1) to be conducted in flight. The FAA believes that this proposal is appropriate because of the proven effectiveness of flight simulator training. Flight training devices would also be allowed to fulfill the training requirements for the same reasons.

Proposed paragraph (g) would be added to establish initial and transition flight training for check airmen (simulator). The proposed requirements include training and practice in the required normal, abnormal, and emergency procedures and training in the operation of flight simulators or flight training devices. Under the proposed paragraph, the training could be conducted in flight training devices or flight simulators as appropriate. The proposed requirements are necessary to establish flight training requirements specifically for check airmen (simulator) who are qualified to conduct flight checks or instruction only in a flight simulator or in a flight training device.

Section 121.414 Initial and Transition and Checking Requirements: Flight Instructors (Airplane) and Flight Instructors (Simulator)

The proposed requirements for this section would be identical to the provisions in proposed § 121.413 except that the terms and references would apply to flight instructors, the required observation check would be an observation check of instructor functions, and would include the current requirement for training in teaching methods and procedures except for the holder of a flight instructors certificate.

Section 135.337 Qualifications: Check Airmen (Aircraft) and Check Airmen (Simulator)

Section 135.337(a)(1) currently requires that a flight instructor or check airman serving in a training program under part 135, for the particular aircraft type involved, must hold the airman certificate and ratings that must be held to serve as a PIC in operations under part 135. Section 135.337(a)(5) currently requires that such a flight instructor or check airman hold a Class I or Class II medical certificate required to serve as a PIC in operations under part 135. Under current § 135.337(a)(7), a check airman who serves in an aircraft simulator only must hold a Class III

medical certificate. Section 135.337(b) currently requires that a person who serves as a simulator instructor for a course of training in an aircraft simulator must hold at least a commercial pilot certificate.

Proposed revisions to this section would change the applicability from check airmen and flight instructors to check airmen (aircraft) and check airmen (simulator). Flight instructors would be covered under proposed § 135.338. Proposed paragraph (a) of § 135.337 would state that a check airman (aircraft) is a person who is qualified and permitted to conduct flight checks and instruction in an airplane, in a flight simulator, or in a flight training device for a particular type, class, or category aircraft. A check airman (simulator) would be qualified to conduct flight checks only in a flight simulator or in a flight training device for a particular type, class, or category aircraft.

Proposed paragraph (b) would contain the eligibility requirements to serve as a check airman (aircraft). With some editorial revisions and an additional requirement to satisfy the recency of experience requirement of § 135.247, the eligibility requirements would remain the same as current requirements. The recency provision would be added to ensure equivalent recency of experience for those check airmen who may not be flying line operations.

Proposed paragraph (c) of § 135.337 would be added to establish the eligibility requirements for check airmen (simulator). These proposed requirements are the same as those for check airmen (aircraft) in proposed paragraph (b) with two exceptions. There would be no requirement to hold a medical certificate and the recency of experience requirements of proposed § 135.337(b)(3) would not be required of part 135 check airmen (simulator). Check airmen (simulator) would instead be allowed to meet proposed recency of experience requirements in proposed paragraph (f), discussed later in this section.

Proposed paragraph (d) would be added to clarify that the completion of the requirements of (b) (2), (3), and (4) or (c) (2), (3), and (4), whichever is applicable, must be entered into the individual check airmen's training record.

Proposed paragraph (e) would be added to clarify that airmen who do not hold a medical certificate may perform check airmen functions, but they may not serve as a crewmember under part 135 operations.

Proposed paragraph (f) would be added to offer an alternate method for maintaining recency of experience requirements for check airmen (simulator). Check airmen (simulator) must, within the 12-month period preceding the performance of check airman duties, either fly two segments as a required crewmember for the type, class, or category aircraft or satisfactorily complete an approved line-observation program.

Proposed paragraph (g) would be added to provide that the recency of experience requirements of paragraph (f) may be completed in the calendar month before or in the calendar month after the month in which it is due.

Section 135.338 Qualifications: Flight Instructors (Aircraft) and Flight Instructors (Simulator)

The proposed requirements for this section are virtually identical to those in proposed § 135.337 for check airmen. Additionally, this proposed section would clarify that individuals who do not hold a medical certificate may not function as a flight instructor in an aircraft.

Section 135.339 Initial and Transition Training and Checking Requirements: Check Airmen (Aircraft) and Check Airmen (Simulator)

Proposed paragraph (a)(1) would continue the current requirement that, in order to serve as a check airman, a person must have completed initial or transition check airman training. Additionally, proposed paragraph (a)(2) would require an observation check of check airman functions within the preceding 24 calendar months. The observation check would be done in part or in full in an airplane, flight simulator, or flight training device as appropriate. An FAA inspector or an appropriate designated examiner could administer the observation check. The FAA believes that the observation check requirement would better ensure that check airmen maintain their qualifications and their abilities to perform all other duties as appropriate for check airmen.

In proposed paragraph (b) the observation check requirement of paragraph (a)(2) could be accomplished in the month before or the month after the month in which it is due.

Proposed paragraph (c) of this section would cover initial ground training requirements for check airmen. Most of the requirements are in current paragraphs (a)(1) through (a)(6) of § 135.339. Some editorial revisions are made in this proposal.

Proposed paragraph (d) would be added to cover transition ground training for check airmen. This proposed paragraph would separate transition ground training requirements from initial ground training requirements, but would impose no new requirements since transition and ground training are currently required in § 135.339(a)(6).

Proposed paragraph (e) would be added to cover initial and transition flight training for pilot check airmen (aircraft). Proposed paragraph (e) would contain requirements equivalent to those contained in current § 135.339(c), but would place greater emphasis on the safety issues required during checking that would take place under actual flight.

Proposed paragraph (f) would be added to allow all the flight training provisions of proposed paragraph (e) to be accomplished in full or in part in flight, in flight simulators, or in flight training devices as appropriate. This would make the requirements in current § 135.339(c)(1) less burdensome. Current § 135.339(c) allows the initial and transition flight training in safety measures for emergency situations (paragraph (c)(2)) and the results of improper or untimely safety measures (paragraph (c)(3) to be accomplished in an approved flight simulator, but requires the training requirements of (c)(1) to be conducted in flight. The FAA believes that this is appropriate because of the proven effectiveness of flight simulator training. Flight training devices will also be allowed to fulfill the training requirements for these same reasons.

Proposed paragraph (g) would be added to establish initial and transition flight training for check airmen (simulator). The proposed requirements would include training and practice in the required normal, abnormal, and emergency procedures and training in the operation of flight simulators or flight training devices. Under the proposed paragraph, the training could be conducted in flight training devices or flight simulators as appropriate. The proposed requirements are necessary to establish flight training requirements specifically for check airmen (simulator) who are qualified to conduct flight checks or instruction only in a flight simulator or in a flight training device.

Section 135.340 Initial and Transition Training and Checking Requirements: Flight Instructors (Aircraft) and Flight Instructors (Simulator)

The proposed requirements for this section would be identical to the provisions in proposed § 135.339 except that the terms and references would apply to flight instructors, the required observation check would be an

observation check of instructor functions, and paragraph (c)(7) would be added to include the current requirement for training in teaching methods and procedures except for the holders of a flight instructor certificate.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society outweigh the potential costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this proposed rule is not ''a significant regulatory action'' as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This proposed rule would not have a significant impact on a substantial number of small entities and would have no impact on international trade. These analyses, available in the docket, are summarized below.

Benefits and Costs

The requirements of this proposed rule will not impose any additional cost on air carriers or other training entities currently providing simulator training. These additional requirements are generally incorporated into current industry practice.

In the past, the FAA has issued exemptions to air carriers and to training entities (FlightSafety, Simuflite, etc.), which permit them to use simulators to conduct training and checking for air carrier pilots. However, the FAA imposed certain conditions and limitations in these exemptions. The Agency required that the check airmen and instructors of these entities hold the same airman certificates and ratings and complete the same proficiency checks as required to serve as PIC in air carrier operations. In addition, check airmen and instructors that conduct Line-Oriented Flight Training and Line Operational Evaluation in simulators are required to be line qualified or line familiar and to participate in a line observation program. This line observation program is identical to that which is being proposed and, therefore, this program would not impose any additional burden on the aviation industry.

In addition, current FAA policy, as part of Flight Standards Work Program Functions, requires aviation safety inspectors to observe, at least once annually, half of the check airmen and instructors while they perform their duties. A portion of the current observation practice and policy would be incorporated into the Code of Federal Regulations by this proposed rulemaking. Since the above policy and practice exceed the proposed requirements, this rulemaking should not impose any additional burden on the airline industry.

The proposed rule would afford cost savings to air carriers by allowing them to hire experienced pilots who are not able to hold a current medical certificate to check or instruct in flight simulators and flight training devices if they satisfy the above requirements. These pilots, many of whom are retired, would probably offer their services at lower cost to the airlines than the full-time pilots that currently are performing these functions. Air carriers also would be able to reduce disruption to their operations by contracting with part-time pilots to provide training and checking services, thereby eliminating the need to pull line pilots from their routine duties. The proposed rule should also reduce costs to the industry in that the proposal would allow all initial and transition flight training for check airmen and instructors to be conducted in the simulators or training devices as opposed to the current in-flight requirement. Accordingly, the FAA finds this proposed rule to be cost-beneficial because it does not impose any additional cost on the aviation industry and allows for less costly training of future pilots.

The FAA solicits comments from the public on the possible extent of these cost savings.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule is expected to have a ''significant (positive or negative) economic impact on a substantial number of small entities.'' Based on the standards and thresholds specified in implementing the FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that the proposed rule would not have a significant impact on a substantial number of small entities.

International Trade Impact Assessment

This proposed rule is expected to have neither an adverse impact on the trade opportunities for U.S. firms doing business abroad nor on foreign firms doing business in the United States. The cost savings that would be realized from the proposed rule are not likely to be significant enough to affect the competitive position of domestic concerns vis-a-vis foreign concerns.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA is not aware of any differences that this proposal would present if adopted. Any differences that may be presented in comments to this proposal, however, will be taken into consideration.

Paperwork Reduction Act

The reporting and recordkeeping requirements associated with this rule are being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35 under DOT NO:*new;* OMB NO: *new;* TITLE: Training and Qualification Requirements for Check Airmen and Flight Instructors; NEED FOR INFORMATION: This information is needed to maintain the training records of check airmen and instructors; PROPOSED USE OF INFORMATION: This information will be used to verify that check airmen and instructors have met the requirements of the regulation; FREQUENCY: A short entry indicating that the check airman or instructor has completed the observation; BURDEN ESTIMATE: It is estimated that the total time burden will be approximately 1.3 hours per year for an estimated 6000 respondents. The entries will be either satisfactory or unsatisfactory or a check mark in the appropriate space. No additional forms will be required and the time for making the necessary entries will be negligible; RESPONDENTS: The FAA or designated examiners or other check airmen will conduct the observations and they are estimated to be appropriately 6000 individuals; FORM(s): No additional forms will be used. Entries will be made on the standard training records required by § 121.401(c) and § 135.323 (c); AVERAGE BURDEN HOURS PER RESPONDENT: 15 seconds per individual every 2 years.

For further information contact: The Information Requirements Division, M–24, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366–4735 or Edward Clark or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395–7340.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Initial Regulatory Flexibility Determination

For further information contact: The Information Requirements Division, M–24, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366–4735 or Edward Clark or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395–7340.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Initial Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not significant under Executive Order 12866. In addition, it is certified that this proposal, if adopted, 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. This proposal is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects

14 CFR Part 121

Air carriers, Air transportation, Aviation safety, Common carriers, Safety, Transportation.

121 CFR Part 135

Air carriers, Air taxi, Air transportation, Aviation safety, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR parts 121 and 135 as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, and 46105.

2. Section 121.411 is revised to read as follows:

§ 121.411 Qualifications: Check airmen (airplane) and check airmen (simulator).

(a) For the purposes of this section and § 121.413:

(i) A check airman (airplane) is a person who is qualified, and permitted, to conduct flight checks or instruction in an airplane, in a flight simulator, or in a flight training device for a particular type airplane.

(2) A check airman (simulator) is a person who is qualified to conduct flight checks or instruction, but only in a flight simulator or in a flight training device for a particular type airplane.

(3) Check airmen (airplane) and check airmen (simulator) are those check airmen who perform the functions described in § 121.401(a)(4).

(b) No certificate holder may use a person nor may any person serve as a check airman (airplane) in a training program established under this subpart unless, with respect to the airplane type involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command, a flight engineer, or a flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(4) Has satisfactorily completed that applicable training requirements of § 121.413 including in-flight training and practice for initial and transition training;

(5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate;

(6) Has satisfied the recency of experience requirements of § 121.439; and

(7) Has been approved by the Administrator for the check airman duties involved.

(c) No certificate holder may use a person nor may any person serve as a check airman (simulator) in a training program established under this subpart unless, with respect to the airplane type involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the airman certificates and ratings, except medical certificate, required to serve as a pilot in command, a flight engineer, or a flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 121.413; and

(5) Has been approved by the Administrator for the check airman (simulator) duties involved.

(d) Completion of the requirements in paragraphs (b) (2), (3), and (4) or (c) (2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(e) Check airmen who have reached their 60th birthday or who do not hold an appropriate medical certificate may function as check airmen, but may not serve as flight crewmembers in operations under this part.

(f) A check airman (simulator) must, within the 12-month period preceding the performance of any check airman duty, accomplish the following in a flight simulator—

(1) Fly at least two flight segments as a required crewmember for the type airplane involved; or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type airplane on which the check airman duties are to be performed;

(ii) Is conducted from a cockpit observer seat; and

(iii) Is representative of the certificate holder's operation (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section are considered to be completed in the month required if completed in the calendar month before or in the

calendar month after the month in which it is due.

3. Section 121.412 is added to read as follows:

§ 121.412 Qualifications: Flight instructors (airplane) and flight instructors (simulator).

(a) For the purposes of this section and § 121.414:

(1) A flight instructor (airplane) is a person who is qualified to instruct in an airplane, in a flight simulator, or in a flight training device for a particular type airplane.

(2) A flight instructor (simulator) is a person who is qualified to instruct, but only in a flight simulator, in a flight training device, or both, for a particular type airplane.

(3) Flight instructors (airplane) and flight instructors (simulator) are those instructors who perform the functions described in § 121.401(a)(4).

(b) No certificate holder may use a person nor may any person serve as a flight instructor (airplane) in a training program established under this subpart unless, with respect to the airplane type involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command, a flight engineer, or flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 121.414, including in-flight training and practice for initial and transition training;

(5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate.

(6) Has satisfied the recency of experience requirements of § 121.439.

(c) No certificate holder may use a person, nor may any person serve as a flight instructor (simulator) in a training program established under this subpart, unless, with respect to the airplane type involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the airman certificates and ratings, except medical certificate, required to serve as a pilot in command, a flight engineer, or a flight navigator, as applicable, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command, flight engineer, or flight navigator, as applicable, in operations under this part; and

(4) Has satisfactorily completed the applicable training requirements of § 121.414.

(d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) of this section as applicable shall be entered in the individual's training record maintained by the certificate holder.

(e) Airmen who have reached their 60th birthday, or who do not hold an appropriate medical certificate, may not function as a flight instructor (airplane), nor may they serve as flight crewmembers in operations under this part.

(f) A flight instructor (simulator) must, within the 12-month period preceding the performance of any instructor duty in a flight simulator—

(1) Fly at least two flight segments as a required crewmember for the type of airplane involved (and must hold a Class I or Class II medical certificate as appropriate); or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type airplane on which flight instructor duties are to be performed;

(ii) Is conducted from a cockpit observer seat; and

(iii) Is representative of the air carrier's operation (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section is considered completed in the month required if completed in the calendar month before, or the calendar month after the month in which it is due.

4. Section 121.413 is revised to read as follows:

§ 121.413 Initial and transition training and checking requirements: Check airmen (airplane), check airmen (simulator).

(a) No certificate holder may use a person nor may any person serve as a check airman unless:

(1) That person has satisfactorily completed initial or transition check airman training.

(2) Within the preceding 24 calendar months that person satisfactorily conducts a proficiency or competency check under the observation of an FAA inspector or an aircrew designated examiner. The observation check may be accomplished in part or in full in an airplane, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before, or the calendar month after, the month in which it is due.

(c) The initial ground training for check airmen must include the following:

(1) Check airman duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The appropriate methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The appropriate corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(d) The transition ground training for check airmen must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the airplane to which the check airman is in transition.

(e) The initial and transition flight training for pilot check airmen (airplane), flight engineer check airmen (airplane), and flight navigator check airmen (airplane) must include the following:

(1) The safety measures for emergency situations that are likely to develop during a check.

(2) The potential results of improper, untimely, or non-execution of safety measures during a check.

(3) For pilot check airman (airplane)—

(i) Training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence to conduct the pilot flight checks required by this part; and

(ii) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during a check.

(4) For flight engineer check airmen (airplane) and flight navigator check airmen (airplane), training to ensure competence to perform assigned duties.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for check airmen (simulator) must include the following:

(1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks required by this part. This training and practice must be accomplished in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators or flight training devices, or both, to ensure competence to conduct the flight checks required by this part.

5. Section 121.414 is added to read as follows:

§ 121.414 Initial and transition training and checking requirements: flight instructors (airplanes), flight instructors (simulator).

(a) No certificate holder may use a person nor may any person serve as a flight instructor unless—

(1) That person has satisfactorily completed initial or transition flight instructor training; and

(2) Within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an FAA inspector, an operator check airman, or an operator aircrew designated examiner. The observation check may be accomplished in part or in full in an airplane, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

(c) The initial ground training for flight instructors must include the following:

(1) Flight instructor duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The appropriate methods, procedures, and techniques for conducting flight instruction.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The corrective action in the case of unsatisfactory training progress.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(7) Except for holders of a flight instructor certificate—

(i) The fundamental principles of the teaching-learning process;

(ii) Teaching methods and procedures; and

(iii) The instructor-student relationship.

(d) The transition ground training for flight instructors must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the airplane to which the flight instructor is in transition.

(e) The initial and transition flight training for flight instructors (airplane), flight engineer instructors (airplane), and flight navigator instructors (airplane) must include the following:

(1) The safety measures for emergency situations that are likely to develop during instruction.

(2) The potential results of improper, untimely, or non-execution of safety measures during instruction.

(3) For pilot flight instructor (airplane)—

(i) In-flight training and practice in conducting flight instruction from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence as an instructor; and

(ii) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during instruction.

(4) For flight engineer instructors (airplane) and flight navigator instructors (airplane), in-flight training to ensure competence to perform assigned duties.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for flight instructors (simulator) must include the following:

(1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. This training and practice must be accomplished in full or in part in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators or flight training devices, or both, to ensure competence to conduct the flight instruction required by this part.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

6. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44113, 44701, 44702, 44705, 44709, 44711–44713, 44715–44717, and 44722.

7. Section 135.337 is revised to read as follows:

§ 135.337 Qualifications: Check airmen (aircraft) and check airmen (simulator).

(a) For the purposes of this section and § 135.339:

(1) A check airman (aircraft) is a person who is qualified to conduct flight checks in an aircraft, in a flight simulator, or in a flight training device for a particular type aircraft.

(2) A check airman (simulator) is a person who is qualified to conduct flight checks, but only in a flight simulator, in a flight training device, or both, for a particular type aircraft.

(3) Check airmen (aircraft) and check airmen (simulator) are those check airmen who perform the functions described in §§ 135.321(a) and 135.323(a)(4) and (c).

(b) No certificate holder may use a person, nor may any person serve as a check airman (aircraft) in a training program established under this subpart unless, with respect to the aircraft type involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 135.339;

(5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate.

(6) Has satisfied the recency of experience requirements of § 135.247; and

(7) Has been approved by the Administrator for the check airman duties involved.

(c) No certificate holder may use a person, nor may any person serve as a check airman (simulator) in a training program established under this subpart unless, with respect to the aircraft type involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the applicable airman certificates and ratings, except medical certificate, required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 135.339; and

(5) Has been approved by the Administrator for the check airman (simulator) duties involved.

(d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) of this section, as applicable, shall be entered in the individual's training record maintained by the certificate holder.

(e) Check airmen who do not hold an appropriate medical certificate may function as check airmen (simulator), but may not serve as flight crewmembers in operations under this part.

(f) A check airmen (simulator) must, within the 12-month period preceding the performance of any check airman duty in a flight simulator, accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved; or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type, class, or category aircraft on which the check airman duties are to be performed;

(ii) Is conducted from a cockpit observer seat or from the seat closest to the flightcrew; and

(iii) Is representative of the certificate holder's operations (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section are considered to be completed in the month required if completed in the calendar month before or the calendar month after the month in which they are due.

8. Section 135.338 is added to read as follows:

§ 135.338 Qualifications: Flight instructors (aircraft) and flight instructors (simulator).

(a) For the purposes of this section and § 135.340:

(1) A flight instructor (aircraft) is a person who is qualified to instruct in an aircraft, in a flight simulator, or in a flight training device for a particular type, class, or category aircraft.

(2) A flight instructor (simulator) is a person who is qualified to instruct in a flight simulator, in a flight training device, or in both, for a particular type, class, or category aircraft.

(3) Flight instructors (aircraft) and flight instructors (simulator) are those instructors who perform the functions described in §§ 135.321(a) and 135.323(a)(4) and (c).

(b) No certificate holder may use a person, nor may any person serve as a flight instructor (aircraft) in a training program established under this subpart unless, with respect to the type, class, or category aircraft involved, that person—

(1) Holds the airman certificates and ratings required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 135.340;

(5) Holds at least a Class III medical certificate; and

(6) Has satisfied the recency of experience requirements of § 135.247.

(c) No certificate holder may use a person, nor may any person serve as a flight instructor (simulator) in a training program established under this subpart unless, with respect to the type, class, or category aircraft involved, that person meets the provisions of paragraph (b) of this section, or—

(1) Holds the airman certificates and ratings, except medical certificate, required to serve as a pilot in command in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command in operations under this part; and

(4) Has satisfactorily completed the applicable training requirements of § 135.340.

(d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) of this section as applicable shall be entered in the individual's training record maintained by the certificate holder.

(e) An airman who does not hold a medical certificate may function as a flight instructor in an aircraft if functioning as a non-required crewmember, but may not serve as a flight crewmember in operations under this part.

(f) A flight instructor (simulator) must, within the 12-month period preceding the performance of any flight instructor duty in a simulator, accomplish the following—

(1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved; or

(2) Satisfactorily complete an approved line-observation program that—

(i) Includes a minimum of two flight segments to observe the flight operations of the specific type, class, or category aircraft on which flight instructor duties are to be performed;

(ii) Is conducted from a cockpit observer seat or the seat closest to the flightcrew; and

(iii) Is representative of the certificate holder's operations (may include ferry flights).

(g) The flight segments or line-observation program required in paragraph (f) of this section are considered completed in the month required if completed in the calendar month before or in the calendar month after the month in which they are due.

9. Section 135.339 is revised to read as follows:

§ 135.339 Initial and transition training and checking: Check airmen (aircraft), check airmen (simulator).

(a) No certificate holder may use a person nor may any person serve as a check airman unless—

(1) That person has satisfactorily completed initial or transition check airman training; and

(2) Within the previous 24 calendar months, that person satisfactorily conducts a proficiency or competency check under the observation of an FAA inspector or an aircrew designated examiner. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

(c) The initial ground training for check airmen must include the following:

(1) Check airman duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The applicable methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.

(d) The transition ground training for check airmen must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the check airman is in transition.

(e) The initial and transition flight training for check airmen (aircraft) must include the following—

(1) The safety measures for emergency situations that are likely to develop during a check;

(2) The potential results of improper, untimely, or non-execution of safety measures during a check;

(3) Training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence to conduct the pilot flight checks required by this part; and

(4) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during checking.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for check airmen (simulator) must include the following:

(1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks required by this part. This training and practice must be accomplished in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators, flight training devices, or both, to ensure competence to conduct the flight checks required by this part.

10. Section 135.340 is added to read as follows:

§ 135.340 Initial and transition training and checking: Flight instructors (aircraft), flight instructors (simulator).

(a) No certificate holder may use a person nor may any person serve as a flight instructor unless—

(1) That person has satisfactorily completed initial or transition flight instructor training; and

(2) Within the previous 24 calendar months, that person satisfactorily conducts instruction under the observation of an FAA inspector, an operator check airman, or an operator aircrew designated examiner. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.

(b) The observation check required by paragraph (a)(2) of this section is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

(c) The initial ground training for flight instructors must include the following:

(1) Flight instructor duties, functions, and responsibilities.

(2) The applicable Code of Federal Regulations and the certificate holder's policies and procedures.

(3) The applicable methods, procedures, and techniques for conducting flight instruction.

(4) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics of an applicant that could adversely affect safety.

(5) The corrective action in the case of unsatisfactory training progress.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.

(7) Except for holders of a flight instructor certificate—

(i) The fundamental principles of the teaching-learning process;

(ii) Teaching methods and procedures; and

(iii) The instructor-student relationship.

(d) The transition ground training for flight instructors must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the type, class, or category aircraft to which the flight instructor is in transition.

(e) The initial and transition flight training for flight instructors (aircraft) must include the following—

(1) The safety measures for emergency situations that are likely to develop during instruction;

(2) The potential results of improper or untimely safety measures during instruction;

(3) Training and practice from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to ensure competence to conduct the flight instruction required by this part; and

(4) The safety measures to be taken from either the left or right pilot seat for emergency situations that are likely to develop during instruction.

(f) The requirements of paragraph (e) of this section may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) The initial and transition flight training for a flight instructor (simulator) must include the following:

(1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. These maneuvers and procedures must be accomplished in full or in part in a flight simulator or in a flight training device.

(2) Training in the operation of flight simulators, flights training devices, or both, to ensure competence to conduct the flight instruction required by this part.

Issued in Washington, D.C., on February 15, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 96–3868 Filed 2–21–96; 8:45 am]

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federal register

Thursday
February 22, 1996

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 25 and 52

Restrictions on Certain Foreign Purchases; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAR Case 95–303]

RIN 9000–AG82

Federal Acquisition Regulation; Restrictions on Certain Foreign Purchases

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation (FAR) to implement E.O. 12959, Prohibiting Certain Transactions with Respect to Iran, and to conform the FAR to other current restrictions of the Department of the Treasury. This regulatory action was not subject to the Office of Management and Budget review under E.O. 12866, dated September 30, 1993.

DATES: Comments on the proposed rule should be submitted in writing to the FAR Secretariat at the address shown below on or before April 22, 1996 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405. Please cite FAR case 95–303 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Peter O'Such at (202) 501–1759 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR case 95–303.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends the FAR to implement E.O. 12959, Prohibiting Certain Transactions with Respect to Iran, which became effective May 6, 1995, and to conform the FAR to current restrictions in 31 CFR Chapter V (Office of Foreign Assets Control, Department of the Treasury).

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not impose any new requirements on contractors, large or small. The proposed rule merely notifies contractors of changes in the existing prohibitions against transactions with certain countries. This change should have minimal impact on U.S. firms. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subparts will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 95–303), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: February 15, 1996.

Ralph J. Destefano,

Acting Director, Office of Federal Acquisition Policy Division.

Therefore, it is proposed that 48 CFR Parts 25 and 52 be amended as set forth below:

1. The authority citation for 48 CFR Parts 25 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 25—FOREIGN ACQUISITION

2. Subpart 25.7 is revised to read as follows:

Subpart 25.7—Restrictions on Certain Foreign Purchases

Sec.
25.701 Restrictions.
25.702 Contract clause.

Subpart 25.7—Restrictions on Certain Foreign Purchases

25.701 Restrictions.

(a) The Government does not acquire supplies or services from foreign governments or their organizations when these supplies or services cannot be imported lawfully into the United States. Therefore, agencies and their contractors and subcontractors shall not acquire any supplies or services originating from sources within, or that were located in or transported from or through:

(1) Cuba (31 CFR part 515);

(2) Iran (31 CFR part 560);

(3) Iraq (31 CFR part 575);

(4) Libya (31 CFR part 550); or

(5) North Korea (31 CFR part 500).

(b) Agencies and their contractors and subcontractors shall not acquire any supplies or services from entities controlled by the Government of Iraq (E.O. 12722 and 12724).

(c) Questions concerning these restrictions should be referred to the Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, (202) 622–2520.

25.702 Contract clause.

The contracting officer shall insert the clause at 52.225–11, Restrictions on Certain Foreign Purchases, in solicitations and contracts.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.225–11 is revised to read as follows:

52.225–11 Restrictions on Certain Foreign Purchases.

As prescribed in 25.702, insert the following clause:

Restrictions on Certain Foreign Purchases (XXX 1996)

(a) Unless advance written approval of the Contracting Officer is obtained, the Contractor shall not acquire, for use in the performance of this contract, any supplies or services originating from sources within, or that were located in or transported from or through countries whose products are banned from importation into the United States under regulations of the Office of Foreign Assets Control, Department of the Treasury. Those countries include Cuba, Iran, Iraq, Libya, and North Korea.

(b) The Contractor shall not acquire for use in the performance of this contract any supplies or services from entities controlled by the Government of Iraq.

(c) The Contractor agrees to insert the provisions of this clause, including this paragraph (c), in all subcontracts hereunder.

(End of clause)

[FR Doc. 96–3916 Filed 2–21–96; 8:45 am]

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Thursday
February 22, 1996

Part IV

Department of Commerce

National Telecommunications and Information Administration

Public Telecommunications Facilities Program: Closing Date; Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 960205021–6021–01]

Public Telecommunications Facilities Program: Closing Date

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of closing date.

SUMMARY: Subject to the authority of the continuing resolution (P.L. 104–99), the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, announces that applications are available for planning and construction grants for public telecommunications facilities under the Public Telecommunications Facilities Program (PTFP). In order to make any awards this fiscal year, it is necessary to begin the application process now.

Applicants for matching grants under the PTFP must file their applications on or before Thursday, March 28, 1996. NTIA anticipates making grant awards by September 30, 1996, provided that funding for PTFP is continued beyond the March 15, 1996 expiration date of the continuing resolution. This continuing resolution includes $15.5 million for the PTFP. Issuance of grants is subject to the availability of FY 1996 funds. Further notice will be made in the Federal Register about the final status of funding for this program at the appropriate time. NTIA shall not be liable for any proposal preparation costs.

The amount of a grant award by NTIA will vary, depending on the approved project. For fiscal year 1995, NTIA awarded $27.6 million in funds to 142 projects. The awards ranged from $5,694 to $954,518.

The applicable Rules for the PTFP were published on November 22, 1991 and amended on December 22, 1995 (60 FR 66491). These rules, codified at 15 CFR part 2301, will be in effect for FY 1996 PTFP applications. Parties interested in applying for financial assistance should refer to these rules and to the authorizing legislation (47 U.S.C. 390–393 and Pub. L. 104–99) for additional information on the program's goals and objectives, eligibility criteria, evaluation criteria, and other requirements.

DATES: Pursuant to 15 CFR 2301.5(c), the Administrator of NTIA hereby establishes the closing date for the filing of applications for grants under the PTFP. The closing date selected for the submission of applications for 1996 is Thursday, March 28, 1996. Applications delivered by mail or by hand must be delivered to the address referenced below by 5 p.m. on or before Thursday, March 28, 1996. Applicants whose applications are not received by the deadline are hereby notified that their applications will not be considered in the current grant cycle and will be returned to the applicant. NTIA will also return any application which is substantially incomplete, or when the Agency finds that either the applicant or project is ineligible for funding under the Public Telecommunications Financing Act of 1978, as amended (47 U.S.C. 390–393). The Agency will inform the applicant the reason for the return of any application.

ADDRESSES: To obtain an application package, submit completed applications, or send any other correspondence, write to: Office of Telecommunications and Information Applications, NTIA/DOC, 14th Street and Constitution Ave., NW, Room H–4625, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dennis R. Connors, Director, Public Broadcasting Division, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PTFP can also be obtained electronically via Internet (send inquiries to http://www.ntia.doc.gov) or through the NTIA BBS at (202) 482–1199 (set computer modems for 8 stop bits, 0 polarity).

SUPPLEMENTARY INFORMATION:

I. Application Forms and Regulations

To apply for a PTFP grant, an applicant must file an original and two copies of a timely and complete application on a current form approved by the Agency. The current application form will be provided to applicants as part of the application package. This form expires on October 31, 1997, and no previous versions of the form may be used. (In accordance with the Paperwork Reduction Act, the current application form has been cleared under OMB control no. 0660–0003.) Applications submitted by facsimile or electronic means are not acceptable.

All persons and organizations on the PTFP's mailing list will be sent a copy of the current application form and the Final Rules. Those not on the mailing list may obtain copies by contacting the PTFP at the address or telephone, fax, computer bulletin board, or Internet numbers noted above. Prospective applicants should read the Final Rules carefully before submitting applications. Applicants whose applications were deferred in FY 1995 will be mailed pertinent PTFP materials and instructions for requesting reactivation of their applications.

Applicants should note that they must comply with the provisions of Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' The Executive Order requires applicants for financial assistance under this program to file a copy of their application with the Single Points of Contact (SPOC) of all states relevant to the project. Applicants are required to provide a copy of their completed application to the appropriate SPOC on or before March 28, 1996. Applicants are encouraged to contact the appropriate SPOC well before the PTFP closing date.

NTIA requires that all applicants whose proposed projects need authorization from the Federal Communications Commission (FCC) tender an application to the FCC for such authority on or before March 28, 1996. (An application is tendered to the FCC when it has been received by the Secretary of the FCC.) However, applicants are urged to submit it with as much lead time before the PTFP closing date as possible. The greater the lead time, the better the chance the FCC application will be processed to coincide with NTIA's grant cycle. NTIA will return the application of any applicant that fails to tender an application to the FCC for any necessary authority on or before March 28, 1996.

Indirect costs for *construction* applications are not supported by this program. The total dollar amount of the indirect costs proposed in a *planning* application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

(1) *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

(2) *Drug Free Workplace.* Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government-wide Requirements for

Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

(3) *Anti-lobbying.* Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applicants/bidders for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(4) *Anti-lobbying Disclosures.* Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the grant award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to the Department. SF–LLL submitted by any tier recipient or subrecipient should be submitted to the Department in accordance with the instructions contained in the award document.

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department.

Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal assistance awards. In addition, unsatisfactory performance by the applicant under prior Federal awards may result in the application not being considered for funding.

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they have received, there is no obligation on the part of the Department to cover preaward costs.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: (1) the delinquent account is paid in full; (2) a negotiated repayment schedule is established and at least one payment is received, or (3) other arrangements satisfactory to the Department are made.

Applicants are reminded that a false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Special Note: NTIA has established a policy which is intended to encourage stations to increase from 25% to 50% the matching percentage for those proposals that call for equipment replacement, improvement, or augmentation (PTFP Policy Statement, (56 FR 59168 (1991))).

The presumption of 50% funding will be the general rule for the replacement, improvement or augmentation of equipment. Exceptions to this general policy direction are as follows: small community-licensee stations will not be subjected to this policy. The same is true of a station that is licensed to a large institution (e.g., a college or university) documenting that it does not receive direct or in-kind support from the larger institution. Also, a showing of extraordinary need or an emergency situation will be taken into consideration as justification for grants of up to 75% of the project cost for such proposals.

A point of clarification is in order: NTIA expects to continue funding projects to activate stations or to extend service at up to 75% of the total project cost. NTIA will do this because applicants proposing to provide first service to a geographic area ordinarily incur considerable costs that are not eligible for NTIA funding. The applicant must cover the ineligible costs including those for construction or renovation of buildings and other similar expenses.

We wish to take this opportunity to restate the policy published in the November 22, 1991, PTFP Policy Statement (56 FR 59168 (1991)), regarding applicants' use of funds from the Corporation for Public Broadcasting (CPB) to meet the local match requirements of the PTFP grant. NTIA continues to believe that the policies and purposes underlying the PTFP requirements could be significantly frustrated if applicants routinely relied upon another Federally supported grant program for local matching funds. Accordingly, NTIA has limited the use of CPB funds for the non-Federal share of PTFP projects to circumstances of ''clear and compelling need'' (CFR 2301.16(a)(4)). NTIA intends to maintain that standard and to apply it on a case-by-case basis.

The November 22, 1991, PTFP Policy Statement (56 FR 59168 (1991)) also discussed a number of issues of particular relevance to applicants proposing nonbroadcast educational and instructional projects and potential improvement of nonbroadcast facilities. These policies remain in effect and will be distributed to all PTFP applicants as part of the Guidelines for preparing FY 1996 PTFP applications.

II. Documentation Concerning Discrimination Complaints

The NTIA Administrator is hereby extending a blanket waiver to all PTFP FY 1996 applicants and grant recipients exempting them from the requirements contained at 15 CFR 2301.5(d)(2)(xvii) and 2301.21(b)(1–2) with regard to discrimination complaints. Based on its experience, NTIA has found these requirements to be too burdensome and generally not pertinent to the PTFP's selection criteria. This blanket waiver means that FY 1996 PTFP applicants will not be required to provide a detailed list and explanation of any complaints of discrimination currently pending or decided against the applicant before any court or governmental agency. Moreover, FY 1996 PTFP grant recipients, once their projects are completed, will not be required to submit such documentation on their Annual Status Reports; nor will recipients be required to provide the special academic certification concerning their admissions policies or their policies regarding the receiving or providing of services. Applicants are reminded, however, that they are still obligated to comply with the general Federal statutes relating to nondiscrimination, as stated in 15 CFR 2301.22(b)(15) and in Assurance No. 36 of the PTFP Application Form.

III. Eligible and Ineligible Costs

Eligible equipment for the 1996 grant round includes apparatus necessary for the production, interconnection, captioning, broadcast, or other distribution of programming, including but not limited to studio equipment; audio and video storage, processing, and switching equipment; terminal equipment; towers, antennas, transmitters, remote control equipment, transmission line, translators, microwave equipment, mobile equipment, satellite communications equipment, instructional television fixed service equipment, subsidiary communications authorization

transmitting and receiving equipment, cable television equipment, and optical fiber communications equipment.

NTIA recognizes that digital technology will be an important means for the more efficient creation and distribution of programming in the future. Consequently, public broadcasters seeking to replace, upgrade, and buy new equipment that employs digital technology will be permitted, when appropriate, to use PTFP funds for such purposes.

The following list provides clarification regarding several equipment and other cost areas that will be helpful in preparing applications. NTIA also reserves the right to eliminate any costs, whether specified here or not, that it determines are not appropriate prior to the awarding of a grant.

A. Equipment and Supplies

(1) Buildings and Modifications to Buildings. (a) Eligible: Small equipment shelters that are part of satellite earth stations, translators, microwave interconnection facilities, and similar facilities. (b) Ineligible: Purchase or lease of buildings and modifications to buildings, including the renovation of space for studios intended to house eligible equipment; costs associated with removing old equipment.

(2) Land and Land Improvements. (a) Eligible: Site preparation necessary to construct towers and guy anchors for transmission and interconnection equipment. (b) Ineligible: Purchase or lease of land.

(3) Moving Costs. Ineligible: Moving costs required by relocation of transmitter or studio equipment.

(4) Reception Equipment. (a) Eligible: Fixed frequency demodulator, as required by good engineering practice for monitoring the off-air transmission of signals; subcarrier demodulator; telemetry transmitters and receivers; satellite receivers; and subcarrier decoders for the handicapped. (b) Ineligible: Consumer-type TV sets and FM receivers.

(5) Tower Modifications. (a) Eligible: Strengthening or modifying a commercial entity's tower to accommodate a public broadcasting entity (structural modifications on towers and/or antenna changes must meet EIA and any required local standards). (b) Ineligible: Modifying or strengthening the applicant's tower to accommodate a commercial entity.

(6) Production and Control Room Equipment. (a) Eligible: Standard production studio and control room equipment for TV or radio program production. (b) Ineligible: Consumer-type mixers, tape recorders, turntables, CD players, etc; ancillary production devices such as stopwatches and stop-clocks, building lights, sound effects and sound effects equipment, scenery and props, cycloramas, sound insulation devices and materials, draperies and related equipment for production use, film and still photography processing, film sound synchronization editing.

(7) Video Equipment. (a) Eligible: Videotape editing and processing equipment that conforms to broadcast-standard quality equipment for field recording and production editing. (b) Ineligible: Consumer level videotape recording formats not accepted in the industry as broadcast-standard quality.

(8) Furniture and Office Equipment. (a) Eligible: Consoles required to mount equipment such as audio consoles and video switchers. (b) Ineligible: Such items as office furniture, office equipment, studio clocks and systems, blackboards, office intercoms, equipment inventory labels and label-makers, word processors, telephones and telephone systems, and printing and duplication equipment.

(9) Expendable Items and Spare Parts. (a) Eligible: A transmitter spare parts kit and one set of final and driver tubes for a transmitter awarded in the grant; a spare parts kit for video tape recorders awarded in the grant. (b) Ineligible: Spare lenses, spare circuit components, spare parts kits for studio equipment, except as noted above; recording tape, film, reels, cartridge tapes, records, compact discs, and record or tape cleaning equipment; art and graphics supplies; maintenance supplies, including replacement final and driver tubes normally considered in the industry as normal maintenance-budget-provided items and similar items.

(10) Backup Equipment. (a) Eligible: Hot standby or backup microwave for the main studio-to-transmitter link only; a backup or spare exciter for a television transmitter, as required by good engineering practice. (b) Ineligible: Redundant equipment, such as spare transmitters, or costs associated with them, as well as backup microwave equipment (except as noted above).

(11) Electric Power. (a) Eligible: Generally, all primary power costs from the output of the main power meter panel; regulators and surge protectors, as required by good engineering practice, to stabilize transmitter RF output. Where primary power is not available or is unusable for broadcast, then PTFP may provide funding for those devices needed to power the facility if the need for that equipment is fully documented in the application. (b) Ineligible: Costs of installing primary power to the facility, including transformers, power lines, gasoline or diesel powered generators, and related equipment.

(12) Test and Maintenance Equipment. (a) Eligible: Required test equipment, as indicated by good engineering practice for the maintenance of the project equipment. (b) Ineligible: Maintenance equipment such as hand and power tools, storage cabinets, and maintenance services.

(13) Air Conditioning and Ventilation. (a) Eligible: The costs to provide ventilation of eligible project equipment, such as ducting for transmitters, as required by good engineering practice. Transmitter air conditioning can be applied for and will be supported if the need is well-documented in the application. (b) Ineligible: Unless exceptionally well-documented, air conditioning for transmitters, control rooms, or equipment rooms, studios, mobile units, and other operational rooms and offices.

(14) Remote Vans. (a) Eligible: Items to equip a remote van for audio/video production. (b) Ineligible: All vehicles.

B. Other Costs

(1) Construction Applications: NTIA generally will not fund salary expenses, including staff installation costs, and pre-application legal and engineering fees. Certain ''pre-operational expenses'' are eligible for funding. (*See* 15 CFR § 2301.1.) Despite this provision, NTIA regards its primary mandate to be funding the acquisition of equipment and only secondarily funding of salaries. (A discussion of this issue appears in the PTFP Final Rules, 56 FR 59172 (1991)).

(2) Planning Applications. (a) Eligible: Salaries are eligible expenses for all planning grant applications, but should be fully described and justified within the application. Planning grant applicants may lease office equipment, furniture and space, and may purchase expendable supplies under the terms of Section 392 (c) of the Act. (b) Ineligible: Planning grant applications cannot include the cost of constructing or operating a telecommunications facility.

(3) Audit Costs. Organization-wide audits shall be performed in accordance with 15 CFR Part 29a, Audit Requirements for State and Local Governments, for recipients that are state or local governments; and 15 CFR Part 29b, Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations, for recipients that are educational institutions or nonprofit organizations. Additionally, when required under a special award condition, a project audit shall be performed in accordance with

Federal Government Auditing Standards.

Federal guidelines allow NTIA to include an amount for audit costs as part of a grant award. NTIA policy permits non-profit organizations to include up to $5,000 for audit costs in an application. Because audit costs may vary depending on the size and scope of an organization's operations, NTIA recommends that applicants obtain estimates from auditors to determine the appropriate amount to include in their applications. Construction Grant Applicants should list the amount requested for audit costs in Part II, Section D—Other Project Costs, 1. Outside Services of the PTFP Application Form. Planning Grant Applicants should include the amount on line 7, Other, in Part III—Budget Information for Planning Grant Applicants of the PTFP Application Form.

IV. Notice of Applications Received

NTIA will publish a notice in the Federal Register listing all applications received by the Agency. Listing an application in such a notice merely acknowledges receipt of an application to compete for funding with other applications. Publication does not preclude subsequent return of the application for the reasons discussed under the Dates section above, or disapproval of the application, nor does it assure that the application will be funded. The notice will also include a request for comments on the applications from any interested party.

V. Evaluation Process

PTFP grants are awarded on the basis of a competitive review process. The evaluation of the applications is based upon the evaluation criteria provided in 15 CFR 2301.13 and 2301.14. The review may include the following: an evaluation by PTFP staff; a technical assessment by staff engineers using relevant evaluation criteria; outside readers, all of whom have demonstrated expertise in either public broadcasting or distance learning; and a rating by a national advisory panel, composed of representatives of the major national public radio and television organizations. The Agency shall consult, as necessary, with interested Federal and state agencies or other organizations.

VI. Special Consideration

In accordance with section 390 of the Act, one purpose of this program is to ''increase public telecommunications services and facilities available to, operated by, and owned by minorities and women.'' Under section 392(f) of the Act, the Agency ''shall give special consideration to applications which would increase minority and women's ownership of, operation of, and participation in public telecommunications.'' The Agency will accord special consideration only where there is more than 50 percent (50%) ownership or control of a telecommunications entity by minorities and/or women. The applicant must establish ownership of or control of a public telecommunications facility through the normal incidents of ownership, or by demonstrating participation by minorities and/or women on the Board of Directors, Executive Directors, governing body, management positions, or policy-making positions.

The special consideration element is provided as one of several funding criteria contained in the regulations, specifically, at 15 CFR 2301.13(e) for construction grants and 2301.14(c)(4) for planning grants. Those applicants demonstrating substantial ownership of or control of a public telecommunications entity by minorities and/or women shall receive a higher rating for the above-cited special consideration elements only.

VII. Selection Process

Based upon the above cited evaluation criteria, the PTFP program staff prepares summary evaluations. These incorporate the outside reviewers recommendations, engineering assessments, and program staff evaluations. The PTFP Director ranks the applications into three categories: ''Recommended for Funding,'' ''Recommended for Funding if Funds Available,'' and ''Not Recommended for Funding.'' In ranking the applications, the Director considers the following discretionary selection factors:

- the program staff evaluations, including the outside reviewers;
- the program's priorities and the special applications category, as stated in the appendix to 15 CFR part 2301;
- whether the application is for a broadcast or a nonbroadcast project
- the geographic distribution of the proposed grant awards; and
- the availability of funds.

The Director presents recommendations to the Selection Official, the NTIA Administrator. The NTIA Administrator selects the applications to be negotiated for possible grant award taking into consideration the Directors recommendations and the degree to which the slate of applications, taken as a whole, satisfies the program's stated purposes (see 47 U.S.C. 390 and 15 CFR 2301.2). These applications are negotiated between PTFP staff and the applicant. The negotiations are intended to resolve whatever differences might exist between the applicant's original request and what PTFP proposes to fund. During negotiations, some applications may be dropped from the proposed slate, due to lack of Federal Communications Commission licensing authority, an applicant's inability to make adequate assurances or certifications, or other reasons. When the negotiations are completed, the PTFP Director recommends final selections to the NTIA Administrator applying the same factors as listed above. The Administrator then makes the final award selections from the negotiated applications taking into consideration the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the program's stated purposes (see 47 U.S.C. 390 and 15 CFR 2301.2).

VIII. Policy on Sectarian Activities

Applicants are advised that on December 22, 1995, NTIA issued a notice and an amendment to the PTFP regulations in the Federal Register on its policy with regard to sectarian activities. Under NTIA's prior policy, NTIA funds could not be used for any sectarian purposes. Under the revised policy, while religious activities cannot be the essential thrust of a grant, an application will not be ineligible where sectarian activities are only incidental or attenuated to the overall project purpose for which funding is requested. Applicants should read the policy that was published at 60 FR 66491, Dec. 22, 1995, and that will be included with the application materials.

IX. Project Period

Planning grant award periods customarily do not exceed one year, whereas construction grant award periods commonly range from one to two years. Although these time frames are generally applied to the award of all PTFP grants, variances in project periods may be based on specific circumstances of an individual proposal.

Authority: The Public Telecommunications Financing Act of 1978, as amended, 47 U.S.C. 390–393 (Act).

(Catalog of Federal Domestic Assistance No. 11.550)

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

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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.

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AGRICULTURE DEPARTMENT

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