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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.

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[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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Contents

Federal Register
Vol. 61, No. 37
Friday, February 23, 1996

Agricultural Marketing Service
NOTICES
Poultry grade standards, voluntary:
Cooked, boneless-skinless products; correction, 7050

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Farm Service Agency
See Forest Service
See Natural Resources Conservation Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 6966–6967

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Cattle exportations; tuberculosis and brucellosis test requirements, 6917–6918
PROPOSED RULES
Exportation and importation of animals and animal products:
Pork and pork products from Mexico transiting United States, 6955–6956

Antitrust Division
NOTICES
National cooperative research notifications:
Bethlehem Steel Corp., et al., 7019
Cigarette Ignition Propensity Joint Venture, 7019
Consortium for Vehicle Electronics, 7019
Inter Co. Collaboration for Aids Drug Development, 7019
Joint Industry Program, 7020
PlantSTEP, Inc., 7020
Southwest Research Institute, 7020
Universal Instruments Corp., 7020
Wilfred Baker Engineering, Inc., 7020–7021

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Census Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 6971–6972

Coast Guard
RULES
Vessel identification system; effective date, 6943
PROPOSED RULES
Federal regulatory review:
Electrical engineering requirements for merchant vessels Correction, 7050–7051
Vessels; small passenger inspection and certification
Meetings, 6961

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Meetings, 7005

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 6976–6977

Comptroller of the Currency
NOTICES
National banks:
Independent regulatory appeals process, 7042–7046

Defense Department
See Navy Department

Delaware River Basin Commission
NOTICES
Hearings, 6978–6979

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Murphy, Terrence E., M.D.; correction, 7050

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 6979–6980
Submission for OMB review; comment request, 6979–6980
Grants and cooperative agreements; availability, etc.:
Jacob K. Javits gifted and talented students education program, 6980–6983

Employment and Training Administration
NOTICES
Adjustment assistance:
Distribution and Auto Service, Inc., 7021
Energy Fuels Nuclear, Inc., 7021
General Mills, Inc., et al., 7021–7023
Magnetek Main St. Plant, 7023
Parker & Parsley Petroleum USA, Inc., 7023
Rivera Manufacturing, 7023
NAFTA transitional adjustment assistance:
Paxport Mills, Inc., 7023–7024

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 7024–7025

Energy Department
See Energy Research Office
See Federal Energy Regulatory Commission

NOTICES
Environmental statements; availability, etc.:
Nuclear weapons nonproliferation policy concerning foreign research reactor spent nuclear fuel, 6983–6986

Energy Research Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Atmospheric Radiation Measurement Program, 6986–6988

Environmental Protection Agency
RULES
Air pollutants, hazardous; national emission standards:
Petroleum refinery sources, new and existing; correction, 7051
Air pollution control; new motor vehicles and engines:
Heavy-duty vehicles; 1996 model year emission standards; nonconformance penalties, 6944–6949
Heavy-duty vehicles and engines; 1996 and 1998 model year emission standards; nonconformance penalties, 6949–6953
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 6995–6996
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 6996–6997
Weekly receipts, 6997–6998
Reporting and recordkeeping requirements, 6998

Farm Service Agency
NOTICES
Warehouses; licensed, and cancellations and/or terminations; lists availability, 6967

Federal Aviation Administration
RULES
Air carrier certification and operations:
First aid kits; burn compound removal, 6938–6939
Airworthiness directives:
Airbus, 6925–6932
Air Tractor, Inc., 6934–6935
Boeing, 6935–6937
Fokker, 6932–6934
Glaser-Dirks Flugzeugbau GmbH, 6937–6938
McDonnell Douglas, 6922–6924
Airworthiness standards:
Special conditions—
Eurocopter Deutschland model EC135 helicopter, 6921–6922
Class E airspace
Correction, 7051

Federal Communications Commission
PROPOSED RULES
Common carrier services:
Enhanced 911 services compatibility of wireless services, 6963–6964
Local exchange carriers and commercial mobile radio service providers; equal access and interconnection obligations, 6961–6963
NOTICES
Agency information collection activities:
Proposed collection; comment request, 6998–6999
Submission for OMB review; comment request, 6999–7000

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 7048

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Idaho, 7000–7001
Oregon, 7001–7002
Pennsylvania, 7002
Vermont, 7002
Virginia, 7002
Washington, 7002–7003
West Virginia, 7003–7004

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Public Service Co. of Indiana, Inc., et al., 6990–6992
Environmental statements; availability, etc.:
Northern Border Pipeline Co. et al., 6992–6994
Pacific Gas & Electric Co., 6994
Natural gas certificate filings:
Western Gas Interstate Co. et al., 6994–6995
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 6988–6989
CNG Transmission Corp., 6989–6990
OkTex Pipeline Co., 6990
Southern Natural Gas Co., 6990

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Erie County, NY, 7040
Otero County, NM, 7040–7041

Federal Reserve System
RULES
International banking operations (Regulation K):
Evaluation criteria for foreign bank operations in United States, 6918–6921
PROPOSED RULES
International banking operations (Regulation K):
Foreign banks, shell branches management; U.S. branches or agencies prohibition from management through offshore branches, 6956–6958
NOTICES
Meetings; Sunshine Act, 7048–7049
Applications, hearings, determinations, etc.:
Dresdner Bank AG, 7004
Norwest Corp., 7004–7005

Fine Arts Commission
See Commission of Fine Arts

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Northern spotted owl, 6964–6965

Food and Drug Administration
RULES
Food additives:
Adhesive coatings and components—
3-iodo-2-propynyl-N-butylcarbamate, 6939–6940
NOTICES
Food additive petitions:
Ciba-Geigy Corp., 7005–7006

Stockhausen, Inc.; withdrawn, 7006
Harmonisation International Conference; guidelines availability:
Analysis of expression construct in cells used for production of r-DNA derived protein products, 7006–7008
Meetings:
Advisory committees, panels, etc., 7008–7011
Reports; availability, etc.:
Categorization of investigational devices for Medicare coverage; interagency agreement between FDA and HCFA, 7011–7012

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Arizona
Yuma County Airport Authority, Inc.; Warehouse/distribution facilities, 6972–6973
Louisiana
Conoco, Inc., oil refinery complex; correction, 7050
South Dakota
Joe Foss Field et al.; Warehouse/distribution facilities, 6973

Forest Service
NOTICES
Meetings:
Intergovernmental Advisory Committee, 6967
Southwest Oregon Provincial Interagency Executive Committee Advisory Committee, 6967
National Forest System lands:
Tonto National Forest, AZ; Carlota Copper Project conformity determination, 6967–6970

Health and Human Services Department
See Food and Drug Administration
See Health Care Financing Administration
NOTICES
Meetings:
Dietary Supplement Labels Commission, 7005

Health Care Financing Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7012–7013

Housing and Urban Development Department
RULES
Community facilities:
Affordable housing programs; streamlining, 7060–7063
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 7013

Immigration and Naturalization Service
NOTICES
Meetings:
Citizens Advisory Panel, 7021

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See National Park Service
NOTICES
Exxon Valdez Oil Spill Trustee Council; restoration of resources and services injured by oil spill; project proposals request, 7013
Meetings:
Exxon Valdez Oil Spill Public Advisory Group, 7013

International Trade Administration
NOTICES
Antidumping duty orders and findings:
Determination not to revoke, 6973–6974

International Trade Commission
NOTICES
Meetings; Sunshine Act, 7049

Justice Department
See Antitrust Division
See Drug Enforcement Administration
See Immigration and Naturalization Service
NOTICES
Pollution control; consent judgments:
John Morrell and Co., 7018
Penta Wood Products, Inc., 7018
Sweat et al., 7018–7019

Labor Department
See Employment and Training Administration
See Employment Standards Administration

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Cyprus Bagdad Copper Corp., AZ; correction, 7050
Meetings:
Bakersfield Resource Advisory Council, 7013–7014
Lower Snake River District Resource Advisory Council, 7014
Utah Resource Advisory Council, 7014
Organization, functions, and authority delegations:
Salmon Field Office, ID; mailing address change, 7014
Rangeland health and grazing management; State standards and guidelines:
Arizona, 7014–7015
Realty actions; sales, leases, etc.:
New Mexico, 7015
Resource management plans, etc.
San Luis Resource Area, CO, 7015–7016

Minerals Management Service
PROPOSED RULES
Outer Continental Shelf operations:
Central Gulf of Mexico—
Leasing policies, 6958–6961
NOTICES
Environmental statements; availability, etc.:
Outer Continental Shelf oil and gas leasing 5-year program, 7016
Federal offshore mineral leases; de minimis amount for recoupments, 7016–7017
Royalty management program:
Electronic Data Interchange (EDI); presentation, 7017

National Labor Relations Board
RULES
Administrative law judges; unfair labor practice proceedings; role in expeditious resolution facilitation, 6940–6942

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands groundfish, 6953–6954
Domestic fisheries—
Block Island Sound; closed to all fishing; correction, 7050
PROPOSED RULES
Fishery conservation and management:
Caribbean Fishery Management Council; hearing, 6965
NOTICES
Environmental statements; availability, etc.:
Juneau, AK; consolidation of facilities, 6974–6975
Marine mammals:
Incidental taking; authorization letters, etc.—
Vandenberg AFB, CA; McDonnell Douglas Aerospace Delta II vehicles, 6975
Permits:
Endangered and threatened species, 6975–6976
Marine mammals, 6976

National Park Service
RULES
National Park System:
Denali National Park and Preserve, AK; Mount McKinley and Mount Foraker; mountain climbing registration requirements, 6943–6944
NOTICES
Meetings:
Indian Memorial Advisory Committee, 7017–7018

National Science Foundation
NOTICES
Meetings:
Bioengineering and Environmental Systems Special Emphasis Panel, 7025
Equal Opportunities in Science and Engineering Committee, 7025

Natural Resources Conservation Service
NOTICES
Watershed projects; deauthorization of funds:
Coon Creek Watershed, MN, 6970
Pasture Creek Watershed, MT, 6971

Navy Department
NOTICES
Inventions, government-owned; availability for licensing, 6977–6978
Meetings:
Naval Postgraduate School, Board of Advisors to Superintendent, 6978

Nuclear Regulatory Commission
NOTICES
Meetings:
Reactor Safeguards Advisory Committee, 7025–7026

Public Health Service
See Food and Drug Administration

Railroad Retirement Board
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7026–7027
Meetings; Sunshine Act, 7049

Research and Special Programs Administration
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 7041

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 7031–7032
Chicago Stock Exchange, Inc., 7032–7033
Midwest Clearing Corp. et al., 7033–7034
Municipal Securities Rulemaking Board, 7034–7037
Applications, hearings, determinations, etc.:
Public utility holding company filings, 7027–7031

Sentencing Commission, United States
See United States Sentencing Commission

State Department
NOTICES
Meetings:
Shipping Coordinating Committee, 7039
United States International Telecommunication Advisory Committee; charter renewal, 7039–7040

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Research and Special Programs Administration
NOTICES
Aviation proceedings:
Hearings, etc.—
Sun Pacific International, Inc., 7040

Treasury Department
See Comptroller of the Currency
RULES
Currency and foreign transactions; financial reporting and recordkeeping requirements:
Bank Secrecy Act; implementation—
Casinos and other gaming establishments operated on Indian lands, 7054–7056
NOTICES
Bank Secrecy Act application to Tribal casinos; conference, 7057
Privacy Act:
Computer matching programs, 7041–7042

United States Sentencing Commission
NOTICES
Sentencing guidelines and policy statements for Federal courts, 7037–7039

Veterans Affairs Department
NOTICES
Loan guaranty:
Percentage to determine net value, 7046–7047

Separate Parts In This Issue

Part II
Department of the Treasury, 7054–7057

Part III
Department of Housing and Urban Development, 7060–7063

Reader Aids

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

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.

CFR PARTS AFFECTED IN THIS ISSUE

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

9 CFR
91.....6917
Proposed Rules:
94.....6955

12 CFR
211.....6918
Proposed Rules:
211.....6956

14 CFR
21.....6921
27.....6921
39 (9 documents) 6922, 6925, 6927, 6929, 6931, 6932, 6934, 6935, 6937
121.....6938
125.....6938
135.....6938

21 CFR
175.....6939

24 CFR
510.....7060
511.....7060
590.....7060

29 CFR
102.....6940

30 CFR
Proposed Rules:
203.....6958
256.....6958
260.....6958

31 CFR
103.....7054

33 CFR
187.....6943

36 CFR
13.....6943

40 CFR
86 (2 documents) 6944, 6949

46 CFR
Proposed Rules:
Ch. I.....6961

47 CFR
Proposed Rules:
1.....6961
20.....6963

50 CFR
675.....6953
Proposed Rules:
17.....6964
642.....6965

Rules and Regulations

Federal Register
Vol. 61, No. 37
Friday, February 23, 1996

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

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 96–005–1]

Cattle Exportations; Tuberculosis and Brucellosis Test Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations concerning exportation of livestock by eliminating requirements for pre-export diagnostic tests for tuberculosis and brucellosis in certain cattle being exported from the United States directly to slaughter. Slaughter cattle affected will be those exported from States free of brucellosis or tuberculosis and those exported to countries that have a disease surveillance system equivalent to that of the United States and that agree to share with the United States any findings of brucellosis or tuberculosis in U.S. origin cattle. We believe that these test requirements can be eliminated without compromising the integrity of our brucellosis and tuberculosis surveillance systems. This rule will facilitate the movement of U.S. slaughter cattle to foreign countries.

DATES: Interim rule effective February 15, 1996. Consideration will be given only to comments received on or before April 23, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–005–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–005–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–3294.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, ''Inspection and Handling of Livestock for Exportation'' (referred to below as the regulations), prescribe conditions for exporting animals from the United States. Section 91.5 requires, among other things, that cattle intended for exportation be tested for tuberculosis and brucellosis. We are amending the regulations to remove these testing requirements for cattle exported directly to slaughter in a foreign country, if the receiving country has a disease surveillance system equivalent to that of the United States, as determined by the Administrator of the Animal and Plant Health Inspection Service (APHIS), and if the receiving country agrees to share any findings of brucellosis or tuberculosis in U.S. origin cattle with APHIS. Also, we are amending the regulations to remove these testing requirements for any cattle moving directly to slaughter from a State designated as free of tuberculosis or brucellosis in 9 CFR 77.1 or 78.41, respectively.

Currently, all cattle exported from the United States, including cattle shipped directly to slaughter, must be tested for brucellosis and tuberculosis. Testing ensures that any diseased cattle will be detected and prevented from leaving the United States. Additionally, detection of disease in any cattle intended for export would alert APHIS to the possible presence of disease in the herd of origin, and allow us to take action to contain and eradicate the disease.

Cattle moving directly to slaughter present a negligible risk of transmitting either brucellosis or tuberculosis to other cattle. Although we would still want the cattle tested to ensure that we have information about any possible source of these diseases in the United States, the tests could be conducted in the receiving country, if that country has a disease surveillance system equivalent to that of the United States, as determined by the Administrator, APHIS, and the country agrees to share any findings of tuberculosis and brucellosis with APHIS. Further, cattle intended for export directly to slaughter from a Class Free State for brucellosis or an Accredited-Free State for tuberculosis would present a negligible risk of carrying brucellosis or tuberculosis, respectively. Therefore, we believe it is unnecessary to require testing, prior to export, for brucellosis if the cattle are moved directly from a Class Free State for brucellosis, or for tuberculosis if the cattle are moved directly from an Accredited-Free State for tuberculosis.

The primary effect of this rule would be on cattle moved directly to slaughter in Mexico and Canada. Nearly all cattle exported for slaughter are exported to Mexico and Canada. The Administrator has determined that Canada has a surveillance system for both tuberculosis and brucellosis that is equivalent to that of the United States, and Canada will share any findings of tuberculosis and brucellosis in U.S. origin cattle with APHIS. The Administrator also has determined that Mexico has a surveillance system for tuberculosis that is equivalent to that of the United States, and Mexico will share any findings of tuberculosis in U.S. origin cattle with APHIS. Mexico is still developing a brucellosis surveillance system, so cattle moving directly to slaughter in Mexico will continue to require brucellosis tests, unless they are moving from a Class Free State, as designated in 9 CFR 78.41.

Miscellaneous

We are making minor editorial changes for clarity and consistency.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. This rule will relieve restrictions on the exportation of slaughter cattle by removing certain pre-export testing requirements. U.S. cattle exporters will benefit economically if the restrictions are removed in time for them to take

advantage of current favorable marketing conditions. In addition, State veterinary officials from all four States bordering Mexico—Arizona, California, New Mexico, and Texas—have requested that we make these changes to facilitate the export of slaughter cattle, as we have other means to obtain the test results.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the Federal Register. After the comment period closes, we will publish another document in the Federal Register. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule relieves restrictions and is, therefore, expected to have a favorable economic impact on small entities. The need to make this rule effective in time for U.S. exporters of slaughter cattle to take advantage of a favorable marketing situation makes timely compliance with sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. The final rule for this action will include an analysis of the economic impact of this rule on small entities and will address any comments we receive on the economic impact of the rule on small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, and Transportation.

Accordingly, 9 CFR part 77 is amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 136. 136a, 612, 613, 614, and 618; 46 U.S.C. 466a and 466b; 49 U.S.C. 1509(d); 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 91.5 is amended as follows:

a. By revising paragraph (a) to read as set forth below.

b. By revising paragraph (b) to read as set forth below.

c. In paragraph (c), the first sentence, by adding a comma after the words ''foreign country''.

§ 91.5 Cattle.

* * * * *

(a) *Tuberculosis.* All cattle over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus six hours) after injection as prescribed in Veterinary Services Memorandum 552.15 ''Instructions and Procedures for Conducting Tuberculin Tests in Cattle,'' section VIII A.[2]

(1) *Provided that,* such tests are not required for any of the following:

(i) Cattle exported directly to slaughter in a country that has a tuberculosis surveillance system equivalent to that of the United States, as determined by the Administrator, and that agrees to share any findings of tuberculosis in U.S. origin cattle with APHIS; and

(ii) Cattle exported directly to slaughter from a State designated as an Accredited-Free State in 9 CFR 77.1.

(2) The Administrator has determined that the following countries have a tuberculosis surveillance system that is equivalent to that of the United States: Canada and Mexico.

(b) *Brucellosis.* All cattle over 6 months of age shall be negative to a test for brucellosis conducted as prescribed in ''Standard Agglutination Test Procedures for the Diagnosis of Brucellosis'' [2] or ''Supplemental Test Procedures for the Diagnosis of Brucellosis.'' [2]

(1) *Provided that,* such tests are not required for any of the following:

(i) Official vaccinates of dairy breeds under 20 months of age;

(ii) Official vaccinates of beef breeds under 24 months of age;

(iii) Steers and spayed heifers;

(iv) Cattle exported directly to slaughter in a country that has a brucellosis surveillance system equivalent to that of the United States, as determined by the Administrator, and that agrees to share any findings of brucellosis in U.S. origin cattle with APHIS; and

(v) Cattle exported directly to slaughter from a State designated as a Class Free State in 9 CFR 78.41.

(2) The Administrator has determined that the following country has a brucellosis surveillance system that is equivalent to that of the United States: Canada.

* * * * *

§ 91.8 [Amended]

3. In § 91.8, footnote 4 and its reference are redesignated as footnote 3.

Done in Washington, DC, this 15th day of February 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–4148 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–34–P

[2] Copies of this publication may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Riverdale, Maryland 20737–1231.

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R–0862]

International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Section 202(e)(7) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA or Act) provides that the Board, in consultation with the Treasury, develop and publish criteria to be used in evaluating the operations of any foreign bank in the United States that the Board has determined is not subject to comprehensive supervision or

regulation on a consolidated basis. This final rule amends Regulation K on international banking operations to set out such criteria pursuant to section 202(e)(7) of FDICIA.

EFFECTIVE DATE: March 25, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen M. O'Day, Associate General Counsel (202/452–3786), Sandra L. Richardson, Managing Senior Counsel (202/452–6406), John W. Rogers, Attorney (202/452–2798); Michael G. Martinson, Assistant Director (202/452–3640), Elizabeth H. Roberts, Manager (202/452–3846), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. For users of Telecommunication Device for the Deaf (TDD), please contact Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System (Board or Federal Reserve), 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 7(e)(7) of the International Banking Act (IBA) was added by the Foreign Bank Supervision Enhancement Act (FBSEA) and requires the Board, in consultation with the Treasury Department, to publish criteria to be used in evaluating the operations of any foreign bank in the United States that the Board has determined is not subject to comprehensive, consolidated supervision by its home country supervisor. A determination by the Board that a foreign bank is not subject to comprehensive, consolidated supervision is a sufficient ground, in and of itself, for the Board to require, or with respect to federal branches or agencies to recommend, termination of the foreign bank's U.S. branches, agencies, or commercial lending company subsidiaries. However, termination of its U.S. operations is not mandatory in these circumstances. Instead, in enacting section 7(e)(7) of the IBA, Congress recognized that there may be factors in particular cases that militate against termination of a foreign bank's U.S. operations.

On December 13, 1994, the Board published for comment a proposed amendment to Regulation K (the Proposed Rule), 59 FR 64171, setting forth criteria to be used in evaluating whether a foreign bank's U.S. operations, in the absence of comprehensive, consolidated supervision, should be terminated or permitted to continue and, if the latter, whether any supervisory constraints should be placed upon the bank in connection with those operations.

The Proposed Rule further provided that any foreign bank found not to be subject to comprehensive, consolidated supervision may be required to enter into and comply with an agreement to conduct its U.S. operations in accordance with restrictions the Board may determine to be appropriate in order to assure the safety and soundness of such operations. Prior to imposing any such restrictions, whether through written agreement or otherwise, the Board would consult with the Office of Comptroller of the Currency (OCC) or the relevant state banking authorities. In appropriate circumstances, the OCC or the relevant state banking authorities may join in any such agreement. If any requirements imposed in such an agreement were not adhered to, the U.S. banking operations of the foreign bank would be subject to further enforcement action, including potentially the issuance of an order terminating the activities of its U.S. offices or transmittal of a recommendation to the OCC for such termination.

The Board received six public comments with regard to the Proposed Rule. Comments were submitted by two Members of Congress, an association of state banking supervisors, three trade associations, and one domestic bank. The comments focused on the following general topics: maintaining flexibility in the evaluation process, as well as in the supervisory responses to a determination that a foreign bank is not subject to comprehensive, consolidated supervision; taking into account a country's progress towards a system of comprehensive, consolidated supervision; excluding representative offices from evaluation under the criteria; providing notice to a foreign bank prior to making a comprehensive, consolidated supervision determination; clarifying relevant state banking regulators for purposes of consultation under the rule; and evaluating a foreign bank's overall financial condition. The comments are discussed further below.

Flexibility

The commenters generally endorsed the flexibility indicated by the Board in proposing to take into account a wide variety of criteria in evaluating whether a foreign bank's U.S. operations should be terminated or permitted to continue when that foreign bank is not subject to comprehensive, consolidated supervision.

Several commenters urged the Board to apply the criteria and develop any subsequent supervisory response on a case-by-case basis, taking into account the unique circumstances of the foreign bank concerned, rather than developing a ''standardized'' response based upon a foreign bank's country of origin. The commenters further urged the Board explicitly to endorse the case-by-case approach to such determinations, either in the final rule or in commentary to the final rule.

As the Board indicated in the preamble to the Proposed Rule, determinations with regard to whether a foreign bank is subject to comprehensive, consolidated supervision will be made in the context of the supervision and regulation of the foreign bank's existing U.S. operations. A case-by-case approach to such determinations was contemplated in the Proposed Rule and the Board continues to believe that this is the appropriate basis on which such determinations should be made. That said, an adverse determination with regard to whether a particular bank is subject to comprehensive, consolidated supervision will suggest that further inquiry may be appropriate with regard to the nature and scope of supervision of other banks with the same home country supervisor.

Progress Towards Comprehensive, Consolidated Supervision

The commenters also noted that many foreign supervisors have reacted to passage of the FBSEA by undertaking initiatives to institute systems of comprehensive, consolidated supervision. The commenters urged the Board to take into account as an additional criterion whether the foreign bank's home country supervisor was making progress towards comprehensive, consolidated supervision as outlined in the minimum standards for the supervision of international banking groups and their cross-border establishments published by the Basle Committee on Banking Supervision. The Board considers this to be an appropriate suggestion and the final rule has been amended to include such a criterion.

Supervisory Response

Several commenters were concerned that imposing a requirement that a foreign bank conduct its U.S. banking operations on the basis of such operations being in a net-due-to position vis-a-vis the parent should not be the standard supervisory response stemming from a determination that a foreign bank is not subject to comprehensive, consolidated supervision. The commenters noted generally that such a requirement could be extremely damaging to the business of a foreign bank. These commenters also noted that the Board, in the

preamble to the Proposed Rule, indicated that it was appropriate, in developing the proposed criteria, to take into account the panoply of tools available to the Board and other banking regulators to regulate the operations of foreign banks not yet subject to comprehensive, consolidated supervision. One commenter recommended that the Board clarify that it only would use specific supervisory agreements in cases where it has safety and soundness concerns regarding the U.S. operations of a foreign bank, not solely on the basis that the foreign bank's home country supervisor does not exercise comprehensive, consolidated supervision.

The Proposed Rule provided that any foreign bank that the Board determines is not subject to comprehensive, consolidated supervision may be required to conduct its U.S. operations subject to such restrictions as the Board, having taken into account the criteria, determines to be appropriate in order to assure the safety and soundness of the bank's U.S. operations. 59 FR 64173. The Board stated in the preamble to the Proposed Rule that requiring a foreign bank to conduct its U.S. banking operations in a net-due-to position vis-a-vis the rest of the organization would be one means of assuring the safe and sound operation of the bank's U.S. offices. The Board also noted that other operational requirements also could be imposed, such as collateralization of affiliate transactions, asset maintenance requirements, increased asset pledges, and liquidity requirements. Which of these operational requirements, if any, would be imposed upon a foreign bank's offices in the United States following a determination that the bank is not subject to comprehensive, consolidated supervision would be determined in light of the circumstances of each case.

Representative Offices

Two commenters asked the Board to consider the implications of the Proposed Rule as regards representative offices, arguing that the criteria should not apply to foreign banks that operate only representative offices in the United States. The Board notes that the FBSEA permits the approval of applications to establish representative offices even in the absence of comprehensive, consolidated supervision. The absence of comprehensive, consolidated supervision would not mean necessarily that any action would be taken under the criteria in relation to a bank with only representative offices in the United States. If, however, supervisory concerns should arise in relation to such a bank, the criteria would apply.

Notice to Foreign Bank

One commenter noted that language in the preamble to the Proposed Rule could imply that a Board determination as to comprehensive, consolidated supervision may be made without notice to the foreign bank other than when expeditious action is necessary or in connection with an application requiring such determination. The commenter further stated that the strength of support assessment to be made in connection with the Supervisory Program for the U.S. Operations of Foreign Banking Organizations presents an opportunity for a comprehensive, consolidated supervision determination to be made unbeknownst to the foreign bank. This commenter recommended that the final rule confirm that a foreign bank will always receive notice and an opportunity to provide its views and relevant information when a comprehensive, consolidated supervision determination is being made and expeditious action in the public interest is not necessary.

As the Board indicated in the Proposed Rule, all determinations with regard to whether a foreign bank is subject to comprehensive, consolidated supervision will be made in the context of the supervision of the foreign bank's U.S. operations or, of course, in connection with an application. Just as is the case with other such determinations, a foreign bank generally will have an opportunity to provide its views and any information it considers relevant during the course of the application, supervision, or examination process. Information gained in the course of the supervisory process will be available to the Board when making the determination of whether a foreign bank is subject to comprehensive, consolidated supervision. Any action that might result from a determination, such as a decision to terminate or to begin enforcement proceedings, would provide the foreign bank with an opportunity to provide further information to the Board.

State Banking Regulators

One commenter noted that the criteria do not specify which state banking regulator would be the ''relevant'' banking regulator in those cases where a foreign bank has operations in more than one state. This commenter, therefore, recommended that the Board clarify that the ''relevant'' state regulator includes all state bank regulators where the foreign bank in question has offices. This amendment is consistent with the intention underlying the subject provision of the Proposed Rule and the final rule has been amended accordingly.

Evaluation of Financial Condition

One commenter indicated that due regard should be accorded different accounting systems used by the foreign bank when evaluating the soundness of the foreign bank's financial condition, particularly if the accounting treatments differ from U.S. generally accepted accounting principles. The Board considers that no amendment to the Proposed Rule is necessary to address this point. The Board notes that it approaches the evaluation of a foreign bank's financial condition with sufficient flexibility to accommodate such accounting differences, yet with sufficient rigor to reach a view regarding whether the foreign bank's overall financial strength is equivalent to that required of U.S. banks seeking to engage in similar activities.

Paperwork Reduction Act

In accordance with section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in the rule.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is certified that the final rule would not have a significant impact on a substantial number of small entities that are subject to its regulation.

List of Subjects in 12 CFR Part 211

Exports, Federal Reserve System, Foreign banking, Holding companies, Investments, Reporting and recordkeeping requirements.

For the reasons outlined above, the Board is amending 12 CFR Part 211 as set forth below:

PART 211—INTERNATIONAL BANKING OPERATIONS (REGULATION K)

1. The authority citation for Part 211 continues to read as follows:

Authority: 12 U.S.C. 221 *et seq.*, 1818, 1841 *et seq.*, 3101 *et seq.*, 3901 *et seq.*

2. A new § 211.30 is added to Subpart B to read as follows:

§ 211.30 Criteria for evaluating the U.S. operations of foreign banks not subject to consolidated supervision.

(a) *General.* Pursuant to the Foreign Bank Supervision Enhancement Act, Pub.L. 102–242, 105 Stat. 2286 (1991), the Board shall develop and publish criteria to be used in evaluating the operations of any foreign bank in the United States that the Board has determined is not subject to comprehensive supervision or regulation on a consolidated basis.

(b) *Criteria.* Following a determination by the Board that, having taken into account the standards set forth in § 211.24(c)(1) of this subpart, a foreign bank is not subject to comprehensive, consolidated supervision by its home country supervisor, the Board shall consider the following criteria in determining whether the foreign bank's U.S. operations should be permitted to continue and, if so, whether any supervisory constraints should be placed upon the bank in connection with those operations:

(1) The proportion of the foreign bank's total assets and total liabilities that are located or booked in its home country, as well as the distribution and location of its assets and liabilities that are located or booked elsewhere;

(2) The extent to which the operations and assets of the foreign bank and any affiliates are subject to supervision by its home country supervisor;

(3) Whether the appropriate authorities in the home country of such foreign bank are actively working to establish arrangements for the comprehensive, consolidated supervision of such bank and whether demonstrable progress is being made;

(4) Whether the foreign bank has effective and reliable systems of internal controls and management information and reporting, which enable its management properly to oversee its worldwide operations;

(5) Whether the foreign bank's home country supervisor has any objection to the bank continuing to operate in the United States;

(6) Whether the foreign bank's home country supervisor and the home country supervisor of any parent of the foreign bank share material information regarding the operations of the foreign bank with other supervisory authorities;

(7) The relationship of the U.S. operations to the other operations of the foreign bank, including whether the foreign bank maintains funds in its U.S. offices that are in excess of amounts due to its U.S. offices from the foreign bank's non-U.S. offices;

(8) The soundness of the foreign bank's overall financial condition;

(9) The managerial resources of the foreign bank, including the competence, experience, and integrity of the officers and directors and the integrity of its principal shareholders;

(10) The scope and frequency of external audits of the foreign bank;

(11) The operating record of the foreign bank generally and its role in the banking system in its home country;

(12) The foreign bank's record of compliance with relevant laws, as well as the adequacy of its money laundering controls and procedures, in respect of its worldwide operations;

(13) The operating record of the U.S. offices of the foreign bank;

(14) The views and recommendations of the Office of the Comptroller of the Currency or the state banking regulators in those states in which the foreign bank has operations, as appropriate;

(15) Whether the foreign bank, if requested, has provided the Board with adequate assurances that such information will be made available on the operations or activities of the foreign bank and any of its affiliates as the Board deems necessary to determine and enforce compliance with the International Banking Act, the Bank Holding Company Act, and other applicable federal banking statutes; and

(16) Any other information relevant to the safety and soundness of the U.S. operations of the foreign bank.

(c) *Restrictions on U.S. operations.*—(1) *Terms of agreement.* Any foreign bank that the Board determines is not subject to comprehensive supervision or regulation on a consolidated basis by its home country supervisor may be required to enter into an agreement to conduct its U.S. operations subject to such restrictions as the Board, having considered the criteria set forth in paragraph (b) of this section, determines to be appropriate in order to assure the safety and soundness of its U.S. operations.

(2) *Failure to enter into or comply with agreement.* A foreign bank that is required by the Board to enter into an agreement pursuant to paragraph (c)(1) of this section and either fails to do so or fails to comply with the terms of such agreement may be subject to enforcement action in order to assure safe and sound banking operations under 12 U.S.C. 1818, or to termination or a recommendation for termination of its U.S. operations under § 211.25 (a) and (e) of this subpart and section (7)(e) of the IBA (12 U.S.C. 3105(e)).

By order of the Board of Governors of the Federal Reserve System, February 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–3910 Filed 2–22–96; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 27

[Docket No. 93–ASW–2; Special Condition 27–ASW–1]

Special Condition: Eurocopter Deutschland Model EC135 Helicopter, Full Authority Digital Engine Control

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special condition.

SUMMARY: This special condition is issued for the Eurocopter Deutschland Model EC135 helicopter. This helicopter will have a novel or unusual design feature associated with the Turbomeca Arrius 2B or United Technologies Pratt & Whitney PW 206B engines with a full authority digital engine control (FADEC) system. This special condition contains additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: March 25, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Carroll R. Wright, Federal Aviation Administration (FAA), Rotorcraft Standards Staff, Fort Worth, Texas 76193–0111; telephone (817) 222–5120.

SUPPLEMENTARY INFORMATION:

Background

Eurocopter Deutschland, Munich, Germany, submitted an application on October 31, 1990, for a Type Certificate for the Model BO–108 (EC135) helicopter to the FAA Brussels Certification Office through the German Luftfahrt-Bundesamt Authorities (LBA). Notice of Proposed Special Condition 27–ASW–1 was published, based on this application, for protection of systems that perform critical functions from High Intensity Radiated Fields (HIRF). Due to delays and a redefinition of the proposed helicopter, a new application was submitted for Type Certification of the EC135 B–1 and D–1 helicopter on December 12, 1994, through the German LBA Authorities to the FAA Brussels Aircraft Certification Office. The Model EC135 is a 5–7 passenger, two engine, 5,511-lb

maximum take-off gross weight, normal category helicopter. This model helicopter may be equipped with either the Turbomeca Arrius 2B or the United Technologies Pratt & Whitney PW 206B engines. Both of these type engines utilize a FADEC system.

Type Certification Basis

The certification basis established for the Model EC135 includes:

1. 14 Code of Federal Regulations (CFR) 21.29.

2. 14 CFR part 27, Amendment 30, dated October 3, 1994; and the following additional requirements to part 27, Amendment 30:

a. Section 27.65 with the following changes: the introductory portion of § 27.65(b)(2) is changed to read ''The steady rate of climb must be determined,'' and § 27.65(b)(2)(ii) is changed to read ''Within the range from sea level up to the maximum altitude for which certification is requested.''

b. Section 27.1141 plus a new requirement that ''Each control must be able to maintain any set position without (1) Constant attention; or (2) Tendency to creep due to control loads or vibration.''

c. Additional requirements for rotor brake controls state that (1) It must be impossible to apply the rotor brake inadvertently in flight, and (2) There must be means to warn the crew if the rotor brake has not been completely released before takeoff.''

3. Applicable paragraphs of part 29, Amendment 36, dated January 31, 1996; as follows: 29.861(a), 29.901(c), 29.903 (b), (c), (e), 29.908(a), 29.917(b), (c)(1), 29.927(c)(1), 29.953(a), 29.1027(a), 20.1045(a)(1), (b), (c), (d), (f), 29.1047(a), 29.1181(a), 29.1189(c), 29.1191(a)(1), 29.1193(e), 29.1305(a)(6), (b), 29.1309(b)(2)(i), (d), 29.1331(b), 29.1351(d)(2).

4. Noise Requirements of part 36 Noise Standards Appendix J amended by Amendments 36–1 through the latest amendment in effect at the time of certification.

If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the Model EC135 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.101(b)(2) establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b) and become a part of the type certification basis, as provided by § 21.101(b)(2). In addition to the applicable airworthiness regulations and special conditions, the Model EC135 helicopter must comply with the noise certification requirements of part 36 and the engine emission requirements of Special Federal Aviation Regulation (SFAR) 27.

Discussion of Comments

Notice of Proposed Special Condition No. SC–93–SW was published in the Federal Register on January 22, 1993 (58 FR 5666). Two comments were received from the manufacturer. One comment corrected the name of the manufacturer. The other comment stated that the laboratory test option should satisfy this special condition for VFR including operation below 500 feet AGL. The FAA agrees with both comments. The name is corrected in this final special condition, and the other comment does not require a change to the rule as proposed. Therefore, except for the name change, the special condition is adopted as proposed.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Feature

The Eurocopter Deutschland Model EC135 helicopter has been identified as incorporating one and possibly more electrical or electronic systems that will be performing functions critical to the continued safe flight and landing of the helicopter. FADEC is an electronic device that performs the critical functions of engine control. The control of the engines is critical to the continued safe flight and landing of the helicopter during visual flight rules (VFR) and instrument flight rules (IFR) operations.

If it is determined that this helicopter will incorporate other electrical or electronic systems performing critical functions, those systems also will be required to comply with the requirements of this special condition.

As discussed above, these special conditions are applicable initially the Model EC135 helicopter. Should Eurocopter Deutschland apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only one unusual or novel design feature on one series of helicopters. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the affected helicopter.

List of Subjects in 14 CFR Parts 21 and 27

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The authority citation for this special condition is as follows:

Authority: 49 U.S.C.(g), 40113, 44701, 44702, and 44704.

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for the Eurocopter Deutschland Model EC–135 helicopter.

Protection for Electrical/Electronic Systems From High Intensity Radiated Fields.

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the helicopter is exposed to high intensity radiated fields external to the helicopter.

Issued in Fort Worth, Texas, on February 9, 1996.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–3976 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 95–NM–20–AD; Amendment 39–9493; AD 96–02–05]

Airworthiness Directives; McDonnell Douglas Model DC–9 and Model DC–9–80 Series Airplanes; Model MD–88 Airplanes; and C–9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9 and Model DC–9–80 series airplanes; Model MD–88 airplanes; and C–9 (military) series

airplanes, that currently requires visual and eddy current inspections to detect cracking of the rudder pedals adjuster hub assembly, and replacement of the assembly, if necessary. That amendment was prompted by several occurrences of failure of the rudder pedals adjuster hub assembly due to broken detent lugs. This amendment provides an optional terminating action for the required inspections, and expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent loss of rudder pedals control and reduction of braking capability.

DATES: Effective March 25, 1996.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of March 25, 1996.

The incorporation by reference of McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 1, dated February 3, 1992, as listed in the regulations, was approved previously by the Director of the Federal Register as of January 22, 1993 (57 FR 60116, December 18, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Augusto Coo, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5225; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 92–27–07, amendment 39–8441 (57 FR 60116, December 18, 1992), which is applicable to certain McDonnell Douglas Model DC–9 and Model DC–9–80 series airplanes; Model MD–88 airplanes; and C–9 (military) series airplanes, was published in the Federal Register on April 6, 1995 (60 FR 17489). The action proposed to continue to require visual and eddy current inspections to detect cracking of the rudder pedals adjuster hub assembly, and replacement of the assembly, if necessary. The action also proposed to expand the applicability of the existing AD to include additional airplanes.

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

Two commenters support the proposed rule.

Two other commenters also support the proposed rule, but request that the FAA allow the replacement of the magnesium casting rudder pedal adjuster hub assembly with an aluminum assembly, as described in McDonnell Douglas DC–9 Service Bulletin 27–325, as terminating action for the requirements of this AD.

The FAA concurs. The FAA has reviewed and approved McDonnell Douglas DC–9 Service Bulletin 27–325, Revision 1, dated November 30, 1994, which describes procedures for replacement of the rudder pedal adjustment hub assembly in the rudder pedal mechanism. The FAA has determined that replacement of the existing magnesium casting with a new aluminum part, as specified in the service bulletin, provides optional terminating action for the repetitive inspections required by this AD. Accordingly, the FAA has revised the final rule to add a new paragraph (c) to specify this optional terminating action.

McDonnell Douglas Alert Service Bulletin number ''A27–325,'' Revision 1, was inadvertently omitted in paragraph (a) of the proposed rule and a typographical error in the date of that alert service bulletin also appeared in paragraph (a) of the proposed rule. Additionally, McDonnell Douglas DC–9 Alert Service Bulletin number ''A27–325,'' Revision 2, dated January 27, 1995, was inadvertently omitted in paragraph (b) of the proposed rule. The FAA has revised the final rule to correct these typographical errors.

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

There are approximately 909 Model DC–9 and Model DC–9–80 series airplanes; Model MD–88 airplanes; and C–9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 561 airplanes of U.S. registry will be affected by this AD, that it would take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures the cost impact of this AD on U.S. operators is estimated to be $180 per airplane.

The actions specified in this AD previously were required by AD 92–27–07, which was applicable to approximately 373 airplanes. Based on the figures discussed above, the cost impact of the current requirements of that AD on U.S. operators is estimated to be $67,140. In consideration of the compliance time and effective date of AD 92–27–07, the FAA assumes that operators of the 373 airplanes subject to that AD have already initiated the required actions. This AD action adds no new costs associated with those airplanes.

This AD action is applicable to approximately 188 additional airplanes. Based on the figures discussed above, the new costs to U.S. operators that are imposed by this AD are estimated to be $33,840. This figure is based on assumptions that no operator of these additional airplanes has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 removing amendment 39–8441 (57 FR 60116, December 18, 1992), and by adding a new airworthiness directive (AD), amendment 39–9493, to read as follows:

96–02–05 McDonnell Douglas: Amendment 39–9493. Docket 95–NM–20–AD. Supersedes AD 92–27–07, Amendment 39–8441.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), –82 (MD–82) –83 (MD–83), and –87 (MD–87) series airplanes; Model MD–88 airplanes; and Model C–9 (military) series airplanes; as listed in McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 2, dated January 27, 1995; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously. To prevent loss of rudder pedals control and reduction of braking capability, accomplish the following:

(a) For airplanes listed in McDonnell Douglas Alert Service Bulletin A27–325, Revision 1, dated February 3, 1992: Prior to the accumulation of 15,000 landings or within 270 days after January 22, 1993 (the effective date of AD 92–27–07, amendment 39–8441), whichever occurs later, conduct a visual and eddy current inspection to detect cracks of the rudder pedals adjuster hub assembly, part number 4616066, in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 1, dated February 3, 1992, or Revision 2, dated January 27, 1995.

(1) If no cracks are detected as a result of the inspections required by this paragraph, repeat the inspections at intervals not to exceed 3,500 landings.

(2) If cracks are detected as a result of the inspections required by this paragraph, prior to further flight, replace the rudder pedals adjuster hub assembly, part number 4616066, with a new assembly having the same part number, in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 2, dated January 27, 1995. Thereafter, conduct visual and eddy current inspections of the replacement rudder pedals adjuster hub assembly in accordance with this paragraph.

(b) For airplanes listed in McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 2, dated January 27, 1995, and not subject to paragraph (a) of this AD: Prior to the accumulation of 15,000 landings or within 270 days after the effective date of this AD, whichever occurs later, conduct a visual and eddy current inspection to detect cracks of the rudder pedals adjuster hub assembly, part number 4616066, in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 1, dated February 3, 1992, or Revision 2, dated January 27, 1995.

(1) If no cracks are detected as a result of the inspections required by this paragraph, repeat the inspections at intervals not to exceed 3,500 landings.

(2) If cracks are detected as a result of the inspections required by this paragraph, prior to further flight, replace the rudder pedals adjuster hub assembly, part number 4616066, with a new assembly having the same part number, in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 2, dated January 27, 1995. Thereafter, conduct visual and eddy current inspections of the replacement rudder pedals adjuster hub assembly in accordance with this paragraph.

(c) Installation of the aluminum rudder pedal adjustment hub assembly in the rudder pedal mechanism between stations X=69 and X=120.000 in the flight compartment, in accordance with McDonnell Douglas DC–9 Service Bulletin 27–325, Revision 1, dated November 30, 1994, constitutes terminating action for the requirements of this AD.

(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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO. Alternative methods of compliance previously granted for AD 92–27–07, Amendment 39–8441, continue to be considered as acceptable alternative methods of compliance with this amendment.

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

(f) The actions shall be done in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 2, dated January 27, 1995; McDonnell Douglas DC–9 Service Bulletin 27–325, Revision 1, dated November 30, 1994; and McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 1, dated February 3, 1992. Revision 2 of McDonnell Douglas DC–9 Alert Service Bulletin A27–325 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–22	2	Jan. 27, 1995.
23–30	1	Feb. 3, 1992.

Revision 1 of McDonnell Douglas DC–9 Service Bulletin 27–325 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–22	1	Nov. 30, 1994.
23–28	Original	Sept. 13, 1993.

The incorporation by reference of McDonnell Douglas DC–9 Alert Service Bulletin A27–325, Revision 1, dated February 3, 1992, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of January 22, 1993 (57 FR 60116, December 18, 1992). The incorporation by reference of the remainder of service documents is 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 25, 1996.

Issued in Renton, Washington, on January 17, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–844 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–NM–262–AD; Amendment 39–9515; AD 96–04–04]

Airworthiness Directives; Airbus Model A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A340 series airplanes. This action requires repetitive inspections to detect corrosion and cracking of the shortening mechanism pins in the main landing gear (MLG), and repair or replacement, if necessary. It also requires replacement of the shortening mechanism pin and retraction mechanism pins; the forward pintle pin; the shortening mechanism bellcrank pin; and the bellcrank subassembly of the shortening mechanism. This amendment is prompted by reports of failure of the shortening mechanism pins due to improper grinding of the chrome plating during manufacture, which led to the initiation of stress corrosion and cracks. The actions specified in this AD are intended to prevent failure of these pins, which could lead to a significant reduction of the shock absorber capability or damage to various components of the MLG, and eventually could lead to the failure of the MLG.

DATES: Effective March 11, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 11, 1996.

Comments for inclusion in the Rules Docket must be received on or before April 23, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–262–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A340 series airplanes. The DGAC advises that there have been two cases of failure of the shortening mechanism pin of the main landing gear (MLG) assembly on in-service airplanes.

In one case, investigation revealed that the pin had broken into three parts, the chrome plating was detached from the base metal around the breaks, and heavy corrosion was present on all of the fracture surfaces. A metallurgical analysis of the broken pin concluded that the pin fractures were the result of cracks in the pin's chrome plating and subsequent stress corrosion. The cracks in the chrome plating most likely occurred as a result of ''grinding abuse'' when the pin was ground during manufacture. The subsequent penetration of moisture through the cracks to the base metal initiated the stress corrosion and the local detachment of the chrome plating.

In the second case, investigation revealed that the pin had failed as a result of damage caused by stress corrosion.

The DGAC also advises that similar ''grinding abuse'' may also be present on some forward pintle pins installed on the main strut and dressings of certain affected airplanes, and on the shortening mechanism bellcrank pins of the bellcrank subassembly of the MLG.

Failure of the shortening mechanism pin on the MLG could result in substantial damage to the shortening mechanism, the shock absorber, and the inner top side of the main fitting. This condition could lead to a significant reduction of the shock absorber capability, and eventually could lead to the failure of the MLG.

Likewise, failure of the forward pintle pins or the shortening mechanism bellcrank pins could also result in damage to the shortening mechanism and/or the surrounding area and components, and eventually could lead to the failure of the MLG.

Airbus Industrie has issued the following service bulletins that contain procedures to address this problem:

1. Airbus Service Bulletin A340–32–4050, dated April 10, 1995; and Revision 1, dated May 17, 1995. These service bulletins describe procedures for conducting repetitive visual inspections to detect cracks and corrosion of the shortening mechanism pins. The inspection procedures also call for a one-time lubricating of the affected shortening mechanism links. The service bulletins also describe procedures for replacement of the shortening mechanism pin and retraction mechanism pins of the MLG (left- and right-hand side) with pins that are properly chrome-plated and not susceptible to problems associated with corrosion. (These service bulletins refer to Messier-Dowty Service Bulletins A33/34–32–29 and A33/34–32–30 for more detailed procedural instructions.)

2. Airbus Service Bulletin A340–32–4058, dated April 10, 1995; and Revision 1, dated May 17, 1995. These service bulletins describe procedures for removing discrepant forward pintle pins and replacing them with new or reworked pintle pins that are not susceptible to the problems associated with corrosion. This replacement will ensure the integrity of the affected components of the MLG. (These service bulletins refer to Messier-Dowty Service Bulletins A33/34–32–28 and A33/34–32–32 for more detailed procedural instructions.)

3. Airbus Service Bulletin A340–32–4062, dated May 17, 1995. This service bulletin describes procedures for replacing discrepant shortening mechanism bellcrank pins with new or serviceable pins that are not susceptible to the problems associated with corrosion. It also describes procedures for replacing the bellcrank subassembly of the shortening mechanism of the MLG. These replacements will ensure the integrity of the affected components of the bellcrank and the MLG. (This service bulletin refers to Messier-Dowty Service Bulletins A33–34–32–44 and A33/34–32–45 for more detailed procedural instructions.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directive (CN) 94–244–012(B)R3, dated July 19, 1995, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this

type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the MLG. This AD requires, initially, repetitive visual inspections to detect damage or cracks of the shortening mechanism pivot pin, and replacement, if necessary. It also requires a one-time lubrication (greasing) of the MLG shortening mechanism main links.

This AD also requires replacement of the following items:

1. The shortening mechanism pivot pin, and the retraction mechanism pins of the MLG on the left- and right-hand sides (after these replacements are accomplished, the required repetitive visual inspections are terminated);
2. The forward pintle pin fitted to the MLG;
3. The shortening mechanism bellcrank pin of the MLG; and
4. The bellcrank subassembly of the shortening mechanism of the MLG.

These actions are required to be accomplished in accordance with the service bulletins described previously.

None of the Model A340 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, the following costs could be expected:

Inspection of the shortening mechanism pivot pin would require approximately .5 work hour to accomplish the required actions, at an average labor charge of $60 per work hour. Based on these figures, the cost impact of this inspection requirement would be $30 per airplane per inspection cycle.

Replacement of the shortening mechanism pivot pin and retraction mechanism pins would require approximately 118 work hours per airplane to accomplish, at an average labor charge of $60 per work hour. Based on these figures, the cost impact of this replacement requirement would be $7,080 per airplane.

Replacement of the forward pintle pin would require approximately 92 work hours per airplane to accomplish, at an average labor charge of $60 per work hour. Based on these figures, the cost impact of this replacement requirement would be $5,520 per airplane.

Replacement of the shortening mechanism bellcrank pin and bellcrank subassembly would require approximately 13 work hours per airplane to accomplish, at an average labor charge of $60 per work hour. Based on these figures, the cost impact of this replacement requirement would be $780 per airplane.

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the Federal Register.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–262–AD.'' The postcard will be date stamped and returned to the commenter.

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

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:

96–04–04 Airbus: Amendment 39–9515. Docket 95–NM–262–AD.

Applicability: Model A340 series airplanes; having manufacturer's serial numbers (MSN) 002 through 009 inclusive, 011, 013 through 016 inclusive, 018 through 029 inclusive, 031 through 036 inclusive, or 038; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 as indicated, unless accomplished previously.

To prevent collapse of the main landing gear, accomplish the following:

(a) For airplanes having MSN 005 through 009 inclusive, 011, 013 through 016 inclusive, 018 through 029 inclusive, 031 through 034 inclusive, or 038: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD:

(1) Within 7 days after the effective date of this AD, perform a visual inspection to detect corrosion and cracks of the shortening mechanism (pivot) pins of the main landing gear (MLG), in accordance with Airbus Service Bulletin A340–32–4050, dated April 10, 1995, or Revision 1, dated May 17, 1995.

(i) If no corrosion or cracking is found, repeat the inspection thereafter at intervals not to exceed 7 days.

(ii) If any corrosion or cracking is found, prior to further flight, replace the shortening mechanism pin and the retraction mechanism pin with a new pin in accordance with the service bulletin. Accomplishment of this replacement constitutes terminating action for the repetitive inspections required by paragraph (a)(1)(i) of this AD.

(2) Within 7 days after the effective date of this AD, perform a one-time lubrication (greasing) of the MLG shortening mechanism main links in accordance with the service bulletin.

(b) Prior to the accumulation of 1,500 total landings, or within 3 months after the effective date of this AD, whichever occurs later, but no later than 12 months after the effective date of this AD, accomplish the requirements of paragraphs (b)(1), (b)(2), and (b)(3) of this AD, as applicable.

(1) For airplanes having MSN 005 through 009 inclusive, 011, 013 through 016 inclusive, 018 through 029 inclusive, 031 through 034 inclusive, or 038: Replace the shortening mechanism pivot pin, and the retraction mechanism pins of the MLG, left- and right-hand side, in accordance with Airbus Service Bulletin A340–32–4050, dated April 10, 1995, or Revision 1, dated May 17, 1995.

(2) For airplanes having MSN 021 through 029 inclusive, or 031 through 034 inclusive: Replace the forward pintle pins fitted to the MLG in accordance with Airbus Service Bulletin A340–32–4058, dated April 10, 1995, or Revision 1, dated May 17, 1995.

(3) For airplanes having MSN 002 through 009 inclusive, 011, 013 through 016 inclusive, 018 through 029 inclusive, or 031 through 036 inclusive: Replace the shortening mechanism bellcrank pin of the MLG in accordance with Airbus Service Bulletin A340–32–4062, dated May 17, 1995.

(c) For airplanes having MSN 002 through 009 inclusive, 011, 013 through 016 inclusive, 018 through 029 inclusive, or 031 through 036 inclusive: Prior to the accumulation of 7,250 total landings, or within 3 months after the effective date of this AD, whichever occurs later, replace the bellcrank subassembly of the shortening mechanism of the MLG in accordance with Airbus Service Bulletin A340–32–4062, dated May 17, 1995.

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

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

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

(f) The actions shall be done in accordance with the following Airbus service bulletins, which contain the following list of effective pages:

Airbus service bulletin and date	Page No.	Revision level shown on page	Date shown on page
A340–32–4050, April 10, 1995	1–15	(Original)	April 10, 1995.
A340–32–4050, Revision 1, May 17, 1995	1, 2, 5, 10	1	May 17, 1995.
	3, 4, 6–9, 11–15	(Original)	April 10, 1995.
A340–32–4058, April 10, 1995	1–10	(Original)	April 10, 1995.
A340–32–4058, Revision 1, May 17, 1995	1–3, 7–9	1	May 17, 1995.
	4–6, 10	(Original)	April 10, 1995.
A340–32–4062, May 17, 1995	1–10	(Original)	May 17, 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 11, 1996.

Issued in Renton, Washington, on February 7, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3149 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–NM–77–AD; Amendment 39–9518; AD 96–04–06]

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that requires replacement of the relays in the forward electronics rack of the braking system of the landing gear with new relays. This amendment is prompted by reports of loss of the systems of the braking/steering control unit (BSCU) on these airplanes due to electrical overvoltage of the relays. The actions specified by this AD are intended to prevent such electrical overvoltage of the relays, which could result in the loss of the BSCU systems, and subsequent loss of the antiskid functions and nose wheel steering of the airplane.

DATES: Effective March 25, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 25, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the

Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles D. Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320 series airplanes was published in the Federal Register on October 20, 1995 (60 FR 54202). That action proposed to require replacement of certain relays in the forward electronics rack 90VU of the braking system of the landing gear with new relays.

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

The commenters support the proposed rule.

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

The FAA estimates that 87 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $10,440, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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:

96–04–06 Airbus Industrie: Amendment 39–9518. Docket 95–NM–77–AD.

Applicability: Model A320 series airplanes on which Airbus Modification 23611 (reference Airbus Service Bulletin A320–32–1115) has not been installed, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 as indicated, unless accomplished previously.

To prevent an electrical overvoltage of the relays, which could result in the loss of the braking/steering control unit (BSCU) systems, and subsequent loss of the antiskid functions and nose wheel steering of the airplane, accomplish the following:

(a) Within 10 months after the effective date of this AD, replace relays 24 GG and 25 GG in the forward electronics rack 90VU of zone 120 of the braking system of the landing gear with new relays, in accordance with Airbus Service Bulletin A320–32–1115, Revision 2, dated September 21, 1994.

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

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

(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) The replacement shall be done in accordance with Airbus Service Bulletin A320–32–1115, Revision 2, dated September 21, 1994, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–4, 13	2	Sept. 21, 1994.
5–12	1	Apr. 22, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 25, 1996.

Issued in Renton, Washington, on February 12, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3614 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 94–NM–191–AD; Amendment 39–9519; AD 96–04–07]

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped With SOGERMA–SOCEA Pilot, Co-Pilot, and Third Occupant Seats

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes. This amendment requires repetitive inspections to detect distortion and/or cracks on the attachment brackets of the backrest recline control locks of certain seats. It also provides for an optional modification which, if accomplished, terminates the repetitive inspections. This amendment is prompted by a report of failure of the bracket of the backrest recline control lock on a seat due to fatigue-related cracking. The actions specified by this AD are intended to prevent fatigue-related cracking and/or distortion, which could result in failure of the seat backrest attach fitting, and the subsequent uncommanded 50° angle recline of the pilot or co-pilot seat; this situation could lead to the temporary inability of the pilots to control the airplane.

DATES: Effective March 25, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 25, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Phil Forde, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2146; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes was published in the Federal Register on June 2, 1995 (60 FR 526678) as a supplemental notice of proposed rulemaking (NPRM). That action proposed to require repetitive inspections to detect distortion and/or cracks on the attachment brackets of the backrest recline control locks of certain seats. It also proposed an optional modification which, if accomplished, would terminate the repetitive inspection requirement.

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

Support for the Proposal

Three commenters support the proposal.

Request To Withdraw the Proposal

One commenter requests that the proposal be withdrawn. This commenter contends that an AD is not justified based on only one incident of failure that occurred on one seat. The commenter considers that issuing an AD to address only this one occurrence is a misapplication of the AD process.

The FAA does not concur with the commenter's request. The FAA points out that the seat backrest recline lock mechanism currently is not the subject of routine maintenance to determine the presence of distortion or cracking. Therefore, cracking and distortion potentially could be present or developing on these components throughout the affected fleet. While it is true that there has been only one incident of failure of the lock mechanism identified so far, the FAA finds that the unsafe condition presented by such failure is likely to exist or develop on other products of this same type design. According to section 39.1 (''Airworthiness Directives'') of the Federal Aviation Regulations (FAR) (14 CFR 39.1), the issuance of an AD must be based on just such a finding. Further, it is within the FAA's authority to issue AD's to require actions to address unsafe conditions that are not otherwise being addressed (or addressed adequately) by normal maintenance procedures. The intent of this AD is to ensure that maintenance procedures include inspections of the backrest recline lock mechanism.

Request To Extend Compliance Time

Another commenter, an operator, requests that the compliance time for the initial inspection be extended. This commenter plans to accomplish the terminating modification at a time that coincides with its normally scheduled maintenance checks and, therefore, requests that the compliance time for the inspection be extended to June 1997.

The FAA does not concur with this commenter's request. Based on the unsafe condition associated with the failure of the lock mechanism (uncommanded 50° angle recline of the pilot or co-pilot seat), the FAA considers that the compliance time for the inspection, as proposed, represents the most appropriate interval of time allowable for the affected airplanes to continue to operate prior to accomplishing that inspection without compromising safety. The FAA also finds that, in order to ensure continuing operational safety, these inspections must be repeated at regular intervals until a terminating modification is installed. However, paragraph (c) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if data are presented to justify such an adjustment.

Explanation of New Service Information

On March 22, 1995, SOGERMA–SOCEA issued Revision 2 of Service Bulletin 25–233. Revision 2 completely supersedes Revision 1, which was referenced in the supplemental NPRM as the appropriate source of service information. This new revision describes new procedures for modification of the backing of the control locks attachment fittings of the seat backrest recline. This modification involves installing certain nuts, lock nuts, back plates, fittings, and flat washers on the seat bottoms. Accomplishment of this modification eliminates the need for repetitive inspections of the lock mechanism. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, approved this revision of the service bulletin; and the FAA has revised paragraph (b) of the final rule to cite Revision 2 as the appropriate source of service information for accomplishing the terminating modification. Modifications that were accomplished in accordance with Revision 1 of the service bulletin prior to the effective date of the final rule are considered acceptable for compliance.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has

determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 49 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $11,760, or $240 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the optional terminating action that is provided by this AD, the number of hours required to accomplish it would be approximately 1 per airplane, at an average labor charge of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the optional terminating action on U.S. operators would be $60 per airplane.

Regulatory Impact

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:

96–04–07 Airbus Industrie: Amendment 39–9519. Docket 94–NM–191–AD.

Applicability: Model A310 and A300–600 series airplanes equipped with SOGERMA–SOCEA pilot, co-pilot, and third occupant seats; as listed in SOGERMA–SOCEA Service Bulletin 25–229, dated November 26, 1993; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) 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 as indicated, unless accomplished previously.

To prevent fatigue cracks and/or distortion in the seat bracket of the backrest recline control lock, which could result in failure of the seat backrest attach fittings, the uncommanded 50° angle recline of the pilot or co-pilot seat, and, subsequently, lead to the temporary inability of the pilots to control the airplane, accomplish the following:

(a) Prior to the accumulation of 10,000 total flight hours or within 500 flight hours after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect distortion and/or cracks on the attachment brackets of the backrest recline control locks of certain seats, in accordance with SOGERMA–SOCEA Service Bulletin 25–229, dated November 26, 1993.

(1) If no bracket is distorted or cracked, repeat the inspection thereafter at intervals not to exceed 5,000 flight hours.

(2) If any bracket is distorted or cracked, prior to further flight, accomplish either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace both of the brackets and their associated attachment fittings with new parts, in accordance with SOGERMA–SOCEA Service Bulletin 25–229, dated November 26, 1993. Thereafter, repeat the inspection at intervals not to exceed 5,000 flight hours. Or

(ii) Modify the backing of the control locks attachment fittings of the seat backrest recline, in accordance with SOGERMA–SOCEA Service Bulletin 25–233, Revision 2, dated March 22, 1995. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

Note 2: Modification of the backing of the control locks attachment fittings of the seat backrest recline that was accomplished in accordance with SOGERMA–SOCEA Service Bulletin 25–233, Revision 1, dated March 22, 1995, prior to the effective date of this AD, is considered acceptable for compliance with paragraph (a)(2)(ii) of this AD.

(b) Modification of the backing of the control locks fittings of the backrest recline in accordance with SOGERMA–SOCEA Service Bulletin 25–233, Revision 2, dated March 22, 1995, constitutes terminating action for the repetitive inspection requirements of this AD.

Note 3: Modification of the backing of the control locks attachment fittings of the seat backrest recline that was accomplished in accordance with SOGERMA–SOCEA Service Bulletin 25–233, Revision 1, dated March 22, 1995, prior to the effective date of this AD, is considered acceptable for compliance with paragraph (b) of this AD.

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(e) The inspections and replacements shall be done in accordance with SOGERMA–SOCEA Service Bulletin 25–229, dated November 26, 1993. The modification shall be done in accordance with SOGERMA–SOCEA Service Bulletin 25–233, Revision 2, dated March 22, 1995, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–4, 6–16	2	Mar. 22, 1995.
5	Original ..	Sept. 14, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 25, 1996.

Issued in Renton, Washington, on February 12, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3613 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–89–AD; Amendment 39–9522; AD 96–04–10]

Airworthiness Directives; Airbus Model A320–231 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320–231 series airplanes, that requires modification of the fire wall of each engine. This amendment is prompted by a report of a fire in the engine of an in-service airplane due to the fire wall being improperly sealed during production. The actions specified by this AD are intended to prevent propagation of a fire through a gap (opening) in the fire wall in the event of an engine fire, as a result of improperly sealed fire wall.

DATES: Effective March 25, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 25, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589, fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320–231 series airplanes was published in the Federal Register on November 8, 1995 (60 FR 56270). That action proposed to require modification of the fire wall of each engine on these airplanes.

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

Two commenters support the proposal.

One commenter requests that the proposal be withdrawn. This commenter, International Aero Engines, states that its records indicate that all engines installed on affected airplanes worldwide have been modified already in accordance with the procedures that were proposed in the notice. In light of this, the commenter considers that an AD to require modification of the engines is unnecessary.

The FAA does not concur. This commenter did not provide specific data to the FAA to verify that all affected airplanes have been modified. Without that data, this AD is necessary to ensure that all airplanes currently on the U.S. Register, as well as any airplane later imported and placed on the U.S. Register, are modified in accordance with the AD. Further, it is the responsibility of the FAA to ensure that the configuration that resulted in the addressed unsafe condition is corrected and is not reintroduced into the U.S. fleet either through production, repair, or overhaul; this AD is the appropriate vehicle for doing that.

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

The FAA estimates that 108 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $12,960, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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:

96–04–10 Airbus Industrie: Amendment 39–9522. Docket 95–NM–89–AD.

Applicability: Model A320–231 series airplanes on which Airbus Modification 23929 (reference Airbus Service Bulletin A320–78–1009) has not been installed, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (b) 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 as indicated, unless accomplished previously.

To prevent propagation of a fire through a gap (opening) in the fire wall as a result of an improperly sealed fire wall in the event of an engine fire, accomplish the following:

(a) Within 9 months after the effective date of this AD, modify the fire wall of each engine in accordance with Airbus Service Bulletin A320–78–1009, dated October 14, 1993.

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

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

(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) The modification shall be done in accordance with Airbus Service Bulletin A320–78–1009, dated October 14, 1993. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 25, 1996.

Issued in Renton, Washington, on February 14, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3836 Filed 2–22–96; 8:45 am]

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14 CFR Part 39

[Docket No. 94–NM–215–AD; Amendment 39–9521; AD 96–04–09]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F28 Mark 0100 series airplanes, that requires an inspection to detect the presence of a drain hole in certain mounting frames of the auxiliary power unit (APU). If a drain hole is present, the AD requires an inspection to detect corrosion of the mounting frame, and eventual replacement of the mounting frame. This amendment is prompted by a report indicating that corrosion was found on a number of mounting frames of the APU. The actions specified by this AD are intended to prevent such corrosion, which could lead to failure of the frame and consequently render the APU inoperative and/or create a potential fire hazard.

DATES: Effective March 25, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 25, 1996.

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

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Fokker Model F28 Mark 0100 series airplanes was published in the Federal Register on December 20, 1994 (59 FR 65514). That action proposed to require an inspection to detect the presence of a drain hole in certain mounting frames of the auxiliary power unit (APU). If a drain hole is present, the action proposed to require an inspection to detect corrosion of the mounting frame, and eventual replacement of the mounting frame.

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

One commenter supports the proposal.

Another commenter requests that the FAA withdraw the proposal for what this commenter perceives as lack of justification. This commenter purports that corrosion of the APU frame will not result in a critical safety of flight condition. The commenter contends that, even if the subject frame were to fail completely, the APU cannot fall or lean enough to sever any fuel or electrical lines; therefore, the possibility that the failure of the mounting frame could become a potential fire hazard is simply conjecture. Based on these assertions, the commenter considers that no unsafe condition exists, and requests that the FAA review its justification for the proposed rule to ensure that it is sufficient to satisfy the requirements of part 39 of the Federal Aviation Regulations (FAR).

The FAA does not concur with either the commenter's request or assertions.

First, the FAA points out that the existing design of the drain hole on certain APU mounting frames allows the accumulation of moisture on the frame. These frames have been found to be particularly sensitive to corrosion caused by such moisture accumulation. Corrosion of these frames could cause them to fail, especially when exposed to higher loads during airplane touchdown.

Second, the Rijksluchtvaartdienst (RLD) (which is the airworthiness authority for the Netherlands) and the FAA, have determined that, if a mounting frame were to fail due to associated corrosion, the APU could be displaced and consequently sever APU fuel lines located in the adjacent area. The leaking fuel could then pose a fire hazard. This is the unsafe condition that this AD intends to prevent. In addition, the APU could be rendered inoperative because of the failure of its support assembly. If it were inoperative, electrical power may not be available

during flight, or both electrical and pneumatic power may not be available when the airplane is on the ground, when such power is needed via the APU.

Third, although there have been no reported cases of inoperative APU's or fuel leakage caused by the problems associated with the failure of the APU mounting frames, the potential for them to occur still exists. In fact, when Fokker examined the subject APU mounting frames removed from in-service airplanes, it found that up to 73% of the thickness at the place of the drain holes in these frames was fretted away. This reduced thickness, which is attributed to the typical effects of corrosion, weakens the integrity of the frames and, consequently, can lead to their failure.

Finally, according to section 39.1 of the FAR (14 CFR 39.1), the issuance of an AD is based on the finding that an unsafe condition exists and that condition is likely to exist or develop in aircraft of a particular type design. The responsibilities placed on the FAA by the Federal Aviation Act do not limit it from making any unsafe condition the proper subject of an AD—regardless of whether or not the unsafe condition has actually occurred in service and led to an incident or accident. When sufficient data exist to demonstrate that an unsafe condition is likely to exist or develop on other products of the same type design, the issuance of an AD is appropriate in order to address that potential unsafe condition and to prevent its occurrence.

This same commenter also requests clarification as to the applicability of the proposed rule. The commenter points out that, although both the proposed AD and the parallel Dutch AD are applicable to all Fokker Model F28 Mark 0100 series airplanes, the referenced Fokker service bulletin calls out only certain airplanes (serial numbers 11244 through 11402) in its effectivity listing. This commenter knows of four airplanes on which the suspect frames were found, but these airplanes were not included in the service bulletin's effectivity listing. The commenter believes that the service bulletin should be revised to specify that all airplanes must be inspected.

The FAA does not concur that additional action is necessary. Since in-service experience has shown that APU mounting frames are regularly removed from and (re-) installed on aircraft upon removal of the APU, the FAA has determined that the suspect frames could be installed on any Fokker Model F28 Mark 0100 airplane. In light of this, the applicability of the AD, which makes all airplanes subject to the requirements, is correct. In any case, where there are differences between the AD and the service bulletin, the AD prevails.

One commenter requests that the rule be revised to extend the compliance time for replacement of the mounting frames from the proposed 30 days or 90 days (depending upon the results of the inspection for corrosion) to one year for all cases. The commenter states that Fokker has indicated that it has only 2 frames in stock to support the replacement requirement. In addition, the lead time for procurement of a replacement frame is minimum of 127 days.

The FAA concurs that some adjustment to this compliance time can be made. Reports received by the FAA indicate that most airplanes already have been inspected in accordance with the requirements of this AD, and have been found not to have the suspect APU mounting frames installed. Therefore, the FAA considers that only a limited number of replacement mounting frames actually will be required. However, the FAA acknowledges that timely parts availability may be a problem for some operators. In light of this, the FAA finds that the compliance time for replacement of the frame can be extended to 9 months for cases where no corrosion is found on the frame, and to 3 months for cases where corrosion is found. The FAA finds that safety will not be compromised by the extension of these compliance times. The final rule has been revised accordingly.

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

The FAA estimates that 119 airplanes of U.S. registry will be affected by this AD, that it will take approximately 13 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $92,820, or $780 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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:

96–04–09 Fokker: Amendment 39–9521. Docket 94–NM–215–AD.

Applicability: All Model F28 Mark 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) 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 as indicated, unless accomplished previously.

To prevent corrosion of certain mounting frames of the auxiliary power unit (APU), which could render the APU inoperative and may lead to a potential fire hazard, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a detailed visual inspection to detect the presence of a drain hole in frame member M of the mounting frames, having part number (P/N) D67050–407, of the auxiliary power unit (APU), in accordance with Fokker Service Bulletin SBF100–49–022, dated August 27, 1992.

(1) If no drain hole(s) is present, no further action is required by this AD.

(2) If any drain hole is present, prior to further flight, perform a detailed visual inspection to detect corrosion on the mounting frame of the APU, in accordance with the service bulletin.

(i) If no corrosion is detected, within 9 months after accomplishing the visual inspection, replace the mounting frame with a new mounting frame in accordance with the service bulletin.

(ii) If any corrosion is detected, within 3 months after accomplishing the visual inspection, replace the mounting frame with a new mounting frame in accordance with the service bulletin.

(b) As of the effective date of this AD, no person shall install on any airplane a mounting frame, having P/N D67050–407, that has a drain hole in frame member M.

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

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

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished. Issued in Renton, Washington, on December 14, 1994.

(e) The inspection and replacement shall be done in accordance with Fokker Service Bulletin SBF100–49–022, dated August 27, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 25, 1996.

Issued in Renton, Washington, on February 14, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3835 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 95–CE–59–AD; Amendment 39–9520; AD 96–04–08]

Airworthiness Directives; Air Tractor, Incorporated Models AT–802 and AT–802A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Air Tractor, Incorporated (Air Tractor) Models AT–802 and AT–802A airplanes. This action requires repetitively replacing the main landing gear legs. Failure of the main landing gear legs on an AT–802A prompted this action. The actions specified by this AD are intended to prevent possible failure of the main landing gear legs, which, if not detected and corrected, could result in loss of control of the airplane during landing operations.

DATES: Effective April 12, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 12, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from Air Tractor Incorporated, P.O. Box 485, Olney, Texas 76374; telephone (817) 564–5616, facsimile (817) 564–2348. 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–59–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: Bob May, Aerospace Engineer, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone (817) 222–5155, facsimile (817) 222–5960.

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 Air Tractor, Incorporated (Air Tractor) Models AT–802 and AT–802A airplanes was published in the Federal Register on October 5, 1995 (60 FR 52130). The action proposed to require repetitively replacing the main landing gear legs in accordance with Snow Engineering Company Service Letter (SL) 104A, dated July 29, 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 18 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 12 hours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $2,816 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $63,648 ($3,536 per airplane). This figure is based on the assumption that no affected airplane owner/operator has replaced the main landing gear legs and does not take into account the number of repetitive replacements each operator would incur over the life of the airplane. The FAA has no way of determining how many main landing gear replacements each owner/operator will incur.

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. 96–04–08 Air Tractor Incorporated: Amendment 39–9520; Docket No. 95–CE–59–AD.

Applicability: Model AT–802 and AT–802A Airplanes (all serial numbers), certificated in any category:

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) 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 upon the accumulation of 3,000 landings or within the next 25 landings after the effective date of this AD, whichever occurs later, unless already accomplished, and thereafter at intervals not to exceed 3,000 landings.

Note 2: If the number of landings is not known, calculate by multiplying three landings per one hour time-in-service (TIS).

To prevent possible failure of the main landing gear legs, which could result in loss of control of landing operations and possible loss of the airplane, accomplish the following:

(a) Replace the main landing gear legs, Air Tractor part number (P/N) 40091–2, in accordance with Air Tractor Service Bulletin (SB) 104A, dated July 29, 1995.

(b) 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.

(c) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Fort Worth Aircraft Certification Office, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth Aircraft Certification Office.

(d) The replacements required by this AD shall be done in accordance with Air Tractor Service Bulletin 104A, dated July 29, 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 Air Tractor Incorporated, P.O. Box 485, Olney, Texas 76374. 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.

(e) This amendment (39–9520) becomes effective on April 12, 1996.

Issued in Kansas City, Missouri, on February 13, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3886 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–30–AD; Amendment 39–9523; AD 96–04–11]

Airworthiness Directives; Boeing Model 757–200 Series Airplanes Equipped With Rolls Royce Model RB211–535E4/E4B Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 757–200 series airplanes. This action requires a revision to the Airplane Flight Manual to ensure that the flightcrew activates the engine cowl thermal anti-ice (CTAI) system for both engines at the top of descent to avoid engine rundown (loss of engine power). This amendment is prompted by reports that, after the flightcrew activated the engine CTAI during descent, engine rundown occurred due to unknown reasons. The actions specified in this AD are intended to ensure that the flightcrew activates the engine cowl thermal anti-ice system for both engines prior to descent; activation of the engine CTAI system in the middle of descent could result in a compressor stall and subsequent engine rundown of multiple engines.

DATES: Effective March 11, 1996.

Comments for inclusion in the Rules Docket must be received on or before April 23, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–30–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Nancy Hanowski, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227–2684; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received at least seven reports of engine rundown (loss of engine power) on Boeing Model 757–200 series airplanes equipped with Rolls Royce Model RB211–535E4/E4B engines. These incidents occurred while the airplanes were in flight, at an altitude between 24,000 and 29,000 feet.

In four of the seven incidents, dual engine events occurred in which one of the engines stalled and ''recovered'' to produce usable thrust; the other engine stalled, ran down to sub-idle power, and was subsequently shutdown.

In six of the seven incidents, the flightcrew activated the engine cowl thermal anti-ice system (CTAI) for both engines during the middle of the descent, which resulted in either single or dual engine compressor stalls and subsequent engine rundowns.

In the seventh incident, the flightcrew increased engine power from a minimum flight idle to a slightly higher power when both engines stalled; one of the engines returned to normal thrust level, and the other engine ran down to sub-idle power.

The cause of these engine rundown incidents has not been conclusively proven. However, ice accumulation on the engine is one possible cause that is

being investigated. Rolls Royce (the manufacturer of the subject engines) is continuing to conduct tests and evaluations to determine the exact cause of engine rundowns.

FAA's Considerations

Data gathered from the reported incidents have led the FAA to consider that activation of the engine CTAI system for both engines during the middle of descent may result in a compressor stall and subsequent loss of multiple engine power. Operation of the engine at a higher idle thrust level, from the beginning of the descent, will increase the compressor stall margin and, thus, reduce the risk of compressor stall. A higher idle thrust level also will increase the airflow through the compressor and, thus, reduce the susceptibility of the compressor to rain and icing. Activation of the engine CTAI system at the beginning of descent has the effect of increasing the idle thrust level.

Based on this, the FAA finds that, prior to idle descent above flight level (FL) 200 (20,000 feet), activation of the engine CTAI system for both engines is necessary in order to operate the engine at a higher idle thrust level. This action will reduce the risk of engine stall and rundown during idle descent.

In addition, the FAA finds that, below FL 200, operation of the engine at low idle thrust level using normal engine CTAI system procedures will maintain the necessary icing protection for the engine and will provide adequate stall protection.

Explanation of the Requirements of the AD

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 757–200 series airplanes, equipped with Rolls Royce Model RB211–535E4/E4B engines, of the same type design, this AD is being issued to ensure that the flightcrew activates the engine cowl thermal anti-ice system for both engines prior to descents above flight level (FL) 200. This AD requires revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include information instructing the flightcrew to activate the engine cowl thermal anti-ice system for both engines prior to descent. The AFM limitation procedures will reduce the risk of a variety of suspected causes for engine rundown.

This AD action is considered to be interim action. Rolls Royce has advised the FAA that it currently is developing a modification that will positively address the unsafe condition addressed by this AD for the various suspect causes. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–30–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–04–11 Boeing: Amendment 39–9523. Docket 96–NM–30–AD.

Applicability: Model 757–200 series airplanes, equipped with Rolls Royce Model RB211–535E4/E4B engines; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To reduce the risk of engine rundown during idle descents, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''Limitations Section 1

In order to reduce the risk of engine rundown during idle descents, activate the engine cowl thermal anti-ice system for both engines prior to idle descents above flight level (FL) 200. Below FL 200, use normal engine cowl thermal anti-ice system procedures (as defined in the AFM).

Note: The Master Minimum Equipment List (MMEL) for Model 757 series airplanes currently specifies that an airplane may be dispatched with an engine anti-ice valve locked in the closed position. The requirement of this section to activate the engine cowl thermal anti-ice system prior to descent will prevent the dispatch of airplanes with an engine anti-ice valve locked in the closed or open position. Where differences exist between the current specification of the MMEL and the requirements of this AFM limitation, the AFM limitation prevails.''

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

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

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

(d) This amendment becomes effective on March 11, 1996.

Issued in Renton, Washington, on February 15, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3950 Filed 2–22–96; 8:45 am]

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14 CFR Part 39

[Docket No. 95–CE–16–AD; Amendment 39–9524; AD 96–04–12]

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH DG–500M Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Glaser-Dirks Flugzeugbau GmbH (Glaser-Dirks) DG–500M sailplanes. This action requires replacing the airbrake control hook-up shaft with a part of improved design. Reports of cracks in the welding of the lever to the torsion tube of the airbrake control prompted this action. The actions specified in this AD are intended to prevent an unintended extension of the airbrakes caused by failure of the lever to the torsion tube of the airbrake control, which could result in flutter, excessive rate of descent, and loss of control of the sailplane.

DATES: Effective March 29, 1996.

Comments for inclusion in the Rules Docket must be received on or before April 19, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–16–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Glaser-Dirks Flugzeugbau GmbH, Im Schollengarten 19–20, D–78646 Buchsal-UnterGrombach 4, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–16–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 Belderok, Project Officer, Sailplanes, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: The Luftfarht-Bundesant (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Glaser-Dirks DG–500M sailplanes. The LBA reports cracks in the welding of the lever to the torsion tube of the airbrake control. In one instance, the airbrake control failed, resulting in an unintended airbrake extension. If not detected and corrected, a cracked lever to the torsion tube of the airbrake control could result in an unintended extension of the airbrakes with subsequent possible flutter, excessive rate of descent, and loss of control of the sailplane.

Glaser-Dirks Technical Note (TN) No. 843/3–2, dated October 28, 1992, contains information about replacing the airbrake control hook-up shaft (part number 5 St 57) on DG–500M sailplanes with an airbrake control hook-up shaft of improved design (part number 5 St 57 change b). The LBA classified this technical note as mandatory and issued LBA AD 92–358, dated October 30, 1992, in order to assure the continued airworthiness of these sailplanes in Germany.

This sailplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Glaser-Dirks DG–500M sailplanes of the same type design registered in the United States, this AD requires replacing the airbrake control hook-up shaft (part number 5 St 57) with an airbrake control hook-up shaft of improved design (part number 5 St 57 change b). Accomplishment of the replacement is in accordance with the applicable maintenance or service manual. Improved design airbrake control hook-up shafts may be obtained from Glaser-Dirks on an exchange basis.

None of the DG–500M sailplanes affected by this action are on the U.S. Register. All sailplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers this rule necessary to ensure that the unsafe condition is addressed in the event that any of these subject sailplanes are imported and placed on the U.S. Register.

Should an affected sailplane be imported and placed on the U.S. Register, accomplishment of the required replacement and inspection would take approximately 8 workhours at an average labor charge of $60 per workhour. Parts are provided by Glaser-Dirks at no cost on an exchange basis. Based on these figures, the total cost impact of this AD would be $480 per sailplane that would become registered in the United States.

Since this AD action does not affect any sailplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the Federal Register.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to

comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–16–AD.'' The postcard will be date stamped and returned to the commenter.

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

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, 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:

96–04–12 Glaser-Dirks Flugzeugbau GmbH: Amendment 39–9524; Docket 95–CE–16–AD.

Applicability: DG–500M sailplanes (serial numbers 5E30M14 through 5E60M25), 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 request approval for an alternative method of compliance in accordance with paragraph (c) 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 prior to further flight after the effective date of this AD, unless already accomplished.

To prevent an unintended extension of the airbrakes caused by failure of the lever to the torsion tube of the airbrake control, which could result in flutter, excessive rate of descent, and loss of control of the sailplane, accomplish the following:

(a) Replace the airbrake control hook-up shaft (part number 5 St 57) with an airbrake control hook-up shaft of improved design (part number 5 St 57 change b). Accomplishment of the replacement is in accordance with the applicable maintenance or service manual.

Note 2: Glaser-Dirks Technical Note No. 843/3–2, dated October 28, 1992, references an exchange program where improved design airbrake control hook-up shafts may be obtained at no cost.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Glaser-Dirks Flugzeugbau GmbH, Im Schollengarten 19–20, D–78646 Buchsal-UnterGrombach 4, Germany; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment (39–9524) becomes effective on March 29, 1996.

Issued in Kansas City, Missouri, on February 15, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–3970 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Parts 121, 125, and 135

[Docket No. 25154; Reference Amendments 121–236; 125–19; 135–47]

Removal of Burn Ointment From First-Aid Kits

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments to a final rule.

SUMMARY: On January 12, 1994, the FAA published a final rule with request for comments [59 FR 1780] that revised the regulations concerning first aid kits required on board air carrier, air taxi, and commercial aircraft to remove the burn compound from the list of items required for the kits. The rule was effective upon publication and the comment period closed March 14, 1994. This action responds to those comments received as a result of that final rule and completes that rulemaking.

FOR FURTHER INFORMATION CONTACT: Gary Davis, Regulatory Branch, Air Transportation Division, Flight Standards Service, FAA, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 267–3747.

SUPPLEMENTARY INFORMATION:

Background

On December 5, 1986, the Air Transport Association (ATA) submitted

a petition to delete the burn compound (burn ointment) from the first aid kits required to be carried on each aircraft operated under part 121 of the Federal Aviation Regulations. In the petition ATA noted that the application of ice or cold water is the preferred treatment for minor burns. As part of the supporting data, the petition included a request from Western Airlines to delete the burn ointment from their first aid kits and instructions from other carriers' flight manuals advising flight attendants not to use the burn ointment unless requested to do so by passengers. ATA stated that the burn ointment normally has an expiration date, which requires replacement, inspection, and record-keeping. Later, ATA submitted a letter to the docket from the American Red Cross that supported their position that burn ointment retains heat, causing the burn to worsen in some cases. Additional information submitted by ATA noted that the March 1987 meeting of the ATA Cabin Safety Panel each member present stated that cold water or ice, rather that the burn ointment, was the preferred method of treatment for burns.

A summary of ATA's petition was published in the Federal Register on February 20, 1987, [52 FR 5309]; the comment period closed April 20, 1987. The only comments received were those cited above.

In issuing a final rule removing the burn ointment from the first aid kits, the FAA agreed with industry practice. It stated that in the limited situation of treating minor burns aboard aircraft, cold water is the preferred treatment. Therefore, the requirement for burn ointment should be eliminated to spare air carriers the unnecessary expense of having to maintain an unneeded item. Further, because that final rule action was a minor amendment in which there was not expected to be any public disagreement, the FAA found that public notice and comment were unnecessary. Because it was relieving, the rule was made effective upon publication.

Discussion of Comments Received

Two comments were received on the final rule. Water Jel Technologies (Water Jel) comments that the revisions to the regulations were timely; however, the recommendation is flawed and should be amended to reflect the current protocol for the care of minor burns. Water Jel believes that burns occur so frequently that some burn preparations are necessary. This commenter urges the FAA to require instead a water-based burn product for the first aid kit.

Industrial Safety Equipment Association (ISEA) comments that the removal of burn compound from first aid kits is not justified by the record, which cites the burden of maintaining the kits and the protocol of treating minor burns. ISEA believes that the majority of burn ointments and compounds sold in FAA kits are water-soluble products that have no expiration dates. ISEA states that the pain-relieving benefits of water soluble burn ointments clearly outweigh the cost of maintaining them in first aid kits used on aircraft. ISEA recommends that 14 CFR parts 121, 125, and 135 be amended to add the words 'water soluble' to the description of the burn ointment.

FAA Response to Comments

The FAA agrees with commenters that a water-based compound may provide additional, longer lasting treatment for a burn until medical attention is provided. The incidence of burns aboard aircraft, however, does not support such a requirement. With the elimination of smoking aboard aircraft, the vast majority of burns occur when hot beverages are spilled. These are usually minor burns, and cold water provides sufficient relief to passengers. Therefore, the FAA finds that the final rule should be retained, as amended.

Issued in Washington, DC on February 13, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 96–3977 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 88F–0316]

Indirect Food Additives; Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 3–iodo–2–propynyl-*N*-butylcarbamate as an antifungal preservative in adhesives for food contact applications. This action responds to a petition filed by the Troy Chemical Corp.

DATES: Effective February 23, 1996; written objections and requests for a hearing by March 25, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS–216) Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3080.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 25, 1988 (53 FR 43043), FDA announced that a food additive petition (FAP 8B4088) had been filed by the Troy Chemical Corp., 72 Eagle Rock Ave., P.O. Box 366, East Hanover, NJ, 07936–0366 (formerly One Avenue L, Newark, NJ 07105–3895), proposing that the food additive regulations be amended to provide for the safe use of 3–iodo–2–propynyl butyl carbamate as an antifungal preservative in adhesives for food contact applications.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the more accurate name for the additive is 3–iodo–2–propynyl-*N*-butylcarbamate (CAS Reg. No. 55406–53–6), that the proposed food additive use is safe, that the additive will achieve its intended technical effect, and that § 175.105 *Adhesives* (21 CFR 175.105) of the food additive regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before March 25, 1996, file with the Dockets Management Branch

(address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 175.105 is amended in paragraph (c)(5) by alphabetically adding the following new entry to the table to read as follows.

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * * * *	
3–Iodo–2–propynyl-N-butyl carbamate (CAS Reg. No. 55406–53–6)	For use only as an antifungal preservative.
* * * * * * *	

Dated: February 8, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4068 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–01–F

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Modifications to Role of National Labor Relations Board's Administrative Law Judges Including: Assignment of Administrative Law Judges as Settlement Judges; Discretion of Administrative Law Judges to Dispense With Briefs, to Hear Oral Argument in Lieu of Briefs, and to Issue Bench Decisions

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The National Labor Relations Board (NLRB) issues a final rule permanently implementing its recent experimental modification to its rules authorizing the use of settlement judges and providing administrative law judges (ALJs) with the discretion to dispense with briefs, to hear oral argument in lieu of briefs, and to issue bench decisions.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW., Room 11600, Washington, D.C. 20570. Telephone: (202) 273–1940.

SUPPLEMENTARY INFORMATION: On September 8, 1994, the Board issued a Notice of Proposed Rulemaking (NPR) which proposed certain modifications to the Board's rules to permit the assignment of ALJs to serve as settlement judges, and to provide ALJs with the discretion to dispense with briefs, to hear oral argument in lieu of briefs, and to issue bench decisions (59 FR 46375). The NPR provided for a comment period ending October 7, 1994.

On December 22, 1994, following consideration of the comments received to the NPR, the Board [1] issued a notice implementing, on a one-year experimental basis, the proposed modifications (59 FR 65942). The notice provided that the modifications would become effective on February 1, 1995, and would expire at the end of the one-year experimental period on January 31, 1996, absent renewal by the Board.

On December 1, 1995, following a review of the experience to date with the modifications and the views of the NLRB's Advisory Committee on Agency Procedure, the Board issued a notice proposing to make the modifications permanent upon expiration of the one-year experimental period on January 31, 1996 (60 FR 61679). The notice provided for a period of public comment on this proposal, until December 29, 1995.

Thereafter, in light of the shutdown of Agency operations due to the lack of appropriated funds, on January 19, 1996, the Board extended from December 29, 1995, until January 25, 1996, the deadline for filing comments (61 FR 1314). The same day, the Board also extended the experimental period from January 31, 1996, until March 1, 1996, to provide the Board time to consider any comments that were filed (61 FR 1281).

The Board received only one comment in response to its December 1, 1995 notice, from William K. Harvey of Jackson, Shields, Yeiser & Cantrell, Cordova, Tennessee. The comment recommended that the Board make the modification regarding settlement judges permanent and that settlement judges be used in more cases. The comment recommended, however, that the Board modify the requirement that all parties consent to the procedure by requiring any party who objects to the appointment of a settlement judge to show good cause for such objection and allowing the chief or associate chief

[1] Chairman Gould and Members Devaney and Browning; Members Stephens and Cohen dissenting in part.

judge to consider the reasons stated and grant or deny the motion notwithstanding the stated opposition. The comment also recommended that the settlement judge be given the authority and discretion to postpone the scheduled hearing where the settlement judge determines that a brief postponement would serve the purposes of settlement.

With respect to the modification permitting bench decisions, the comment urged that this modification be abolished, citing in support two ALJ bench decisions which the comment asserts were terse and confusing.[2] Alternatively, the comment recommended that the Board adopt a rule that such decisions will never be published in Board reports.

Having carefully considered the foregoing comment, we have decided, consistent with and for the reasons stated in the December 1, 1995 notice, to implement, on a permanent basis and without change, the experimental modification to the Board's rules with respect to both settlement judges and bench decisions. As indicated in the December 1, 1995 notice, many of the issues raised by the comment were considered by the NLRB Advisory Committee on Agency Procedure, and either the Management or the Union-side Panel of the Advisory Committee indicated strong opposition to the modifications to the settlement judge procedure proposed in the comment. Thus, as indicated in that notice, the Management-side Panel indicated strong opposition to modifying the current consensual aspect of the settlement judge procedure, and the Union-side Panel indicated strong opposition to providing the settlement judge with the authority to postpone the trial date. In light of the views of the Advisory Committee, we do not believe the procedure should be modified as recommended by the comment at this time.

With respect to the bench decision procedure, as indicated in the December 1, 1995 notice, in the vast majority of cases during the experimental period involving a bench decision either no exceptions were filed to the ALJ's bench decision or the Board short-form adopted the decision. In those cases where no exceptions were filed to the ALJ's bench decision, the decision was not published in Board reports consistent with the Board's historical practice where no exceptions are filed. The other decisions were published pursuant to the Board's usual procedure, and we believe that publishing such decisions, on balance, is generally beneficial to the public and should be continued where appropriate.

Accordingly, we conclude that the experimental modifications should be permanently implemented without change.

As required by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the NLRB certifies that these rules will not have a significant impact on small business entities.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

29 CFR Part 102 is amended as follows:

PART 102—RULES AND REGULATIONS, SERIES 8

1. The authority citation for 29 CFR Part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under Section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143 through 102.155 also issued under Section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

2. Section 102.35 is revised to read as follows:

§ 102.35 Duties and powers of administrative law judges; assignment and powers of settlement judges.

(a) It shall be the duty of the administrative law judge to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The administrative law judge shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the Rules and Regulations of the Board and within its powers:

(1) To administer oaths and affirmations;

(2) To grant applications for subpoenas;

(3) To rule upon petitions to revoke subpoenas;

(4) To rule upon offers of proof and receive relevant evidence;

(5) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(6) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;

(7) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(8) To dispose of procedural requests, motions, or similar matters, including motions referred to the administrative law judge by the Regional Director and motions for summary judgment or to amend pleadings; also to dismiss complaints or portions thereof; to order hearings reopened; and upon motion order proceedings consolidated or severed prior to issuance of administrative law judge decisions;

(9) To approve a stipulation voluntarily entered into by all parties to the case which will dispense with a verbatim written transcript of record of the oral testimony adduced at the hearing, and which will also provide for the waiver by the respective parties of their right to file with the Board exceptions to the findings of fact (but not to conclusions of law or recommended orders) which the administrative law judge shall make in his decisions;

(10) To make and file decisions, including bench decisions delivered within 72 hours after conclusion of oral argument, in conformity with Public Law 89–554, 5 U.S.C. 557;

(11) To call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence;

(12) To request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(13) To take any other action necessary under the foregoing and authorized by the published Rules and Regulations of the Board.

(b) Upon the request of any party or the judge assigned to hear a case, or on his or her own motion, the chief administrative law judge in Washington, D.C., the deputy chief judge in San Francisco, the associate chief judge in Atlanta, or the associate chief judge in New York may assign a judge who shall be other than the trial judge to conduct settlement negotiations. In exercising his or her discretion, the chief, deputy chief, or associate chief judge making the assignment will consider, among other factors, whether there is reason to believe that resolution of the dispute is likely, the request for assignment of a settlement judge is made in good faith, and the assignment is otherwise feasible. Provided, however, that no such assignment shall be made absent

[2] *The Riverboat Hotel*, 319 NLRB No. 30 (Sept. 29, 1995); and *Kinco, Ltd.*, 319 NLRB No. 56 (Oct. 23, 1995) (Member Cohen dissenting in relevant part).

the agreement of all parties to the use of this procedure.

(1) The settlement judge shall convene and preside over conferences and settlement negotiations between the parties, assess the practicalities of a potential settlement, and report to the chief, deputy, or associate the status of settlement negotiations, recommending continuation or termination of the settlement negotiations. Where feasible settlement conferences shall be held in person.

(2) The settlement judge may require that the attorney or other representative for each party be present at settlement conferences and that the parties or agents with full settlement authority also be present or available by telephone.

(3) Participation of the settlement judge shall terminate upon the order of the chief, deputy, or associates issued after consultation with the settlement judge. The conduct of settlement negotiations shall not unduly delay the hearing.

(4) All discussions between the parties and the settlement judge shall be confidential. The settlement judge shall not discuss any aspect of the case with the trial judge, and no evidence regarding statements, conduct, offers of settlement, and concessions of the parties made in proceedings before the settlement judge shall be admissible in any proceeding before the Board, except by stipulation of the parties. Documents disclosed in the settlement process may not be used in litigation unless voluntarily produced or obtained pursuant to subpoena.

(5) No decision of a chief, deputy, or associate concerning the assignment of a settlement judge or the termination of a settlement judge's assignment shall be appealable to the Board.

(6) Any settlement reached under the auspices of a settlement judge shall be subject to approval in accordance with the provisions of § 101.9 of the Board's Statements of Procedure.

3. Section 102.42 is revised to read as follows:

§ 102.42 Filings of briefs and proposed findings with the administrative law judge and oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which may include presentation of proposed findings and conclusions, and shall be included in the stenographic report of the hearing. In the discretion of the administrative law judge, any party may, upon request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge, who may fix a reasonable time for such filing, but not in excess of 35 days from the close of the hearing. Requests for further extensions of time shall be made to the chief administrative law judge in Washington, D.C., to the deputy chief judge in San Francisco, California, to the associate chief judge in New York, New York, or to the associate chief judge in Atlanta, Georgia, as the case may be. Notice of the request for any extension shall be immediately served on all other parties, and proof of service shall be furnished. Three copies of the brief or proposed findings and conclusions shall be filed with the administrative law judge, and copies shall be served on the other parties, and a statement of such service shall be furnished. In any case in which the administrative law judge believes that written briefs or proposed findings of fact and conclusions may not be necessary, he or she shall notify the parties at the opening of the hearing or as soon thereafter as practicable that he or she may wish to hear oral argument in lieu of briefs.

4. In § 102.45, paragraph (a) is revised to read as follows:

§ 102.45 Administrative law judge's decision; contents; service; transfer of case to the Board; contents of record in case.

(a) After hearing for the purpose of taking evidence upon a complaint, the administrative law judge shall prepare a decision. Such decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record, and shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the Act. The administrative law judge shall file the original of his decision with the Board and cause a copy thereof to be served on each of the parties. If the administrative law judge delivers a bench decision, promptly upon receiving the transcript the judge shall certify the accuracy of the pages of the transcript containing the decision; file with the Board a certified copy of those pages, together with any supplementary matter the judge may deem necessary to complete the decision; and cause a copy thereof to be served on each of the parties. Upon the filing of the decision, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, on all the parties. Service of the administrative law judge's decision and of the order transferring the case to the Board shall be complete upon mailing.

* * * * *

Dated, Washington, D.C., February 16, 1996.

By direction of the Board:[3]

John J. Toner,

Executive Secretary.

Dissenting Opinion of Member Cohen

I agree with the rule concerning settlement judges. However, I do not agree with the rule which gives judges the power to issue bench decisions and the related power to preclude written briefs.

In my dissent from the promulgation of the experimental rule (a dissent joined by former Member Stephens), I set forth Board law which holds that bench decisions are contrary to the provisions of Section 10(c) of the Act.[4] My colleagues, in apparent recognition of this fact, chose to summarily overrule that Board law. However, as I noted in my dissent, if Section 10(c) forbids bench decisions, the Board is without statutory power to establish a rule which permits such decisions.[5]

My colleagues have not answered this threshold problem. Further, even if they were to do so (to their satisfaction), that does not end the matter. The issue will undoubtedly be the subject of litigation in the federal courts, delaying the prompt enforcement of Board orders. Thus, the rule is at cross-purposes with its stated goal—the prompt resolution of unfair labor practice cases. Further, in my prior dissent, I set forth other concerns about the rule. At this juncture, I cannot say with certainty whether these concerns have been borne out by experience. During the experimental time frame, there have been only 10 bench decisions out of the 400 decisions issued (2.5%). However, that very paucity of decisions bespeaks an important point. Our judges, to their credit, have exercised prudent restraint in exercising the power to issue bench decisions. Accordingly, for the most part, problems have not surfaced.[6] As long as such restraint is exercised, my concerns may well be allayed. I am hopeful, and cautiously optimistic, that this will be the case.

* * * * *

[FR Doc. 96–4155 Filed 2–22–96; 8:45 am]

BILLING CODE 7545–01–P

[3] Chairman Gould and Members Browning and Fox; Member Cohen dissenting in part. Member Cohen's partial dissent is attached.

[4] *Plastic Film Products Corp.*, 232 NLRB 722 (1977); *Local Union No. 195*, 237 NLRB 931 (1978).

[5] See *Chevron U.S.A. v. Natural Resources Defense Council*, 467 U.S. 837, 842, 843 (1984).

[6] However, there was a substantial problem, in my view, in *Kinco*, 319 NLRB No. 56.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

[CGD 89–050]

RIN 2115–AD35

Vessel Identification System; Effective Date Change

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule: change in effective date.

SUMMARY: On April 25, 1995, the Coast Guard published an interim final rule in the Federal Register (60 FR 20310) for establishing a vessel identification system and prescribing guidelines for State vessel titling systems. The effective date of the interim final rule was April 24, 1996. This document suspends the effective date of the guidelines for the State vessel titling systems for a period of two years.

EFFECTIVE DATES: This document is effective February 23, 1996. 33 CFR part 187, subpart D, is suspended through April 23, 1998. All other provisions of the interim final rule will become effective on April 24, 1996, as stated in the interim final rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Richard Ferraro, Project Manager, Information Resources Division (G–MIR–3), Office of Marine Safety, Security and Environmental Protection, (202) 267–0386, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: One provision of the interim final rule prescribes the procedures for obtaining certification of compliance with guidelines for State vessel titling systems. Many comments pointed out that compliance of the States with these guidelines may create undue hardship upon the marine industry where titling, vessel documentation, mortgage recording, and lending institutions are concerned. The delay in the effective date until April 24, 1998, was deemed necessary in order to allow the Coast Guard, States, and the public time to further review the complexities of the State titling guideline issues identified during review of the comments received regarding this interim final rule. A delay of two years should provide sufficient time to complete the rulemaking on vessel titling guidelines.

All other provisions of the interim final rule will become effective on April 24, 1996.

Accordingly, under the authority of 46 U.S.C. 2103; 49 CFR 1.46, 33 CFR part 187, subpart D is suspended effective February 23, 1996 through April 23, 1998.

Dated: February 14, 1996.

Joseph H. Angelo,

Director for Standards, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96–3895 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024–AC31

Denali National Park and Preserve, Alaska

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is publishing final regulations for Denali National Park, Alaska, that will require mountain climbers to register a minimum of 60 days before any climb on Mount McKinley and Mount Foraker. Mountaineering in the park has increased dramatically over the last ten years and climbing-related injuries and deaths have correspondingly increased. By requiring advance registration, the Denali park staff will be able to provide information to prospective mountaineers in advance of their climb. This may include information on the specific dangers they may face, how to prepare and equip, other safety related issues, and requirements concerning resource protection issues such as litter removal and human waste disposal. Currently, climbers are required to register, but may do so as late as the day they depart for the mountain.

EFFECTIVE DATE: This final rule becomes effective on March 25, 1996.

ADDRESSES: Comments should be addressed to: Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali National Park, AK 99755.

FOR FURTHER INFORMATION CONTACT: Steve Martin, Superintendent, Denali National Park and Preserve. Telephone 907–683–2294.

SUPPLEMENTARY INFORMATION:

Background

Denali National Park was first established as Mt. McKinley National Park on February 26, 1917. A separate Denali National Monument was proclaimed on December 1, 1978. These two park areas were combined, reconfigured and established as Denali National Park and Preserve on December 2, 1980, encompassing approximately 6.5 million acres. Prior to achieving its current configuration, the land the park now encompasses was recognized for its unique ecological value and designated an International Biosphere Reserve in 1976. That designation has since been expanded to encompass the entire 6.5 million acre park and preserve. The park contains North America's highest mountain, 20,320 foot Mount McKinley. Mount Foraker, at 17,400 feet, and numerous large glaciers of the Alaska Range are also a part of this park's subarctic ecosystem. Wildlife includes caribou, Dall sheep, moose, grizzly bears and wolves.

The first ascent of Mount McKinley occurred in 1913. Climbing continued to be a popular activity, although on a small scale, after the park was established. However, during the last ten years, mountaineering in the park has increased dramatically. The number of Mount McKinley climbers has risen from 695 in 1984 to 1277 in 1994 and 1,220 in 1995. With the numbers of climbers increasing, the number of accidents, rescues and resource-related problems have also increased. Since 1932, a total of 85 mountaineers have perished on the slopes of Mount McKinley; 28 percent of these deaths (24) have occurred since 1990. Recent years have also seen an increase in climbing-related deaths on Mount Foraker and the other Alaska Range peaks located in the park. In 1990, eight mountaineers were rescued on Mount McKinley. In sharp contrast, the number of mountaineers rescued increased to 28 in 1992, 27 in 1994 and 21 in 1995. Studies by the NPS showed that the major reason climbers got into trouble on the mountain and required rescue was their unfamiliarity with the hazards unique to Mount McKinley. Specifically, extreme weather conditions, weather changeability and the other hazards associated with climbing in such northerly latitudes caught the climbers unprepared. The NPS determined that climbers need better education and information prior to their climbs and that an appropriate time frame was necessary to convey this information to the climbing community. Climbers from 38 countries registered to climb Mount McKinley in 1995. With so many climbers seeking permits, adequate lead time required to fulfill the requests lengthens. The 60 day pre-registration period will provide sufficient opportunity for the Denali park staff to provide the necessary information to prospective

mountaineers on the dangers they may face climbing in the park, how to prepare and equip themselves for the climb, other safety related issues and requirements concerning resource protection issues such as litter removal and human waste disposal.

On September 13, 1995, the NPS published the proposed regulation that will require mountain climbers to register a minimum of 60 days before any climb on Mount McKinley and Mount Foraker (60 FR 47513). The comment period closed on November 13, 1995. No comments were received during the comment period. When this rule becomes final, it will replace the interim rule that was published on March 31, 1995, in the Federal Register. (60 FR 16579).

Drafting Information

The primary authors of this final rule are Dennis Burnett, Washington Office of Ranger Activities, National Park Service and Brenda Bussard of Denali National Park and Preserve, National Park Service.

Paperwork Reduction Act

This final rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this final rule will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

List of Subjects in 36 CFR Part 13

Alaska, National Parks, reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter I, Part 13 is amended as follows:

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

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

Authority: 16 U.S.C. 1, 3, 462(k), 3101 *et seq.; § 13.65(b) also issued under 16 U.S.C. 1a–2(h), 1361, 1531.*

Subpart C—Special Regulations—Specific Park Areas in Alaska

2. Section 13.63 is amended by revising paragraph (f) to read as follows:

§ 13.63 Denali National Park and Reserve.

* * * * *

(f) *Mountain climbing.* Climbing on Mount McKinley or Mount Foraker without registering, on a form provided by the Superintendent, at least 60 days in advance of any climb is prohibited.

Dated: February 6, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–4162 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[A–94–13; FRL–5425–8]

RIN 2060–AE07

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Nonconformance Penalties for 1996 Model Year Emission Standards for Heavy-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule announces the availability of nonconformance penalties (NCPs) for the Light-Duty Truck 3 (LDT3) particulate matter (PM) standard taking effect in the 1996 model year. The availability of these NCPs will allow manufacturers of LDT3 whose vehicles or engines fail to conform with the 1996 PM standard, but do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. The associated upper limit for the LDT3 PM standard will be the previous standard of 0.13 grams per mile (g/mi).

A concurrent, but separate rulemaking addresses the availability of NCPs for the 1998 and later model year oxides of nitrogen (NO_X) standard for Heavy-Duty Diesel Engines (HDDEs), the 1996 and later model year NO_X standard for LDT3 and the 1996 urban bus PM standard.

EFFECTIVE DATE: This rule will become effective March 25, 1996.

ADDRESSES: Public Docket: Copies of materials relevant to this rulemaking proceeding are contained in Public Docket A–94–13 at the Air Docket of the US Environmental Protection Agency, Room M1500, 401 M Street, SW, Washington, DC 20460, and are available for review in Room M1500 between the hours of 8:00 a.m. and 5:30 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Orehowsky, Manufacturers Operations Division (6405–J), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone (202) 233–9292.

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

Section 206(g) of the Clean Air Act (the Act), 42 U.S.C. 7525(g), requires EPA to issue a certificate of conformity for HDEs or Heavy-Duty Vehicles (HDVs) which exceed an applicable section 202(a) emissions standard, but do not exceed an upper limit associated with that standard, if the manufacturer pays an NCP established by rulemaking. Congress adopted section 206(g) in the Clean Air Act Amendments of 1977 as a response to perceived problems with technology-forcing heavy-duty emissions standards. (It should be noted, however, that the existence of NCPs does not change the criteria under which the standards have been and will be set under section 202.) Following *International Harvester* v. *Ruckelshaus*, 478 F.2d 615 (D.C. Cir. 1973), Congress realized the dilemma that technology-forcing standards were likely to cause. If strict standards were maintained, then some manufacturers, ''technological laggards,'' might be unable to comply initially and would be forced out of the marketplace. NCPs were intended to remedy this potential problem. The laggards would have a temporary alternative that would permit them to sell their engines or vehicles by payment of a penalty. This penalty is based in part, on the money saved from

the production of noncomplying engines, would protect conforming manufacturers from the competitive disadvantage of making more costly engines which comply with technology forcing standards.

Under section 206(g)(1) of the Clean Air Act, NCPs may be offered for HDVs or HDEs. The penalty may vary by pollutant and by class or category of vehicle or engine.

HDVs are defined by section 202(b)(3)(C) of the Clean Air Act as vehicles in excess of 6,000 pounds gross vehicle weight rating (GVWR). The light-duty truck (LDT) classification includes trucks that have a GVWR of 8,500 lbs or less. Therefore, certain LDTs may be classified as HDVs. Historically, LDTs between 6,001 and 8,500 pounds GVWR have been considered Heavy Light Duty Trucks (HLDTs). Based on various new requirements established by the Clean Air Act Amendments of 1990, HLDTs have been further subdivided into groups by weight.

The HLDTs are divided at 5750 lbs Adjusted Loaded Vehicle Weight (ALVW) which is the average of the curb weight and the GVWR. The HLDTs that are up through 5750 lbs ALVW are called Light Duty Trucks 3 (LDT3). Those above 5750 lbs ALVW but less than or equal to 8500 lbs GVWR are Light Duty Trucks 4, or LDT4. The LDT3 and LDT4 subclasses make up the HLDT vehicle class. Since NCPs are only offered for heavy duty vehicles or engines, this notice addresses only emission standards for light duty trucks of the LDT3 and LDT4 categories.

Section 206(g)(3) of the Clean Air Act requires that NCPs:

(1) Account for the degree of emission nonconformity;

(2) Increase periodically to provide incentive for nonconforming manufacturers to achieve the emission standards; and

(3) Remove the competitive disadvantage to conforming manufacturers.

Section 206(g) authorizes EPA to require testing of production vehicles or engines in order to determine the emission level on which the penalty is based. If the emission level of a vehicle or engine exceeds an upper limit of nonconformity established by EPA through regulation, the vehicle or engine would not qualify for an NCP under section 206(g) and no certificate of conformity could be issued to the manufacturer. If the emission level is below the upper limit but above the standard, that emission level becomes the ''compliance level,'' which is also the benchmark for warranty and recall liability; the manufacturer who elects to pay the NCP is liable for vehicles or engines that exceed the compliance level in-use, unless, for the case of HLDTs, the compliance level is below the in-use standard. The manufacturer does not have in-use warranty or recall liability for emissions levels above the standard but below the compliance level.

II. Background

A. The Generic Nonconformance Penalty Rule

The generic NCP rule (Phase I) established three basic criteria for determining the eligibility of emission standards for nonconformance penalties in any given model year. See 40 CFR 86.1103–87. First, the emission standard in question must become more difficult to meet. This can occur in two ways, either by the emission standard itself becoming more stringent, or due to its interaction with another emission standard that has become more stringent.

Second, substantial work must be required to meet the emission standard. EPA considers ''substantial work'' to mean the application of technology not previously used in that vehicle or engine class/subclass, or a significant modification of existing technology, to bring that vehicle/engine into compliance. EPA does not consider minor modifications or calibration changes to be classified as substantial work.

Third, a technological laggard must be likely to develop. A technological laggard is defined as a manufacturer who cannot meet a particular emission standard due to technological (not economic) difficulties and who, in the absence of NCPs, might be forced from the marketplace. EPA will make the determination that a technological laggard is likely to develop, based in large part on the above two criteria. However, these criteria are not always sufficient to determine the likelihood of the development of a technological laggard. An emission standard may become more difficult to meet and substantial work may be required for compliance, but if that work merely involves transfer of well-developed technology from another vehicle class, it is unlikely that a technological laggard would develop.

The above three criteria were used to determine eligibility for NCPs in Phase II of the NCP rulemaking (50 FR 53454, December 31, 1985), in Phase III of the NCP rulemaking (55 FR 46622, November 5, 1990) concerning the 1991 model year HDE standards, and in Phase IV of the NCP rulemaking (58 FR 68532, December 28, 1993) concerning HDVs and HDEs subject to the 1994 and later model year emission standards for particulate matter (PM).

As in the previous NCP rules, EPA is specifying values for the following parameters in the NCP formula for each standard: COC_{50}, COC_{90}, MC_{50}, and F. The NCP formula is the same as that promulgated in the Phase I rule.

COC_{50} is an estimate of the industry wide average incremental cost per engine (references to engines are intended to include vehicles as well) associated with meeting the standard for which an NCP is offered, compared with meeting the upper limit. COC_{50} is based on typical engine technology, as nearly as EPA can identify it. As in the previous NCP rules, costs include additional manufacturer costs and additional owner costs. The other NCP rules did not include certification costs in the calculation of COC_{50}, and none will be allowed in this document because both complying and noncomplying manufacturers must incur certification costs.

COC_{90} is EPA's best estimate of the 90th percentile incremental cost per engine associated with meeting the standard for which an NCP is offered, compared with meeting the associated upper limit. COC_{90} is based on a near worst case technology, as nearly as EPA can identify it. COC_{90}, like COC_{50}, includes both manufacturer and owner costs, but not certification costs.

MC_{50} is an estimate of the industry wide average marginal cost of compliance per unit of reduced pollutant associated with the least cost effective emission control technology installed to meet the new standard. MC_{50} is measured in dollars per g/BHP-hr for HDEs and in dollars per gram per mile (g/mi) for LDTs.

F is a factor used to derive MC_{90}, the 90th percentile marginal cost of compliance with the NCP standard for engines in the NCP category. MC_{90} is defined as being the slope of the penalty rate curve near the standard and is equal to MC_{50} multiplied by F. For this rulemaking, as was the case in the previous NCP rules, EPA has determined that no reasonable estimate of MC_{90} can be made based on existing marginal cost data and has thus set F at a presumptive value of 1.2. This approach was generally supported by commentaries on the past NCP rulemakings.

B. Notice of Proposed Rulemaking

In the Notice of Proposed Rulemaking (NPRM) (59 FR 43074, August 22, 1994), EPA identified the Tier I Heavy Light

Duty Trucks (HLDT) standards becoming effective in 1996, the 1996 Urban Bus PM standard of 0.05 g/bhp-hr, and the 1998 Heavy Duty Engine (HDE) NO_X standard of 4.0 g/bhp-hr as new standards for which it has statutory authority for considering NCPs. EPA then applied the three generic NCP criteria to each of those emission standards.

The Agency identified the 1996 LDT3 PM standard of 0.10 g/mi as satisfying the required NCP criteria and, therefore, proposed to make NCPs available for that standard. The Agency also proposed upper limits for that standard and numerical values to be used in the calculation of the NCP for the associated vehicles.

EPA did not propose NCPs for the other new standards because they did not meet all three of the generic NCP criteria.

NCPs were not considered for the Tier 1 ''in-use'' standards since NCPs are a mechanism to allow manufacturers to certify engine families, not to assist manufacturers in complying with ''in-use'' standards.

C. Final Rule—Availability of NCPs

1. Standard for Which NCPs Will Be Offered

a. 1996 Tier 1 PM Standard for Diesel LDT3

EPA recognizes that the new PM standard of 0.10 g/mi at full useful life represents an increase in stringency over the prior standard of 0.13 g/mi at full useful life for diesel-fueled LDT3, satisfying the first eligibility criterion. Based on discussions with General Motors, the only current manufacturer of diesel-fueled vehicles in this class, EPA believes that the addition of catalytic converter technology to these engines will probably not bring them into compliance with the new standard. Significant work will be required for another technology, such as a Variable Geometry Turbocharger, to be adapted for use on these vehicles. This is especially true when considering the interrelationship of the NO_X and PM emissions of diesel-fueled engines, as stated above. For these reasons, EPA believes that a technological laggard may develop and is offering NCPs for diesel-fueled LDT3 at the full useful life for the new PM standard. The proposed penalty rates are discussed below.

2. Standards for Which NCPs Were Not Proposed

a. 1996 Tier 1 PM Standard for Non-Diesel Fueled LDT3

There is no previous PM standard for non-diesel fueled LDT3. Thus the new PM standard of 0.10 g/mi at full useful life represents an increase in stringency. However, non-diesel fueled vehicles emit very low levels of particulate matter and will not require any additional emission control technology to meet this standard. Thus, substantial work is not required and there is not a likelihood that a technological laggard will develop. Therefore, EPA did not propose NCPs for these vehicles.

b. 1996 Tier 1 Non-Methane Hydrocarbon (NMHC) Standard for LDT3

Since there is no NMHC standard for earlier model year LDT3, the new NMHC standard represents an increase in stringency over the THC standard for previous model years, satisfying the first eligibility criterion. EPA acknowledges that one manufacturer has indicated that it may have difficulty complying with this standard. Based on the manufacturer's planned strategy, however, EPA does not believe that substantial work, as described above, will be necessary to meet the new standard for either the intermediate useful-life level of 0.32 g/mi or the full useful-life level of 0.46 g/mi, since it does not represent a major modification of existing technology. EPA also does not believe that a technological laggard is likely to develop, based on discussions with vehicle manufacturers. For these reasons, EPA did not propose NCPs for this standard.

c. 1996 Tier 1 CO Standard for LDT3

EPA recognizes that the new CO standard of 6.4 g/mi at full useful life represents an increase in stringency over the prior standard of 10 g/mi at full useful life for LDT3, satisfying the first eligibility criterion. Based on 1993 model year certification levels, only one manufacturer is currently producing LDT3 vehicles which would not meet the new standard at full useful life. Since this manufacturer does not anticipate difficulty in meeting the new CO standards, EPA does not believe that a technological laggard is likely to develop. The half useful-life standard of 4.4 g/mi is considered by EPA and manufacturers to be less difficult to meet than the full useful life standard. For these reasons, EPA did not propose NCPs for these standards.

d. 1996 Tier 1 Non-Methane Hydrocarbon (NMHC) Standard for LDT4

There is no NMHC standard for earlier model year LDT4. Both EPA and vehicle manufacturers believe that the NMHC standard represents an increase in stringency over the THC standard for previous model year LDT4, satisfying the first eligibility criterion. The same manufacturer that expressed concern in meeting the NMHC standard for LDT3 has similar concerns in meeting this standard and will use a similar strategy to lower the emissions. For the same reasons stated in the above discussion of the NMHC standard for LDT3, EPA did not propose NCPs for the NMHC standard at either the intermediate or the full useful life.

e. 1996 Tier 1 CO Standard for LDT4

EPA recognizes that the new CO standard of 7.3 g/mi at full useful life represents an increase in stringency over the prior standard of 10 g/mi at full useful life for LDT4, satisfying the first eligibility criterion. Based on discussions with current manufacturers of affected vehicles, EPA believes that manufacturers will not have difficulty in meeting the new standard. Since there are no 1993 model year LDT4 with CO certification levels higher than the new standard at full useful life, EPA does not believe that a technological laggard is likely to develop. The half useful-life standard of 5.0 g/mi is generally considered by EPA and manufacturers to be less difficult to meet than the full useful life standard of 7.3 g/mi. For these reasons, EPA did not propose NCPs for these standards.

f. 1996 Tier 1 NO_X Standard for LDT4

EPA recognizes that the new NO_X standard of 1.53 g/mi at full useful life represents an increase in stringency over the prior standard of 1.7 g/mi at full useful life for LDT4, satisfying the first eligibility criterion. Based on discussions with current manufacturers of affected vehicles, and based on the fact that there were no model year 1993 LDT4 certified which would exceed the new standard at full useful life, EPA believes that substantial work, as described above, will not be required of manufacturers and that a technological laggard is not likely to develop. The half useful-life standard for non-diesel vehicles of 1.10 g/mi is generally considered by EPA and manufacturers to be less difficult to meet than the full useful life standard. For these reasons, EPA did not propose NCPs for the new LDT4 NO_X standards.

g. 1996 Tier 1 PM Standard for LDT4

EPA recognizes that the new PM standard of 0.12 g/mi at full useful life represents an increase in stringency over the prior standard of 0.13 g/mi at full useful life for LDT4, satisfying the first eligibility criterion. As in the case of non-diesel LDT3, no work should be required to meet the new PM standard

for non-diesel LDT4. And based on discussions with the single, current manufacturer of diesel-fueled LDT4 vehicles and on 1993 model year certification levels, EPA does not believe that a technological laggard is likely to develop or that substantial work, as described above, will be required to meet the new PM standard. For these reasons, EPA did not propose NCPs for the new LDT4 PM standard.

3. Standards Addressed in a Concurrent NCP Rulemaking

a. 1996 Tier 1 NO_X Standard for LDT3
b. 1996 Urban Bus PM Standard
c. 1998 HDDE NO_X Standard

EPA's analysis of the issues concerning NCPs for these standards and EPA's response to comments received in this rulemaking on these standards are contained in a Direct Final Rule published elsewhere in this Federal Register notice. The Direct Final Rule approves NCPs for the above, three standards.

III. Summary and Analysis of Comments

Written comments were received from five entities during the comment period: General Motors Corporation, Detroit Diesel Corporation, Engine Manufacturers' Association, Navistar, and Mack Truck.

A. Availability of Nonconformance Penalties and Penalty Rates

Heavy Light Duty Trucks 3 PM Standard

General Motors agrees with EPA's conclusion that NCPs are justified for the new LDT3 PM standard. GM stated that the proposed penalty rates were not reasonable for two reasons. First, GM stated ''the basic technology determined to be necessary to achieve the emission improvement required by the standard includes technology (oxidizing catalyst) that is already being used to achieve the current PM standard. Thus, the oxidizing catalyst costs included in the penalty rate determinations needs to be removed and the penalty rates modified to include only the other technology believed needed to achieve the 1996 PM standard.'' EPA agreed with this suggestion since GM is the only manufacturer in this market segment. Since GM was not able to specify what technology would be needed to meet the standard, the penalty rates in this Final Rule reflect EPA's best determination of the technology believed necessary for a manufacturer already using catalyst technology, but still unable to attain the standard.

EPA believes that vehicles unable to achieve the standard with catalyst technology will need to rely on variable geometry turbocharger technology, improved oil control, and additional work in optimizing engine calibrations.

Second, GM argues that since the new Tier 1 standard effectively increases the test weight used in testing vehicles of this class, this fact should be accounted for in determining the penalty rates and the upper limit for the LDT3 PM NCP. While EPA believes the said effect to be plausible, it is likely a relatively small effect. And, in the absence of any manufacturer-supplied data in support of that claim, this component was not considered in determining the NCPs for this Final Rule.

IV. Penalty Rates

This rule is the most recent in a series of NCP rulemakings. The discussion of penalty rates in the Phase IV rulemaking (58 FR 68532, December 28, 1993), Phase III rulemaking (55 FR 46622, November 5, 1990), the Phase II rulemaking (50 FR 53454, December 31, 1985) as well as the Phase I rulemaking (50 FR 35374, August 30, 1985) are incorporated by reference.

The derivation of the 1996 Tier 1 LDT3 PM standard cost parameters are described in a support document entitled ''Calculation of Nonconformance Penalty Rates for 1996 and Later Model Year LDT3 Particulate Matter (PM), LDT3 Oxides of Nitrogen (NO_X), 1996 and Later Model Year Urban Bus Particulate Matter (PM), and 1998 and Later Model Year HDDE Oxides of Nitrogen (NO_X) Standards,'' which is available in the public docket for this rulemaking. The associated upper limit of 0.13 g/mi PM, the previous PM standard, was determined as per section 86.1104–91 of the Code of Federal Regulations.

V. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a ''significant regulatory action.'' This regulation will not have an annual effect on the economy in excess of $100 million and will not cause a major increase in the price of HDEs above those that would otherwise occur from compliance with the emission standards themselves. This regulation is intended to assist manufacturers that are having difficulty developing and marketing vehicles which comply with the 1996 Tier 1 PM standard for LDT3. Without this rule, a manufacturer experiencing difficulty in complying with this new emission standard (after the use of credits) has only two alternatives: fix the nonconforming engines for the associated model years or not sell them at all. NCPs provide manufacturers with additional time to bring their engines into conformity.

In addition, NCPs are calculated to deprive nonconforming manufacturers of any cost savings and competitive advantages stemming from marketing a nonconforming engine. Thus, NCPs will not have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

VI. Economic Impact

Because the use of NCPs is optional, manufacturers have the flexibility and will likely choose whether or not to use NCPs based on their ability to comply with emissions standards. If a HDE manufacturer elects not to use NCPs, the manufacturer and its customers will not incur any additional costs related to NCPs.

NCPs remedy the potential problem of having a manufacturer forced out of the marketplace due to that manufacturer's inability to conform to new, strict emission standards in a timely manner. Without NCPs, a manufacturer which has difficulty certifying HDEs in conformance with emission standards or whose engines fail a SEA has only two alternatives: fix the nonconforming engines, perhaps at a prohibitive cost, or prevent their introduction into commerce. The availability of NCPs provides manufacturers with a third alternative: continue production and introduce into commerce upon payment

of a penalty for an engine that exceeds the standard until an emission conformance technique is developed.

Therefore, NCPs represent a regulatory mechanism that allows affected manufacturers to have increased flexibility. A decision to use NCPs may be a manufacturer's only way to continue to introduce HDEs into commerce. Hence, NCPs may be considered to have no adverse economic impact.

VII. Environmental Impact

When evaluating the environmental impact of this rule, one must keep in mind that, under the Clean Air Act, NCPs are a consequence of enacting new, more stringent emissions requirements for heavy duty engines. Emission standards are set at a level that most, but not necessarily all, manufacturers can achieve by the model year in which the standard becomes effective. Following *International Harvester* v. *Ruckelshaus*, 478 F.2d 615 (D.C. Cir. 1973), Congress realized the dilemma that technology-forcing standards were likely to cause, and allowed manufacturers of heavy-duty engines to certify nonconforming vehicles/engines upon the payment of an NCP, under certain conditions. This mechanism would allow a manufacturer(s) who cannot meet technology-forcing standards immediately to continue to manufacture these nonconforming engines while they tackle the technological problems associated with meeting new emission standard(s). Thus, as part of the statutory structure to force technological improvements without driving manufacturers out of the market, NCPs provide flexibility that fosters long-term emissions improvement through the setting of lower emission standards at an earlier date than could otherwise be possible. By design, NCPs encourage the technological laggard that is using NCPs to reduce emission levels to the more stringent standard as quickly as possible.

VIII. Compliance With Regulatory Flexibility Act

Under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., the Administrator is required to either perform a regulatory flexibility analysis or certify that this regulation will not have a significant impact on a substantial number of small business entities. None of the affected manufacturers could be classified as small. Moreover, as already discussed, the NCP program can be expected to benefit manufacturers.

Some small entities do exist as manufacturers' contractors for the testing of engines for Production Compliance Audits (PCAs). It is EPA's practice to conduct PCA scheduling (namely, tests per day limitations) in such a way as to consider the staff and manpower capabilities of such contractors and avoid any problems. The result is that these entities are not adversely affected. Thus, I certify that this rule will not have any adverse economic impact on a substantial number of small entities.

IX. Information Collection Requirements

This rule requires that manufacturers perform certain record keeping and submit certain reports to EPA. The Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq., provides that reporting and recordkeeping requirements be approved by OMB before they can be enforced by EPA. The information collection requirements in this proposed rule have been addressed in previous rulemaking and approved by OMB (OMB control no. 2060–0132). However, any person wishing to comment on these requirements is invited to do so. Comments on these requirements should be submitted to Chief, Information Policy Branch, Mail Code 2136, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460 and to Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, 726 Jackson Place, NW, Washington, DC 20503, marked ''Attention: Desk Officer for EPA.''

X. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, EPA generally 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, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternative and adopt the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling official of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The rule imposes no enforceable duties on any of these governmental entities or the private sector. In addition, the UMRA excludes from the definition of ''Federal private sector mandate'' duties that arise from participation in a voluntary Federal program. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Motor vehicles, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: February 12, 1996.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 86, is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 206, 207, 208, 215, 216, 217, 301(a), Clean Air Act as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

2. Section 86.1105–87 of subpart L is amended by revising paragraph (e),

adding paragraph (g) and adding and reserving paragraph (h) to read as follows:

§ 86.1105–87 Emission standards for which nonconformance penalties are available.

* * * * *

(e) The values of COC_{50}, COC_{90}, and MC_{50} in paragraphs (a) and (b) of this section are expressed in December 1984 dollars. The values of COC_{50}, COC_{90}, and MC_{50} in paragraphs (c) and (d) of this section are expressed in December 1989 dollars. The values of COC_{50}, COC_{90}, and MC_{50} in paragraph (f) of this section are expressed in December 1991 dollars. The values of COC_{50}, COC_{90}, and MC_{50} in paragraphs (g) and (h) of this section are expressed in December 1994 dollars. These values shall be adjusted for inflation to dollars as of January of the calendar year preceding the model year in which the NCP is first available by using the change in the overall Consumer Price Index, and rounded to the nearest whole dollar in accordance with ASTM E29–67 (reapproved 1980), Standard Recommended Practice for Indicating Which Places of Figures are to be Considered Significant in Specified Limiting Values. The method was approved by the director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document is available from ASTM, 1916 Race Street, Philadelphia, PA 19103, and is also available for inspection as part of Docket A–91–06, located at the Central Docket Section, EPA, 401 M Street, SW, Washington, DC or at the office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. This incorporation by reference was approved by the Director of the Federal Register on January 13, 1992. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the Federal Register.

* * * * * *

(g) Effective in the 1996 model year, NCPs will be available for the following emission standard:

(1) Light-duty truck 3 diesel-fueled vehicle at full useful life (as defined in § 86.094–2) particulate matter emission standard of 0.10 g/mi.

(i) The following values shall be used to calculate an NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(a):

(A) COC_{50}: $441.

(B) COC_{90}: $1,471.

(C) MC_{50}: $14,700 per gram per mile.

(D) F: 1.2.

(ii) The following factor shall be used to calculate the engineering and development component of the NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(h): 0.093.

(2) [Reserved]

(h) [Reserved]

[FR Doc. 96–4040 Filed 2–22–96; 8:45 am]

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40 CFR Part 86

[A–94–13; FRL–5425–9]

RIN 2060–AE07

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Nonconformance Penalties for 1996 and 1998 Model Year Emission Standards for Heavy-Duty Vehicles and Engines—Part II

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This final rule makes nonconformance penalties (NCPs) available for the 1998 and later model year Heavy-Duty Engine (HDE) oxides of nitrogen (NO_X) standard for Heavy-Duty Diesel Engines (HDDEs), the 1996 and later model year Light-Duty Truck 3 (LDT3) NO_X standard, and the 1996 and later model year Urban Bus particulate matter (PM) standard. The availability of NCPs will allow manufacturers whose vehicles or engines fail to conform with these emission standards, but do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. The associated upper limit will be the previous standard (5.0 grams per brake horsepower-hour (g/BHp-hr) NO_X for HDDEs, 1.7 grams per mile (g/mi) NO_X for LDT3s, and 0.07 g/BHp-hr PM for urban buses).

A final rule published elsewhere in this Federal Register document addresses other emission standards for which NCPs have been considered and establishes NCPs for the 1996 PM standard for LDT3.

EFFECTIVE DATE: This final rule will be effective April 23, 1996 unless notice is received by March 25, 1996 that adverse or critical comments will be submitted or that an opportunity to submit such comments at a public hearing is requested. If such comments or a request for a public hearing are received by the Agency, EPA will then publish a subsequent Federal Register document withdrawing from this action only those items which are specifically listed in those comments or in the request for a public hearing.

ADDRESSES: Public Docket: Copies of materials relevant to this rulemaking proceeding are contained in Public Docket A–94–13 at the Air Docket of the US Environmental Protection Agency, Room M1500, 401 M Street, SW, Washington, DC 20460, and are available for review in Room M1500 between the hours of 8:00 a.m. and 5:30 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Orehowsky, Manufacturers Operations Division [6405–J], US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone (202) 233–9292.

SUPPLEMENTARY INFORMATION: EPA believes that the use of a direct final rule is appropriate because the changes made are expected to be non-controversial. The direct final rule will allow the Agency to finalize such changes in a timely manner, allowing NCPs to be available before the start of production of affected vehicles.

I. Statutory Authority

Section 206(g) of the Clean Air Act (the Act), 42 U.S.C. 7525(g), requires EPA to issue a certificate of conformity for HDEs or Heavy-Duty Vehicles (HDVs) which exceed an applicable section 202(a) emissions standard, but do not exceed an upper limit associated with that standard, if the manufacturer pays an NCP established by rulemaking. Congress adopted section 206(g) in the Clean Air Act Amendments of 1977 as a response to perceived problems with technology-forcing heavy-duty emissions standards. (It should be noted, however, that the existence of NCPs does not change the criteria under which the standards have been and will be set under section 202.) Following *International Harvester* v. *Ruckelshaus*, 478 F.2d 615 (D.C. Cir. 1973), Congress realized the dilemma that technology-forcing standards were likely to cause. If strict standards were maintained, then some manufacturers, ''technological laggards,'' might be unable to comply initially and would be forced out of the marketplace. NCPs were intended to remedy this potential problem. The laggards would have a temporary alternative that would permit them to sell their engines or vehicles by payment of a penalty. This penalty is based in part, on the money saved from the production of non complying engines, would protect conforming manufacturers from the competitive disadvantage of making more costly

engines which comply with technology forcing standards.

Under section 206(g)(1) of the Clean Air Act, NCPs may be offered for HDVs or HDEs. The penalty may vary by pollutant and by class or category of vehicle or engine.

HDVs are defined by section 202(b)(3)(C) of the Clean Air Act as vehicles in excess of 6,000 pounds gross vehicle weight rating (GVWR). The light-duty truck (LDT) classification includes trucks that have a GVWR of 8,500 lbs or less. Therefore, certain LDTs may be classified as HDVs. Historically, LDTs between 6,001 and 8,500 pounds GVWR have been considered Heavy Light Duty Trucks (HLDTs). Based on various new requirements established by the Clean Air Act Amendments of 1990, HLDTs have been further subdivided into groups by weight.

The HLDTs are divided at 5750 lbs Adjusted Loaded Vehicle Weight (ALVW) which is the average of the curb weight and the GVWR. The HLDTs that are up through 5750 lbs ALVW are called Light Duty Trucks 3 (LDT3). Those above 5750 lbs ALVW but less than or equal to 8500 lbs GVWR are Light Duty Trucks 4, or LDT4. The LDT3 and LDT4 subclasses make up the HLDT vehicle class. Since NCPs are only offered for heavy duty vehicles or engines, this notice addresses only emission standards for light duty trucks of the LDT3 and LDT4 categories.

Section 206(g)(3) of the Clean Air Act requires that NCPs:

(1) Account for the degree of emission nonconformity;

(2) Increase periodically to provide incentive for nonconforming manufacturers to achieve the emission standards; and

(3) Remove the competitive disadvantage to conforming manufacturers.

Section 206(g) authorizes EPA to require testing of production vehicles or engines in order to determine the emission level on which the penalty is based. If the emission level of a vehicle or engine exceeds an upper limit of nonconformity established by EPA through regulation, the vehicle or engine would not qualify for an NCP under section 206(g) and no certificate of conformity could be issued to the manufacturer. If the emission level is below the upper limit but above the standard, that emission level becomes the ''compliance level,'' which is also the benchmark for warranty and recall liability; the manufacturer who elects to pay the NCP is liable for vehicles or engines that exceed the compliance level in-use, unless, for the case of HLDTs, the compliance level is below the in-use standard. The manufacturer does not have in-use warranty or recall liability for emissions levels above the standard but below the compliance level.

II. Background

A. The Generic Nonconformance Penalty Rule

The generic NCP rule (Phase I) established three basic criteria for determining the eligibility of emission standards for nonconformance penalties in any given model year. See 40 CFR 1103–87. First, the emission standard in question must become more difficult to meet. This can occur in two ways, either by the emission standard itself becoming more stringent, or due to its interaction with another emission standard that has become more stringent.

Second, substantial work must be required to meet the emission standard. EPA considers ''substantial work'' to mean the application of technology not previously used in that vehicle or engine class/subclass, or a significant modification of existing technology, to bring that vehicle/engine into compliance. EPA does not consider minor modifications or calibration changes to be classified as substantial work.

Third, a technological laggard must be likely to develop. A technological laggard is defined as a manufacturer who cannot meet a particular emission standard due to technological (not economic) difficulties and who, in the absence of NCPs, might be forced from the marketplace. EPA will make the determination that a technological laggard is likely to develop, based in large part on the above two criteria. However, these criteria are not always sufficient to determine the likelihood of the development of a technological laggard. An emission standard may become more difficult to meet and substantial work may be required for compliance, but if that work merely involves transfer of well-developed technology from another vehicle class, it is unlikely that a technological laggard would develop.

The above three criteria were used to determine eligibility for NCPs in Phase II of the NCP rulemaking (50 FR 53454, December 31, 1985), in Phase III of the NCP rulemaking (55 FR 46622, November 5, 1990) concerning the 1991 model year HDE standards, and in Phase IV of the NCP rulemaking (58 FR 68532, December 28, 1993) concerning HDVs and HDEs subject to the 1994 and later model year emission standards for particulate matter (PM).

As in the previous NCP rules, EPA is specifying values for the following parameters in the NCP formula for each standard: COC_{50}, COC_{90}, MC_{50}, and F. The NCP formula is the same as that promulgated in the Phase I rule.

COC_{50} is an estimate of the industry wide average incremental cost per engine (references to engines are intended to include vehicles as well) associated with meeting the standard for which an NCP is offered, compared with meeting the upper limit. COC_{50} is based on typical engine technology, as nearly as EPA can identify it. As in the previous NCP rules, costs include additional manufacturer costs and additional owner costs. The other NCP rules did not include certification costs in the calculation of COC_{50}, and none will be allowed in this proposed rule because both complying and noncomplying manufacturers must incur certification costs.

COC_{90} is EPA's best estimate of the 90th percentile incremental cost per engine associated with meeting the standard for which an NCP is offered, compared with meeting the associated upper limit. COC_{90} is based on a near worst case technology, as nearly as EPA can identify it. COC_{90}, like COC_{50}, includes both manufacturer and owner costs, but not certification costs.

MC_{50} is an estimate of the industry wide average marginal cost of compliance per unit of reduced pollutant associated with the least cost effective emission control technology installed to meet the new standard. MC_{50} is measured in dollars per g/BHP-hr for HDEs and in dollars per gram per mile (g/mi) for LDTs.

F is a factor used to derive MC_{90}, the 90th percentile marginal cost of compliance with the NCP standard for engines in the NCP category. MC_{90} is defined as being the slope of the penalty rate curve near the standard and is equal to MC_{50} multiplied by F. For this rulemaking, as was the case in the previous NCP rules, EPA has determined that no reasonable estimate of MC_{90} can be made based on existing marginal cost data and has thus set F at a presumptive value of 1.2. This approach was generally supported by commentaries on the past NCP rulemakings.

B. Notice of Proposed Rulemaking

In the Notice of Proposed Rulemaking (NPRM) (59 FR 43074, August 22, 1994), EPA identified the Tier I Heavy Light-Duty Trucks (HLDT) NO_X standard of 0.98 g/mi becoming effective in 1996, the 1998 HDE NO_X standard of 4.0 g/

BHp-hr, and the 1996 Urban Bus PM standard of 0.05 g/BHp-hr as new standards for which it has statutory authority for considering NCPs. EPA did not propose to offer NCPs for these standards because, based on the information available at the time of the proposed rulemaking, these standards did not meet the criteria for offering NCPs.

C. Summary and Analysis of Comments

Based on comments to the NPRM received by EPA, EPA has decided to offer NCPs for the 1996 Light Duty Trucks 3 (LDT3) NO_X standard of 0.98 g/mi for diesel-fueled vehicles, the 1998 HDE NO_X standard of 4.0 g/BHp-hr for HDDEs, and the 1996 Urban Bus PM standard of 0.05 g/BHp-hr.

1. Heavy Light Duty Trucks 3 NO_X Standard

General Motors, the only manufacturer in this market, commented that NCPs are justified for this standard since ''* * * the NO_X standard change is large (1.7 g/mi to 0.98 g/mi) * * *'' and ''attempts to reach significantly lower NO_X levels with the current technology results in very poor engine combustion control with significant increased smoke * * *'' GM goes on to state that new technology is required which ''concentrates on new EGR systems and control interfaces between this EGR technology and the fuel control system * * *''

EPA agrees with GM's assessment that current EGR flow rates cannot be increased to limit NO_X emissions without changes to the fuel control system. Driveabiliity problems will occur at higher EGR flow rates unless the fuel control system is adjusted to account for these higher EGR flow rates. EPA believes that GM will need to recalibrate the engine computer to better control fuel delivery rates to allow for improved driveability at increased EGR flow rates. EPA also believes that air-to-air aftercooling will be necessary to further reduce NO_X emissions below the standard.

EPA acknowledges that the stringency of the NO_X standard for this class of trucks has increased. Also, significant work will be involved in developing the appropriate fuel system calibration to allow for increased EGR flow. Further work will be necessary to develop air-to-air aftercooling which is new to this segment of the truck market. Since the previously mentioned technology may not be developed by the start of the 1996 model year, a technological laggard may develop. For these reasons, EPA is offering NCPs for 1996 LTD3 NO_X standard.

2. 1996 HDDE Urban Bus PM Standard

Detroit Diesel Corporation (DDC) commented that they are capable of achieving 0.05 g/BHp-hr in development engines using only a catalytic converter, but they need new technology to ensure that production engines would be capable of satisfying the new standard during Selective Enforcement Audit (SEA) testing. The Engine Manufacturers Association (EMA) stated that for the 1996 model year Urban Bus Engine PM standard the three criteria for offering NCPs are met.

In the 1996 model year the PM standard applicable to Urban Bus Engines becomes more stringent. EPA acknowledges that new technologies need to be developed to provide for a compliance margin for SEA testing. These technologies include improving aftertreatment devices such as catalysts and traps and new turbocharger designs. EPA believes that substantial work will be involved in developing this diesel fueled technology. Particulate traps have not proven to be durable. Catalysts have reduced PM emissions but further reductions are necessary. Low inertia turbochargers are being developed but have yet to be offered in the urban bus market and their effectiveness is uncertain.

EPA believes that Urban Bus Engine manufacturers will need to employ the unproven technology mentioned in the preceding paragraph to ensure compliance with this standard, thus; EPA believes a technological laggard is likely to develop and will be offering NCPs.

3. 1998 HDE NO_X Standard

EMA commented that ''based on the information presently available, it is likely that certain engine manufacturers and/or certain engine families may not be able to meet the 4.0 g/bhp-hr NO_X standard in 1998''. Mack Truck suggested that NCPs should be offered for this standard since they were offered for the 1988 and 1991 NO_X standards. DDC commented that several of their most advanced engines are using credits to meet the 1994 standards. Because of the NO_X-PM trade off and the stringency of the 1994 PM standard, none of their engines are capable of generating NO_X credits which could be used toward the 1998 NO_X standard. This could result in DDC having to discontinue several of its engine ratings in 1998. Navistar commented that a commercially important engine may not be finished in time causing an interruption in manufacturing. Navistar stated that NCPs would allow such an engine to be put into commerce.

In the 1998 model year the NO_X standard applicable to HDEs will become more stringent. EPA believes that this increase in stringency will require the HDE manufacturers to employ new emission control technology (e.g., oxidation catalysts, improved turbochargers, modifications to the fuel injection systems, or engine calibration changes). These new technologies will require substantial work. Also based on manufacturers' comments to the Notice of Proposed Rulemaking (59 FR 43074, August 22, 1994), EPA now believes that a technological laggard may develop. Therefore, EPA has decided to offer NCPs for the 1998 model year HDE NO_X standard.

III. Standards Addressed in a Concurrent NCP Rulemaking

a. 1996 Tier 1 Standards for LDT3 other than diesel NO_X
b. 1996 Tier 1 Standards for LDT4

IV. Penalty Rates and Upper Limits

This rule is the most recent in a series of NCP rulemakings. The discussion of penalty rates in the Phase IV rulemaking (58 FR 68532, December 28, 1993), Phase III rulemaking (55 FR 46622, November 5, 1990), the Phase II rulemaking (50 FR 53454, December 31, 1985) as well as the Phase I rulemaking (50 FR 35374, August 30, 1985) are incorporated by reference.

The derivation of the proposed cost parameters is described in a support document entitled ''Calculation of Nonconformance Penalty Rates for 1996 and Later Model Year LDT3 Particulate Matter (PM), LDT3 Oxides of Nitrogen (NO_X), 1996 and Later Model Year Urban Bus Particulate Matter (PM), and 1998 and Later Model Year HDDE Oxides of Nitrogen (NO_X) Standards'' which is available in the public docket for this rulemaking. The associated upper limits of 1.7 g/mi NO_X and 0.12 g/mi PM for diesel LDT3, 5.0 g/BHp-hr NO_X for HDDEs, and 0.07 g/BHp-hr PM for urban bus engines were determined from the previous standards as per Section 86.1104–91 of the Code of Federal Regulations (CFR).

V. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a ''significant regulatory action.'' This regulation will not have an annual effect on the economy in excess of $100 million and will not cause a major increase in the price of HDEs above those that would otherwise occur from compliance with the emission standards themselves. This regulation is intended to assist manufacturers that are having difficulty developing and marketing vehicles which comply with the 1996 Tier 1 PM standard for LDT3s. Without this rule, a manufacturer experiencing difficulty in complying with this new emission standard (after the use of credits) has only two alternatives: fix the nonconforming engines for the associated model years or not sell them at all. NCPs provide manufacturers with additional time to bring their engines into conformity.

In addition, NCPs are calculated to deprive nonconforming manufacturers of any cost savings and competitive advantages stemming from marketing a nonconforming engine. Thus, NCPs will not have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

VI. Economic Impact

Because the use of NCPs is optional, manufacturers have the flexibility and will likely choose whether or not to use NCPs based on their ability to comply with emissions standards. If a HDE manufacturer elects not to use NCPs, the manufacturer and its customers will not incur any additional costs related to NCPs. NCPs remedy the potential problem of having a manufacturer forced out of the marketplace due to that manufacturer's inability to conform to new, strict emission standards in a timely manner. Without NCPs, a manufacturer which has difficulty certifying HDEs in conformance with emission standards or whose engines fail a SEA has only two alternatives: fix the nonconforming engines, perhaps at a prohibitive cost, or prevent their introduction into commerce. The availability of NCPs provides manufacturers with a third alternative: continue production and introduce into commerce upon payment of a penalty for an engine that exceeds the standard until an emission conformance technique is developed.

Therefore, NCPs represent a regulatory mechanism that allows affected manufacturers to have increased flexibility. A decision to use NCPs may be a manufacturer's only way to continue to introduce HDEs into commerce. Hence, NCPs may be considered to have no adverse economic impact.

VII. Environmental Impact

When evaluating the environmental impact of this rule, one must keep in mind that, under the Clean Air Act, NCPs are a consequence of enacting new, more stringent emissions requirements for heavy duty engines. Emission standards are set at a level that most, but not necessarily all, manufacturers can achieve by the model year in which the standard becomes effective. Following *International Harvester* v. *Ruckelshaus,* 478 F.2d 615 (D.C. Cir. 1973), Congress realized the dilemma that technology-forcing standards were likely to cause, and allowed manufacturers of heavy-duty engines to certify nonconforming vehicles/engines upon the payment of an NCP, under certain conditions. This mechanism would allow a manufacturer(s) who cannot meet technology-forcing standards immediately to continue to manufacture these nonconforming engines while they tackle the technological problems associated with meeting new emission standard(s). Thus, as part of the statutory structure to force technological improvements without driving manufacturers out of the market, NCPs provide flexibility that fosters long-term emissions improvement through the setting of lower emission standards at an earlier date than could otherwise be possible. By design, NCPs encourage the technological laggard that is using NCPs to reduce emission levels to the more stringent standard as quickly as possible.

VIII. Compliance With Regulatory Flexibility Act

Under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., the Administrator is required to either perform a regulatory flexibility analysis or certify that this regulation will not have a significant impact on a substantial number of small business entities. None of the affected manufacturers could be classified as small. Moreover, as already discussed, the NCP program can be expected to benefit manufacturers.

Some small entities do exist as manufacturers' contractors for the testing of engines for Production Compliance Audits (PCAs). It is EPA's practice to conduct PCA scheduling (namely, tests per day limitations) in such a way as to consider the staff and manpower capabilities of such contractors and avoid any problems. The result is that these entities are not adversely affected. Thus, I certify that this rule will not have any adverse economic impact on a substantial number of small entities.

IX. Information Collection Requirements

This rule requires that manufacturers perform certain record keeping and submit certain reports to EPA. The Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq., provides that reporting and record keeping requirements be approved by OMB before they can be enforced by EPA. The information collection requirements in this proposed rule have been addressed in previous rulemaking and approved by OMB (OMB control no. 2060–0132). However, any person wishing to comment on these requirements is invited to do so. Comments on these requirements should be submitted to Chief, Information Policy Branch, Mail Code 2136, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460 and to Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, 726 Jackson Place, NW, Washington, DC 20503, marked ''Attention: Desk Officer for EPA.''

X. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.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, EPA generally 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, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternative and adopt the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The rule imposes no enforceable duties on any of these governmental entities or the private sector. In addition, the UMRA excludes from the definition of ''Federal private sector mandate'' duties that arise from participation in a voluntary federal program. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Motor vehicles, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: February 12, 1996.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 86, is amended as follows:

PART 86–CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 206, 207, 208, 215, 216, 217, 301(a), Clean Air Act as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

2. Section 86.1105–87 of subpart L is amended by adding paragraphs (g)(2) and (3) and paragraph (h), reading as follows:

§ 86.1105–87 Emission standards for which nonconformance penalties are available.

* * * * *

(g) * * *

(2) Light-duty truck 3 diesel-fueled vehicle at full useful life (as defined in § 86.094–2) oxides of nitrogen emission standard of 0.98 g/mi.

(i) The following values shall be used to calculate an NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(a):

(A) COC_{50}: $654.

(B) COC_{90}: $779.

(C) MC_{50}: $908 per gram per mile.

(D) F: 1.2.

(ii) The following factor shall be used to calculate the engineering and development component of the NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(h): 0.082.

(3) 1996 Urban Bus (as defined in § 86.094–2) particulate matter emission standard of 0.05 g/BHp-hr.

(i) The following values shall be used to calculate an NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(a):

(A) COC_{50}: $576.

(B) COC_{90}: $6,569.

(C) MC_{50}: $28,800 per gram per brake horsepower-hour.

(D) F: 1.2.

(ii) The following factor shall be used to calculate the engineering and development component of the NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(h): 0.500.

(h) Effective in the 1998 model year, NCPs will be available for the following emission standard:

(1) Petroleum-fueled diesel heavy-duty engine oxides of nitrogen standard of 4.0 grams per brake horsepower-hour.

(i) For petroleum-fueled light heavy-duty diesel engines:

(A) The following values shall be used to calculate an NCP in accordance with § 86.1113–87(a):

(*1*) COC_{50}: $833.

(*2*) COC_{90}: $1,513.

(*3*) MC_{50}: $833 per gram per brake horsepower-hour.

(*4*) F: 1.2.

(B) The following factor shall be used to calculate the engineering and development component of the NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(h): 0.039.

(ii) For petroleum-fueled medium heavy-duty diesel engines:

(A) The following values shall be used to calculate an NCP in accordance with § 86.1113–87(a):

(*1*) COC_{50}: $444.

(*2*) COC_{90}: $1,368.

(*3*) MC_{50}: $444 per gram per brake horsepower-hour.

(*4*) F: 1.2.

(B) The following factor shall be used to calculate the engineering and development component of the NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(h): 0.043.

(iii) For petroleum-fueled heavy heavy-duty diesel engines:

(A) The following values shall be used to calculate an NCP in accordance with § 86.1113–87(a):

(*1*) COC_{50}: $1,086.

(*2*) COC_{90}: $2,540.

(*3*) MC_{50}: $1,086 per gram per brake horsepower-hour

(*4*) F: 1.2.

(B) The following factor shall be used to calculate the engineering and development component of the NCP for the standard set forth in § 86.094–9(a)(1)(ii) in accordance with § 86.1113–87(h): 0.039.

(2) [Reserved]

[FR Doc. 96–4039 Filed 2–22–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 951128281–5281–01;I.D. 112795A]

Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Trawl Closure to Protect Red King Crab

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

ACTION: Inseason adjustment; response to comments.

SUMMARY: NMFS responds to comments received on an inseason adjustment

closing a portion of the Bering Sea to all trawl vessels to protect red king crab. NMFS published this inseason adjustment in the Federal Register on December 11, 1995, for a 30-day comment period. No change in the trawl closure was made as a result of the comments received.

EFFECTIVE DATE: The inseason adjustment is effective January 20, 1996, through March 31, 1996.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907–586–7228.

SUPPLEMENTARY INFORMATION:

NMFS published an inseason adjustment in the Federal Register on December 11, 1995 (60 FR 63451) that implemented a closure to all trawl vessels in part of the Bristol Bay area located in the Bering Sea. The closure area encompasses an area between 56° and 57° N. lat. and between 162° and 164° W. long., and is intended to protect female red king crab, in view of the declining Bristol Bay red king crab stocks. One letter of comments on the inseason adjustment was received within the comment period, which ended January 10, 1996, and is summarized in the ''Response to Comments'' section, below. After review of the comments received, NMFS determined that no change to the inseason adjustment is warranted.

Response to comments

Comment 1: Closure of areas that experience high red king crab bycatch rates is supported.

Response: NMFS agrees.

Comment 2: The North Pacific Fishery Management Council (Council), NMFS, and the Alaska Department of Fish and Game (ADFG) should consider implementing regulations that provide appropriate management tools for controlling bycatch of crab in the crab fisheries as well as other causes of crab mortality.

Response: The current Fishery Management Plan for the Commercial King and Tanner Crab Fisheries (FMP) defers the right to implement bycatch limits of other species of crab in the directed crab fisheries to the State of Alaska. Proposals to implement crab bycatch limits in directed crab fisheries could be addressed to the State of Alaska Board of Fisheries and the Alaska Department of Fish and Game or proposals could be made to the North Pacific Fishery Management Council for amendments to the current FMP.

Comment 3: Regulations that authorize inseason adjustments at § 675.20(e) specify that the selection of inseason management measures, including time/area closures, must be based on the least restrictive action necessary to protect the species in need of conservation protection and allow fisheries to continue for other species. Therefore, the trawl closure implemented under the December 11, 1995, inseason adjustment should prohibit only bottom trawling, not pelagic trawling, in the closed area. The seasonal timing of the closure is supported to allow other fisheries with low bycatch of red king crab to be prosecuted later in the year.

Response: The authority for various types of inseason adjustments is provided in regulations at 50 CFR 675.20(e). However, the specific regulatory authority under which the December 11, 1995, inseason closure was promulgated (§ 675.20(e)(1)(iv)) does not require that the least restrictive action be implemented. Furthermore, justification for applying the interim closure to pelagic trawl operations is provided in the publication of the inseason adjustment.

Comment 4: NMFS and the Council should begin to collect data and pursue analyses of conservation benefits of red king crab bycatch reduction measures, impacts on groundfish target fisheries that may be affected by time/area closures, and impacts on bycatch of other species by potentially displaced groundfish fisheries.

Response: NMFS collects a variety of fisheries data that may be used to analyze the impacts of bycatch of groundfish and non-groundfish species. These data were used as the basis for the analysis supporting the inseason adjustment and are provided in the environmental assessment/regulatory impact review/initial regulatory flexibility analysis prepared for this action.

Dated: February 16, 1996.

Richard W. Surdi,

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

[FR Doc. 96–3965 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 37
Friday, February 23, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 95–093–1]

Pork and Pork Products From Mexico Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow fresh, chilled, and frozen pork and pork products from the Mexican State of Yucatan to transit the United States, under certain conditions, for export to another country. Currently, we allow such pork and pork products from the Mexican States of Sonora and Chihuahua to transit the United States for export. Otherwise, fresh, chilled, or frozen pork and pork products are prohibited movement into the United States from Mexico because of hog cholera in Mexico. Yucatan, like Sonora and Chihuahua, appears to be a low risk area for hog cholera, and we believe that fresh, chilled, and frozen pork and pork products from Yucatan could transit the United States with minimal risk of introducing hog cholera. This action would facilitate trade.

DATES: Consideration will be given only to comments received on or before April 23, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–093–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–093–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Michael David, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–5097.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of certain animal diseases. Section 94.9 of the regulations prohibits the importation of pork and pork products into the United States from countries where hog cholera exists, unless the pork or pork products have been treated in one of several ways, all of which involve heating or curing and drying.

Because hog cholera exists in Mexico, pork and pork products from Mexico must meet the requirements of § 94.9 to be imported into the United States. However, under § 94.15, pork and pork products that are from certain Mexican States and that are not eligible for entry into the United States in accordance with the regulations may transit the United States for immediate export if certain conditions are met. This provision was added to the regulations in 1992, following a United States Department of Agriculture investigation of the hog cholera situation in Sonora, Mexico, and a determination that pork and pork products from Sonora could transit the United States, under certain conditions, with minimal risk of introducing hog cholera. The Mexican State of Chihuahua was included in this provision in a final rule published in the Federal Register on November 15, 1995 (60 FR 57313–57315, Docket No. 95–037–2).

Mexico's Director of Animal Health has requested that we allow pork and pork products from the Mexican State of Yucatan to transit the United States for export under the same conditions that currently apply to pork and pork products from Sonora and Chihuahua. In response, officials of the Animal and Plant Health Inspection Service (APHIS) met recently in Yucatan with Mexican representatives knowledgeable in disease prevention, epidemiology, and diagnostic methods. The team reviewed the hog cholera situation in Yucatan (discussed below) and recommended granting Mexico's request.

The last outbreak of hog cholera in the Mexican State of Yucatan occurred in 1982. Vaccination for hog cholera was discontinued in 1993. Mexico officially recognized Yucatan as free of hog cholera in April 1995.

The team found two factors contributing to Yucatan's apparent success in remaining free of hog cholera: Yucatan's location and controls by the Division of Animal Health on the movement into Yucatan of pork, pork products, and live swine.

Yucatan is located in a fairly isolated position at the tip of a peninsula, surrounded by the Gulf of Mexico to the north, the Mexican State of Campeche to the southwest, and the Mexican State of Quintana Roo to the southeast. Campeche is in the control phase of its hog cholera program, in which swine are still being vaccinated for the disease. Quintana Roo is in the eradication phase of its hog cholera program, in which no cases of hog cholera have been detected for at least 12 months and a prohibition on vaccination for hog cholera has been instituted.

As required by the Mexican Government, Yucatan and other States recognized by Mexico as free of hog cholera may only import live swine and pork from other hog cholera-free States and countries. The Mexican Government requires shipments from hog cholera-free countries to be accompanied by a certificate of origin issued by that country's veterinary authorities and by a certificate of import issued by the Mexican veterinary authorities. Yucatan and other States recognized by Mexico as being free of hog cholera also require and issue their own permits and health certificates, further ensuring the origin of imported products. In addition, live swine and pork imported into these hog cholera-free States must be shipped in sealed trucks, and all shipments are inspected at inspection stations located either on State lines or at international ports of entry.

Under these circumstances, we believe that there would be little, if any, risk of introducing hog cholera into the United States by allowing pork and pork products from Yucatan to transit the

United States for export under the same conditions that currently apply to pork and pork products from Sonora and Chihuahua.

These conditions will be as follows:

1. Any person wishing to transport pork or pork products from Yucatan through the United States for export must first obtain a permit for importation from APHIS. The application for the permit tells APHIS who will be involved in the transportation, how much and what type of pork and pork products will be transported, when they will be transported, and the method and route of shipment.

2. The pork or pork products must be sealed in Yucatan in a leakproof container, with a serially numbered seal approved by APHIS. The container must remain sealed at all times while transiting the United States.

3. The person moving the pork or pork products through the United States must inform the APHIS officer at the United States port of arrival, in writing, of the following information before the pork or pork products arrive in the United States: The times and dates that the pork or pork products are expected at the port of arrival in the United States, the time schedule and route of the shipments through the United States, and the permit number and serial numbers of the seals on the containers.

4. The pork or pork products must transit the United States under Customs bond.

5. The pork or pork products must be exported from the United States within the time period specified on the permit.

Any pork or pork products exceeding the time limit specified on the permit or transiting in violation of any of the requirements of the permit or the regulations may be destroyed or otherwise disposed of at the discretion of the Administrator, APHIS, pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111).

We believe that applying these same safeguards to shipments of pork and pork products from Yucatan would prevent tampering with the shipments, ensure that the shipments actually leave the United States, and otherwise ensure that shipments would not present a risk of introducing hog cholera. Therefore, we are proposing to amend § 94.15 to allow pork and pork products from the Mexican State of Yucatan to transit the United States for export under the same conditions that currently apply to pork and pork products from Sonora and Chihuahua.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would allow fresh, chilled, and frozen pork and pork products from the Mexican State of Yucatan to transit the United States, under certain conditions, for export to another country. It has been determined that Yucatan is a low risk area for hog cholera and has the veterinary infrastructure necessary to monitor for the presence of the disease.

There appears to be little risk of hog cholera exposure from shipments of pork and pork products from Yucatan transiting the United States. Assuming that proper risk management techniques continue to be applied in Mexico, and that accident and exposure risk would be minimized by proper handling during transport, the risk of exposure to hog cholera from pork in transit from Mexico through the United States would be minimal.

Shipments of pork and pork products from Yucatan transiting the United States would most likely be ocean shipments to Miami with final destinations in the Caribbean and South America. Because no overland transit of pork and pork products through the United States would be expected as a result of this rulemaking, no increase in United States trucking or other United States-based economic activity would be expected.

Both the United States and Mexico are net pork importers. United States pork imports represent approximately 2 to 3 percent of production, and Mexican imports represent 7 to 8 percent of production. With favorable income growth expected in Mexico due to trade liberalization, meat imports, including pork products, are expected to grow and limit Mexican pork exports. However, facilitating export opportunities for the Mexican pork industry may provide incentives for continued efforts to eradicate hog cholera from infected Mexican States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY; PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.15 [Amended]

2. In § 94.15, paragraph (b), the introductory text and paragraph (b)(2) would be amended by removing the words ''Chihuahua or Sonora'' and adding the words ''Chihuahua, Sonora, or Yucatan'' in their place.

Done in Washington, DC, this 20th day of February 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–4147 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R–0916]

International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule and request for comments.

SUMMARY: The Board proposes to amend Regulation K to implement a provision of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (the Interstate Act) that amended the International Banking Act of 1978 (the IBA) by adding a new subsection regarding the management of shell branches of foreign banks by such banks' U.S. offices. The provision prohibits foreign banks from using their U.S. branches or agencies to manage types of activities through offshore offices that could not be managed by a U.S. bank at its foreign branches or subsidiaries. This prohibition applies with respect to those offshore offices that are ''managed or controlled'' by a foreign bank's U.S. branches or agencies.

DATES: Comments must be received on or before March 25, 1996.

ADDRESSES: Comments should refer to Docket No. R–0916, and may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. Comments also may be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street NW. (between Constitution Avenue and C Street) at any time. Comments may be inspected in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Day, Associate General Counsel (202/452–3786), Sandra L. Richardson, Managing Senior Counsel (202/452–6406), Janet S. Crossen, Senior Attorney (202/452–3281), Legal Division; Michael G. Martinson, Assistant Director, Division of Banking Supervision and Regulation (202/452–3640), Board of Governors of the Federal Reserve System. For users of Telecommunication Device for the Deaf (TDD) *only,* please contact Dorthea Thompson, (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: In the Interstate Act, Congress amended section 7 of the IBA (12 U.S.C. 3105) to prevent a foreign bank from using a U.S. branch or agency to manage types of activities at offshore offices that are managed or controlled by the foreign bank's U.S. branch or agency if those types of activities could not be managed by a U.S. bank at its foreign branches or subsidiaries. The proposed rule implements section 7(k) of the IBA and defines the term ''managed or controlled'' for purposes of the restrictions on activities set out in that section.

The Board notes that section 7(k) does not confer upon foreign banks any right to manage activities at an offshore office from a U.S. office. The Board will continue to monitor relationships between the U.S. and offshore offices of foreign banks in the supervisory process in order to determine whether such activities are consistent with considerations relating to the safety and soundness of the U.S. operations of the foreign bank and its affiliates and compliance with law. Board staff is reviewing the use made of offshore shell branches by foreign and U.S. banks in order to gain insight into the purposes they currently serve and what, if any, supervisory risks they might pose.

Definition of ''Managed and Controlled''

For purposes of the proposed rule, a non-U.S. office is considered to be ''managed or controlled'' by a U.S. branch or agency of a foreign bank if a majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that non-U.S. office, resides at the U.S. branch or agency. This definition is consistent with that adopted by the Federal Financial Institutions Examination Council with respect to the Supplement (FFIEC 002S) to the quarterly Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) for the purpose of determining which U.S. branches or agencies of foreign banks ''manage or control'' offshore offices and thus must complete the FFIEC 002S. 57 FR 61907, Dec. 29, 1992.

In accordance with this definition, the restrictions on activities imposed by new section 7(k) of the IBA apply to those offshore offices for which a U.S. branch or agency has substantial responsibility with regard to assets or liabilities or recordkeeping. The Board considers that a determination that the restrictions apply should be made with regard to where substantive decision-making authority or responsibility for recordkeeping lies. For example, consistent with the approach taken with regard to the FFIEC 002S, a U.S. branch or agency would be deemed to ''manage or control'' its offshore office if (1) the manager for the U.S. branch or agency and the manager for the offshore office are the same person or there is other significant overlap in personnel; (2) substantial responsibility for decisions regarding either assets or liabilities of the offshore office resides with staff in the U.S. branch or agency; or (3) recordkeeping systems for either assets or liabilities of the offshore office are maintained in the U.S. branch or agency. The restrictions, however, generally would not apply with respect to offshore branches that are full-service facilities managed or controlled by staff located at the offshore office or at locations other than in the United States. Furthermore, the fact that an offshore office manager may report to a U.S. branch or agency manager pursuant to reporting lines established by the foreign bank will not, by itself, necessarily mean that the offshore office would be considered to be ''managed or controlled'' by the U.S. branch or agency for the purposes of restrictions on activities.

Types of Activities

Section 7(k) restricts the activities that U.S. branches or agencies of foreign banks may manage through an offshore office to those types of activities that U.S. banks may manage at their foreign branches and subsidiaries, that is, those authorized under U.S. banks' state or federal charters and regulations issued by the chartering or regulatory authorities (the States, the Board, the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency). In addition, foreign branches and subsidiaries of member banks may engage in activities and make and hold investments under sections 25 and 25A of the Federal Reserve Act.

Consistent with section 7(k), the proposed amendment to Regulation K, 12 CFR Part 211, refers to the types of activities conducted and not the various procedural or quantitative supervisory requirements that may apply when a particular activity is conducted by a U.S. bank at its foreign branches or subsidiaries. Section 7(k) by its terms regulates conduct of the U.S. branch or agency of the foreign bank. It does not extend U.S. supervisory requirements to non-U.S. offices of foreign banks as such offices are not supervised or regulated by the Board. Supervision of such non-U.S. offices remains the responsibility of the home country supervisor.

Request for Comments

The Board requests comments on the proposed rule, in particular with respect to the proposed definition of ''managed or controlled'' and the approach contemplated for determining the types of activities that may be conducted by

U.S. branches or agencies through their offshore offices.

Paperwork Reduction Act

The proposed rule does not require any ''collection of information,'' as that term is defined in the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–612), the Board certifies that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 211

Exports, Federal Reserve System, Foreign banking, Holding companies, Investments, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Board of Governors proposes to amend 12 CFR Part 211 as set forth below.

PART 211—INTERNATIONAL BANKING OPERATIONS (REGULATION K)

1. The authority citation for 12 CFR Part 211 continues to read as follows:

Authority: 12 U.S.C. 221 *et seq.*, 1818, 1841 *et seq.*, 3101 *et seq.*, 3901 *et seq.*

2. Section 211.20 is amended by removing ''and'' at the end of paragraph (b)(8), by removing the period at the end of paragraph (b)(9) and adding ''; and'' in its place, and by adding a new paragraph (b)(10) to read as follows:

§ 211.20 Authority, purpose, and scope.

* * * * *

(b) * * *

(10) The management of shell branches (12 U.S.C. 3105(k)).

* * * * *

3. Section 211.24 is amended by adding a new paragraph (g) to read as follows:

§ 211.24 Approval of offices of foreign banks; procedures for applications; standards for approval; representative office activities and standards for approval; preservation of existing authority.

* * * * *

(g) *Management of shell branches.* (1) A state-licensed branch or agency shall not manage, through an office of the foreign bank which is located outside the United States and is managed or controlled by such state-licensed branch or agency, any type of activity that a bank organized under the laws of the United States or any State is not permitted to manage at any branch or subsidiary of such bank which is located outside the United States.

(2) For purposes of this paragraph (g), an office of a foreign bank located outside the United States is ''managed or controlled'' by a state-licensed branch or agency if a majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that non-U.S. office, resides at the state-licensed branch or agency.

(3) The types of activities that a state-licensed branch or agency may manage through an office located outside the United States that it manages or controls include the types of activities authorized to a U.S. bank by state or federal charters, regulations issued by chartering or regulatory authorities, and other U.S. banking laws, including the Federal Reserve Act, and the implementing regulations, but U.S. procedural or quantitative requirements that may be applicable to the conduct of such activities by U.S. banks shall not apply.

By order of the Board of Governors of the Federal Reserve System, February 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–3911 Filed 2–22–96; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 203, 256, and 260

RIN 1010–AC13

Royalty Relief for Outer Continental Shelf Leases in the Gulf of Mexico

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Outer Continental Shelf Deep Water Royalty Relief Act (Act) authorizes the Secretary of the Interior (Secretary) to modify the terms of certain existing leases and to establish new terms for leases in water depths of 200 meters or greater in parts of the Central and Western Gulf of Mexico. This document solicits recommendations and comments on rules that would implement the new authority under the Act.

DATES: MMS will consider all comments we receive by April 8, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after April 8, 1996. Please note, we expect that the 180-day time limit the Act imposes to issue regulations will preclude granting extensions of the 45-calendar-day comment period.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070–4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the Act or for other information regarding this notice, contact Walter Cruickshank, Chief, Offshore Minerals, Analysis Division, Minerals Management Service, at either Mail Stop 4013, 1849 C Street, NW; Washington, DC 20240, or telephone: (202) 208–3822. You may also access the text of the Act from the MMS homepage on the World Wide Web at http://www.mms.gov/whatsnew.html. Because of the Act's complexity, readers should have a copy of the Act available when reviewing this notice.

SUPPLEMENTARY INFORMATION:

Summary of Legislative Provisions

On November 28, 1995, the President signed the Act (Pub. L. 104–58). The Act authorizes the Secretary to modify the royalty or net profit share terms of certain existing leases and to offer new leases subject to the Act's provisions for royalty suspension volumes in water depths of 200 meters or greater in parts of the Central and Western Gulf of Mexico. The Act directs the Secretary to promulgate implementing regulations within 180 days of enactment. MMS and the Secretary are making every effort to meet this deadline. Given the complexities of the Act and the time constraints for implementation, how should MMS best address the issues the Act raises in a timely fashion?

The purpose of this notification is to solicit recommendations and comments from the oil and natural gas industries, Federal agencies, State and local governments, environmental groups, academia, and the public on the general administrative and regulatory framework for fulfilling the Secretary's responsibilities under the Act.

(Special Note: Oil and natural gas industry trade associations are encouraged to act as coordinators for information responses from member companies pertaining to this notice.)

Recommendations and detailed comments are also solicited on certain issues or technical questions that are necessary to establish workable rules and regulations to implement the Act.

This notification focuses on those new responsibilities related to granting royalty relief for leases located in water depths of 200 meters or greater. Rules resulting from this rulemaking process may also include provisions clarifying existing authorities and policies for reducing royalty rates on existing leases in water depths of less than 200 meters. In addition to this written notice, MMS will conduct a 2-day public meeting in March 1996 to solicit additional written and oral comments pertaining to this topic. The meeting is tentatively scheduled to be held in New Orleans, Louisiana. MMS officials from the Gulf of Mexico Regional and Herndon, Virginia, Headquarters offices will conduct it. Further details will be made available in the near future in a Federal Register Notice as well as through the MMS Gulf of Mexico Regional Information Office at 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 telephone (504) 736–2595.

The MMS has scheduled a lease sale for April 24, 1996 for the Central Gulf of Mexico which includes tracts that are subject to the provisions of this Act. The MMS will publish an interim rule to implement the legislative requirements prior to the sale. Please send us your comments and recommendations on how we should implement the provisions of section 304 of the Act as soon as possible so that they may be considered as we develop the interim rule.

This advance notice of proposed rulemaking solicits comments, recommendations, and specific remarks on issues and topics. We will carefully evaluate all timely received responses as we develop a rule to implement the Act. The Act contains three major provisions with respect to new and existing leases. New leases include tracts leased as the result of a sale held after the legislation's enactment on November 28, 1995. Existing leases are defined as all other leases.

(1) Section 302 clarifies the Secretary's pre-existing authority to reduce royalty rates on existing leases to promote development, increase production, and encourage production of marginal resources on producing and non-producing leases. This provision applies only to leases in the Gulf of Mexico, west of 87 degrees, 30 minutes West longitude.

(2) Also, Section 302 provides that ''new production'' from existing leases in water depths of 200 meters or greater qualifies for royalty suspensions if the Secretary determines that the new production would not be economic in the absence of royalty relief. The Secretary must then determine the appropriate royalty suspension volume on a case-by-case basis, subject to specified minimums for non-producing leases. This provision applies only to leases in the Gulf of Mexico, west of 87 degrees, 30 minutes West longitude.

(3) Section 303 establishes a new bidding system that allows the Secretary to offer tracts with royalty suspensions for a period, volume or value determined by the Secretary. All tracts offered within 5 years of the date of enactment in water depths of 200 meters or greater in the Gulf of Mexico, west of 87 degrees, 30 minutes West longitude, must be offered under the new bidding system (Section 304).

Regulatory Objectives

In implementing the Act's provisions related to existing and new oil and natural gas leases in water depths of 200 meters or greater in certain areas of the Gulf of Mexico, MMS seeks to establish a regulatory program that:

(1) promotes development or increased production, including marginal resources, on producing or non-producing leases;

(2) fulfills the purposes of the Outer Continental Shelf Lands Act, as amended, including its requirement to insure the public a fair and equitable return on the resources of the Outer Continental Shelf (OCS);

(3) establishes a set of objective criteria to render fair and forthright decisions to individual lessees;

(4) establishes a simple and concise application process requiring only the data and information necessary to evaluate properly the specific circumstances addressed by the application and to ensure compliance with payment obligations;

(5) uses procedures for the submission and review of applications similar to those MMS used in consideration of royalty relief for all leases regardless of water depth; and

(6) minimizes the personnel required for both lessees and MMS to carry out the Act's activities.

Issues and Informational Needs

The specific circumstances associated with existing and future OCS oil and natural gas exploration, development, and production activities require the MMS to make several critical determinations in formulating the regulations to implement royalty relief for deep-water leases. Some of the determinations MMS must make affect all circumstances addressed under the legislation, while others apply only to specific lease circumstances.

Hence, for the purpose of soliciting comments and recommendations, this notice seeks input on all relevant issues and topics, including (I) Common Technical Issues, (II) Existing Deep-water Leases, and (III) New Leases (*i.e.*, leases resulting from sales conducted after November 28, 1995). The issues raised below will help MMS implement the Act but may not become part of future regulations.

I. Common Technical Issues

(1) The Act sets minimum suspension volumes based on the water depth of leases in a field eligible for royalty relief. What water depth data should MMS use for royalty relief classification purposes? The options range from prelease MMS-determined water depth boundaries based on published Gulfwide bathymetric data to postlease tract-specific data. Should MMS determine water depths for new and existing leases in the same way?

a. If you recommend that MMS use published bathymetric data, what are the best or most acceptable data sets available?

b. If you recommend that MMS use prelease data, how should MMS handle possible inconsistencies with postlease tract-specific water depth data that may become available on a block?

c. If you recommend that MMS use postlease data, what should be the nature and timing of the data?

d. What water depth on a block should MMS use to determine the royalty relief to be granted, *e.g.*, shallowest, deepest, average, or location of production facility?

e. How would MMS and bidders decide on the fair value of a tract if the tract's water depth isn't specified at the time of sale? How could MMS assure the receipt of fair market value if the royalty suspension volume could change after the lease award?

(2) Should MMS use a standard conversion factor *e.g.*, British Thermal Units (BTU), in computing barrels of oil equivalent for determining relief volumes, or should MMS make the calculations on a case-by-case basis?

a. If you recommend one or more standard conversion factors, specify the factor(s) and rationale for its/their use.

b. If you recommend case-by-case analyses, how should MMS base specific decisions and how should MMS address production stream variances over time? How should MMS determine factors for new leases or existing leases that have never produced?

(3) Should MMS consider a fixed time period for evaluating economic viability of proposals, or should MMS use specific case-by-case projections of the productive life of the field? If you

recommend a stipulated time limit, what should that limit be and why?

(4) What specific criteria should MMS consider in determining whether existing leases or units are economically viable?

a. Should MMS base such criteria upon case-by-case circumstances or more generic industry standards?

b. If you recommend case-by-case analyses, what publicly available economic analysis models might MMS employ in making such determinations in a manner that would yield results acceptable to the diverse companies operating leases on the OCS?

c. If you recommend industry standards, identify specific criteria (*e.g.*, return on investment, return on equity, etc.) and the basis for specific levels of acceptability.

(5) For existing leases, the Act states that royalty relief determinations can be on a lease or unit basis.

a. How should MMS treat applications for an individual lease that comprises only a portion of a geologic structure common to several leases or unleased tracts?

b. Should MMS require joint applications where such leases are not unitized?

c. Should MMS change its regulations addressing unitization in these circumstances?

d. When a lease is added to a unit that already has a royalty suspension, how should MMS modify the approved royalty relief to recognize the water depth, production projections, and/or other data relating to the added lease?

(6) How should MMS treat nonlease costs (*e.g.*, pipelines, shared production systems, etc.) in determining economic viability?

(7) How should MMS determine gas/oil ratios for non-producing leases for determining economic viability? Similarly, how should MMS determine gas/oil ratios for ''new production'' from producing leases?

II. Existing Deep-Water Leases

(1) The Act requires the Secretary to define clearly the information required for a complete application.

a. What information should MMS require for an application to be considered complete?

b. What minimum amount and types of information do you think MMS needs to make a determination of economic viability?

c. How should MMS establish the reasonableness of the amount and timing of projected production, costs, and revenues?

(2) The Act states that, in determining the need for and amount of royalty relief, the Secretary must consider the increased technological and financial risk of deep-water development.

a. Identify specific ''technological and financial risks'' of deep-water development that MMS should consider in determining economic viability of leases or units addressed by the legislation.

b. Are such risks tract-specific or industry-wide?

c. How do such risks vary with water depth?

d. What means are available for quantifying such risks?

e. How should MMS account for such risks in the application and decision process?

f. How should MMS differentiate between the ''technological and financial risks'' of non-producing leases with approved Development Operations Coordination Documents (DOCD) and those of leases without approved DOCD's?

(3) Similarly, the Act requires the Secretary to consider all costs associated with exploring, developing, and producing the lease when determining economic viability.

a. What costs should be included and how should they be ''considered''? Please provide the rationale for your answer.

b. Should such costs be tract-specific or industry-wide?

c. What means are available for quantifying such costs?

d. At what point should such costs be considered ''sunk costs'' for determining allowable costs in the application and decision process?

(4) For existing leases, the suspensions cease when oil or natural gas prices exceed specified ceilings. When leases produce both oil and natural gas or related products, and only one of the ceiling prices is reached, should the MMS lift the suspension for the entire production or just the product for which the price ceiling is reached? For tracts offered in upcoming sales, should price ceilings affect suspension volumes in the same ways as for existing leases and units?

(5) The Secretary must redetermine the need for or the volume of relief when the lessee applies prior to the commencement of the ''new production'' and a significant change occurs in the factors upon which the original determination was made.

a. Identify specific factors and what should constitute ''significant'' changes that would require reconsideration of the original determination the Secretary made.

b. Should MMS establish a limit on the number of redetermination applications or a minimum time stipulation between redeterminations?

c. Are there any circumstances in which the Secretary should redetermine the suspension volume without an applicant's request?

(6) The second part of the definition of new production includes any production resulting from lease activities pursuant to a supplement to an approved DOCD that would ''expand production significantly beyond the level anticipated'' in a prior approved DOCD.

a. How should MMS determine the amount of ''any production . . . that would expand production significantly beyond the level anticipated'' in the prior DOCD?

b. Should MMS make this determination on anticipated reserves or production levels?

c. How should MMS determine the ''start date'' for ''new production'' from this category of existing leases?

d. How should MMS quantify the level of ''significant'' expanded production for purposes of royalty relief determinations for this category of leases? Assuming MMS grants royalty relief, how should MMS allocate production between the baseline production level and the ''expanded'' production level?

e. What costs, if any, incurred prior to November 28, 1995, or prior to the date of an application for royalty relief, should MMS include in determining economic viability?

f. How should MMS consider production quantities and revenues for past production?

g. For leases with approved DOCD's, how should MMS determine the ''level of anticipated production'' if not specifically stated in the DOCD? Should MMS make this determination on anticipated reserves or production levels (*e.g.*, barrels of oil per day, annual production, etc.)?

h. Should MMS require that all future DOCD's include the level of anticipated production?

III. New Leases Issued as the Result of Lease Sales Conducted After November 28, 1995

Provisions included in the legislation require that MMS employ a bidding system for any lease sale within five years of November 28, 1995, which provides for suspensions of royalty payments in water depths of 200 meters or greater for stipulated minimum volumes of production. The suspension volumes in section 304 of the Act were based on MMS analyses of fields at various water depths, consistent with the way in which investment decisions

on deep water development projects are made.

(1) The provisions of the Act dealing with existing leases allow the Secretary to grant suspensions on an individual lease or unit basis. However, section 304 of the Act (Lease Sales) refers to ''tracts'' and ''leases'' (plural). How should MMS apply the royalty suspension volumes to tracts offered for sale?

(2) Is there any basis for MMS to offer suspension volumes larger than the minimums specified in the Act?

Dated: February 20, 1996.

Bob Armstrong,

Assistant Secretary for Land and Minerals Management.

[FR Doc. 96–4106 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Chapter I

[CGD 85–080]

RIN 2115–AC22

Small Passenger Vessel Inspection and Certification

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: On January 10, 1996, the Coast Guard published on Interim Final Rule (IFR) containing a complete revision to the regulations governing small passenger vessels. As discussed below, the Coast Guard will hold four public meetings on the dates and at the locations specified below in order to give the public an opportunity for oral presentations.

DATES: The meetings will be held on the following dates from 10:00 a.m. to 4:00 p.m.:

—March 19, 1996; St. Louis, Missouri.
—April 10, 1996; Oakland, California.
—April 23, 1996; Mobile Alabama.
—April 30, 1996; New Haven, Connecticut.

ADDRESSES: The meetings will be held on the dates and at the locations identified below:

—St. Louis, Missouri, Tuesday, March 19, 1996. Robert A. Young Federal Building, Second Floor Auditorium, 1222 Spruce St., St. Louis, MO 63103. Telephone No. (314) 539–3091.
—Oakland, California; Wednesday, April 10, 1996. Oakland Federal Building, Third Floor Conference Center, 1301 Clay Street, Oakland, CA 94612. Telephone No. (510) 238–4800.
—Mobile, Alabama; Tuesday, April 23, 1996. Mobile Civic Center, Meeting Room 16, 401 Civic Center Drive, Mobile AL 36602. Telephone No. (334) 434–7261.
—New Haven, Connecticut; Tuesday, April 30, 1996. Navy/Marine Corps Reserve Center, Classroom #4, 30 Woodward Ave, New Haven, CT 06512. Telephone No. (203) 467–5322.

FOR FURTHER INFORMATION CONTACT: LT Eric Christensen, Project Manager, Office of Marine Safety, Security and Environmental Protection, (G–MOS–2), phone (202) 267–1181, telefax (202) 267–4570.

SUPPLEMENTARY INFORMATION: The IFR published on January 10, 1996, was in response to numerous comments received to a Notice of Proposed Rulemaking (NPRM) published in the Federal Register [54 FR 4412] on January 30, 1989, and Supplemental Notice of Proposed Rulemaking (SNPRM) published in the Federal Register [59 FR 1994] on January 13, 1994. The IFR stated that the Coast Guard planned to hold at least one public meeting on this rulemaking, in addition to receiving written comments, and solicited recommendations for dates and meeting sites. In response to the public comments received, the Coast Guard will hold a total of four public meetings.

In the preamble of the IFR (page 882), the Coast Guard solicited public comment on several requirements established in the IFR. Specifically, the Coast Guard would like more input on the following parts of 46 CFR:

—Part 179: Construction equivalency for wooden hull vessels, p. 971.
—Sections 119.530 and 182.530: Spaces requiring a bilge high level alarm, pp. 927 and 995.
—Sections 122.420 and 185.420: Documentation of crew training, pp. 938 and 1007–1008.
—Sections 122.520 and 185.520: Documentation of abandon ship and man overboard drills and training, pp. 940–941 and 1009–1010.
—Sections 122.524 and 185.524: Documentation of fire fighting drills and training, pp. 941 and 1010.
—Sections 122.728 and 185.728: Documentation of EPIRB testing, pp. 943 and 1012.

In addition, the Coast Guard is soliciting input on open hatch protection and non-skid surfaces for stairways discussed in the preamble under §§ 116.900 and 177.900 ''Guards for exposed hazards'', p. 875.

Attendance is open to the public. With advanced notice, and as time permits, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the person listed above under **FOR FURTHER INFORMATION CONTACT** no later than the day before the meeting. Written material may be submitted prior to, during, or after the meeting. If time permits, the Coast Guard intends to hold a question and answer period following the oral presentations. As stated in the IFR (page 864), the Coast Guard will receive written comments through June 10, 1996.

Dated: February 15, 1996.

Joseph J. Angelo,

Director for Standards, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96–3893 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 95–185; CC Docket No. 94–54; FCC 96–61]

Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers and Equal Access and Interconnection Obligation Pertaining to Commercial Mobile Radio Service Providers

AGENCY: Federal Communications Commission.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: In this *Supplemental Notice of Proposed Rulemaking,* the Commission requests comments on the implications of the Telecommunications Act of 1996 on the proposals and topics for comment regarding interconnection between local exchange carriers and commercial mobile radio service providers as identified in the Notice of Proposed Rulemaking (*Notice*), CC Docket Nos. 95–185 and 94–54, 61 FR 03644 (Feb. 1, 1996). The Commission requests the parties to address the extent to which the recent legislation may affect the jurisdictional discussion in the *Notice*. The intended effect of the Commission's action is to receive input on the implications of the Telecommunications Act of 1996 on these issues.

DATES: Comments are due on or before March 4, 1996, reply comments are due on or before March 25, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James Coltharp, Wireless Telecommunications Bureau, at (202) 418–0600.

SUPPLEMENTARY INFORMATION: This *Supplemental Notice of Proposed Rule Making* in CC Docket Nos. 95–185 and 94–54, adopted February 16, 1996, and released February 16, 1996, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800.

Synopsis of Supplemental Notice of Proposed Rulemaking

The Commission released the *Notice,* Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers and Equal Access and Interconnection Obligation Pertaining to Commercial Mobile Radio Service Providers, *Notice of Proposed Rulemaking,* CC Docket Nos. 95–185, 94–54, FCC 95–505, 61 FR 03644 (Feb. 1, 1996) (*Notice*), on January 11, 1996, prior to the enactment of the Telecommunications Act of 1996, Public Law No. 104–104, 110 Stat. 56 (1996). Since the release of the *Notice*, interested parties have requested the Commission to extend the dates for filing comments and reply comments. In light of these events, the Commission asks for additional comment in this proceeding and revises the pleading cycle accordingly.

2. The National Association of Regulatory Utility Commissioners (''NARUC'') and GTE Service Corporation (''GTE'') have filed motions to extend the dates that initial and reply comments are due in the above-referenced dockets. Specifically, NARUC requests that the date that initial comments are due be extended four (4) days from February 26, 1996 to March 1, 1996 and the date reply comments are due be extended from March 12, 1996 to March 24, 1996. GTE requests that the dates for filing initial and reply comments be extended one month to March 26, 1996 and April 26, 1996, respectively. The Cellular Telecommunications Industry Association (''CTIA'') has filed a response opposing GTE's request, but not opposing NARUC's request. Ameritech Operating Companies (''Ameritech'') filed comments in support of GTE's motion.

3. NARUC states that the present deadline of February 26, 1996 for filing initial comments falls two days before the conclusion of its previously scheduled winter meeting. NARUC states it was planning to use its winter meeting to reach a consensus on the issues raised in these dockets. With respect to the date for filing reply comments, NARUC states that the deadline does not give its members sufficient time to review initial comments and formulate a response. NARUC notes that it frequently takes a week for some of its western members to receive copies of comments, and that many of its state commission members have procedural rules requiring several days notice for approval of pleadings before they can be filed.

4. GTE argues that due to the complexity of the issues raised in these dockets it needs more time to adequately address these issues. GTE also asserts that it needs additional time to respond in light of the recently enacted Telecommunications Act of 1996. GTE requests a 30 day extension of each of the filing deadlines.

5. CTIA states that GTE's request would significantly delay the timely resolution of the issues raised in these dockets. Ameritech contends that it needs additional time to review the new legislation and it also states that it is in the process of negotiating several interconnection agreements which will be relevant to the Commission's analyses.

6. The Commission agrees with GTE and Ameritech that the Telecommunications Act of 1996 may have an impact on this proceeding and should be considered by parties formulating their comments and reply comments. Therefore, the Commission is issuing this *Supplemental Notice of Proposed Rulemaking* to seek comments on the implications of the Telecommunications Act of 1996 on the Commission's proposals and topics for comment regarding interconnection between local exchange carriers and commercial mobile radio service providers as identified and outlined in the *Notice*. The Commission requests the commenters to particularly address the extent to which the recent legislation may affect the jurisdictional discussion in the *Notice*.

7. The deadlines for the filing of all comments and reply comments in this proceeding are revised. The Commission recognizes that NARUC is attempting to overcome concrete timing problems beyond its own control and that granting an extension permits NARUC to develop a consensus position and ensures that each of its members has a chance to actively participate in these proceedings. The Commission believes that the extension will provide commenters adequate time to consider the additional questions and to prepare comments in light of the new legislation. GTE, however, has not presented a sufficient justification for extending by 30 days each of the filing deadlines. Granting its motion would jeopardize the timely resolution of the issues raised in these dockets. Accordingly, initial comments will be due on March 4, 1996 and reply comments will be due on March 25, 1996.

8. Comments and reply comments should be captioned in CC Docket No. 95–185 only. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before March 4, 1996, and reply comments on or before March 25, 1996. To file formally in this proceeding, parties must file an original and four copies of all comments, reply comments, and supporting comments. For each Commissioner to receive a personal copy of the comments, parties must file an original and nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

Ex Parte Rules—Non-Restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules, 47 CFR §§ 1.1202, 1.1203, 1.1206.

Ordering Clauses

It is ordered that, pursuant to Sections 1, 4, 201–205, 215, 218, 220, 303(r) and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201–205, 215, 218, 220, 303(r) and 332, and the Telecommunications Act of 1996, Pub. L. No. 104–104, 110 Stat. 56 (1996),

an order and supplemental notice of proposed rulemaking is hereby adopted.

It is further ordered that, the motions for extension of time filed by NARUC and GTE are granted to the extent described herein and otherwise denied.

It is further ordered, that comments in CC Docket No. 95–185 will be due March 4, 1996 and reply comments will be due March 25, 1996.

List of Subjects in 47 CFR Part 1

Communications common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–4182 Filed 2–22–96; 8:45 am]

BILLING CODE 6712–01–P

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47 CFR Part 20

[CC Docket No. 94–102, DA 96–198]

Compatibility of Wireless Services With Enhanced 911

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission seeks additional comment in wireless Enhanced 911 (E911) rulemaking proceeding. On February 13, 1996, the Cellular Telecommunications Industry Association (CTIA) and three principal public safety organizations—National Emergency Number Association (NENA), Association of Public-Safety Communications Officials (APCO), and National Association of State Nine One One Administrators (NASNA)—jointly filed a Consensus Agreement as an *ex parte* presentation, urging the Commission to adopt their agreement in this proceeding. Additional comment is sought to assist the Commission in determining whether to adopt the Consensus Agreement, in whole or in part. The effect of adopting the Consensus Agreement would be to bring the timely deployment of E911 services to wireless customers, in two phases, within five years after adoption of final rules.

DATES: Comments must be filed on or before *March 4, 1996* and reply comments must be filed on or before *March 11, 1996.*

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Won Kim, Policy Division, Wireless Telecommunications Bureau, (202) 418–1310.

SUPPLEMENTARY INFORMATION:

February 16, 1996.

Additional Comment Sought: Commission Seeks Additional Comment in Wireless Enhanced 911 Rulemaking Proceeding Regarding ''Consensus Agreement'' Between Wireless Industry Representatives and Public Safety Groups

[CC Docket No. 94–102]

Comments Due: March 4, 1996.
Replies Due: March 11, 1996.

On February 13, 1996, the Cellular Telecommunications Industry Association (CTIA) and three principal public safety organizations—National Emergency Number Association (NENA), Association of Public-Safety Communications Officials (APCO), and National Association of State Nine One One Administrators (NASNA)—jointly filed an *ex parte* presentation titled ''Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues, CC Docket 94–102,'' urging the Commission to adopt their agreement in this proceeding.[1] The full text of the Consensus Agreement (including exhibits), the NPRM,[2] comments, and reply comments are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800.

Pursuant to Section 1.415(d) of the Commission's Rules, 47 CFR § 1.415(d), the Commission seeks additional comment in wireless Enhanced 911 (E911) rulemaking proceeding. Specifically, the Commission seeks comment on the Consensus Agreement filed by wireless industry representatives and public safety groups. In the NPRM, the Commission proposed to adopt rules requiring, *inter alia,* that Commercial Mobile Radio Service (CMRS) providers of real time voice services offer E911 access and features to mobile radio callers in three phases within five years after adoption of final rules. Comments on the NPRM were filed on January 9, 1995, and reply comments were filed on March 17, 1995. Although the comments supported the Commission's broad goal to require wireless compatibility with E911, the views of wireless service industry and public safety organizations differed, *inter alia,* regarding the proposed phase-in schedules for various E911 features. In order to address these differences, CTIA and public safety organizations initiated negotiations regarding wireless compatibility issues and related matters. The Consensus Agreement outlines the consensus reached on issues regarding wireless compatibility with E911 systems as a result of these negotiations.

Additional comment is sought to assist the Commission in determining whether to adopt the Consensus Agreement, in whole or in part. The Consensus Agreement proposes a two-step implementation schedule for E911. In Phase I, within twelve or eighteen months after the adoption of the Order, the Agreement proposes implementation of cell site information, calling party automatic number identification (ANI), 911 availability from any service initialized mobile radio handset, 911 access for speech and hearing-impaired callers using text telephone (TTY) devices, and call-back capability. Under Phase II, within five years after the adoption of the Order, the Agreement proposes to require achievement of automatic location of wireless callers within 125 meters (derived using root mean square calculations). In addition, the Consensus Agreement requests the Commission: (1) to declare that state and local 911 fees and taxes are not barred as a matter of law and that such fees and taxes should not discriminate between wireline and wireless carriers; and (2) to resolve carrier and public safety legal liability issues. The Consensus Agreement also suggests consumer education rather than equipment labeling to inform customers regarding wireless compatibility with E911 features. Commenters are invited to address any legal, factual, and policy issues associated with the request to adopt the Consensus Agreement.

Comments on these additional issues must be filed no later than March 4, 1996. Reply comments must be filed by March 11, 1996. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing CC Docket No. 94–102 and the Consensus Agreement. Filings should be accompanied by proof of service upon the parties in this proceeding. The list of the parties may be obtained from the

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[1] ''Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues, CC Docket 94–102,'' filed by CTIA, NENA, APCO, and NASNA on February 13, 1996 (''Consensus Agreement'').

[2] *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94–102, Notice of Proposed Rulemaking, 59 Fed. Reg. 54878 (1994) (''NPRM'').

Office of the Secretary by referencing CC Docket No. 94–102.

For further information, contact Won Kim at (202) 418–1310, Wireless Telecommunications Bureau, Policy Division.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–4229 Filed 2–22–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD20

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability of the Draft Environmental Alternatives Analysis for the Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands and Extension of Public Comment Period on the Proposed Special Rule.

SUMMARY: The Service has prepared a Draft Environmental Alternatives Analysis (EAA) for the proposed special rule for the conservation of the northern spotted owl on non-Federal lands in California and Washington. The proposed special rule was published in the Federal Register on February 17, 1995 (60 FR, No. 33, Page 9484). The implementing regulations for threatened wildlife generally incorporate the prohibitions of Section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a ''special rule'' promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina,* (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special Section 4(d) rule and, therefore, all of the Section 9 prohibitions, including the ''take'' prohibitions, became applicable to the species. Subsequent to the listing of the spotted owl, a Federal Late-Successional and Old-growth (LSOG) forest management strategy (Plan) was developed and then formally adopted on April 13, 1994, in a Record of Decision (ROD) that amended land management plans for Federal forests in northern California, Oregon, and Washington. Although this proposed rule refers to the Federal LSOG forest strategy as the ''Forest Plan'', it is noted that the strategy is not a stand-alone management plan but rather effected a series of amendments to Forest Service and Bureau of Land Management planning documents. In recognition of the significant contribution the Plan does make toward spotted owl conservation and management, the Service proposed a special rule, pursuant to Section 4(d) of the Act, to replace the blanket prohibition against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

The Service seeks comments from the interested public, agencies, and interest groups on the Draft EAA and for its proposed 4(d) rule. The comment period for the proposed rule has been extended repeatedly since the proposed rule's publication in February of 1995, and will be extended one more time to coincide with the end of the public comment period on the Draft EAA.

DATES: Comments from all interested parties must be received by April 8, 1996.

ADDRESSES: Comments and materials concerning this Draft Environmental Alternatives Analysis and the proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. The complete file for this proposed rule will be available for public inspection, by appointment during normal business hours, at the U.S. Fish and Wildlife Service, Office of Technical Support for Forest Resources, 333 S.W. 1st Avenue, 4th Floor, Portland, Oregon 97204, (503/326–6218).

FOR FURTHER INFORMATION CONTACT: Mr. Curt Smitch, Assistant Regional Director, Region 1, U.S. Fish and Wildlife Service, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98501, (206/534–9330); or Ron Crete, Office of Technical Support for Forest Resources, 333 S.W. 1st Avenue, Portland, Oregon 97232–4181, (503/326–6218).

SUPPLEMENTARY INFORMATION: The Service has prepared a draft document called an Environmental Alternatives Analysis (EAA) that describes and analyzes the potential environmental effects of the proposed special rule and six alternatives for the conservation of the northern spotted owl on non-Federal lands in Washington and California. Each alternative would revise to varying degrees the Federal prohibitions and exceptions regarding the incidental take of spotted owls on non-Federal lands in California and Washington. The proposed rule, analyzed in the Draft EAA as Alternative 3, was published in the Federal Register on February 17, 1995 (60 FR, No. 33, Page 9484). The new document was prepared as a draft EAA rather than as a draft Environmental Impact Statement (EIS) because in the 1995 Rescissions Act signed in July of 1995, Congress specifically exempted the Service from preparing an EIS under the National Environmental Policy Act (NEPA) for this action. While not subject to the provisions of NEPA as a matter of law, the Draft EAA nevertheless follows the same general format and addresses the same range of issues as is generally found in a draft EIS.

The Service believes that it is important to seek public comment on the environmental analysis it has conducted on the various alternative approaches to this proposed action. Therefore, a 45-day comment period is provided.

The implementing regulations for threatened wildlife generally incorporate the prohibitions of Section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a ''special rule'' promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. When the northern spotted owl, *Strix occidentalis caurina,* (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special 4(d) rule. Therefore, all of the Section 9 prohibitions for endangered species were made applicable to the spotted owl throughout its range, including the prohibitions against ''take'' that apply to endangered species under the Act.

Subsequent to the listing of the spotted owl, a new Federal forest management strategy was developed and proposed by the Forest Ecosystem Management Assessment Team (FEMAT), which was established by President Clinton following the April 2, 1993, Forest Conference, in Portland, Oregon. FEMAT outlined those options in the report, *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment,* which drew heavily upon previous scientific studies conducted on the northern spotted owl. On July 1, 1993, the President identified ''Option 9'' in the FEMAT Report as the preferred alternative for managing

Federal LSOG forests in northern California, Oregon, and Washington.

The Final Supplemental Environmental Impact Statement on FEMAT was completed in February 1994, and the Record of Decision was signed on April 13, 1994. This process culminated in the formal administrative adoption of Alternative 9 as the President's Forest Plan. This Plan was viewed as providing a firm foundation for the conservation needs of the spotted owl, especially in light of the net addition of approximately 600,000 acres of Federal forest lands to protected reserve status between its original formulation in the FEMAT Report and the Record of Decision.

Despite enhanced owl protection under the final Forest Plan, however, the Service believed that some supplemental support from non-Federal forest lands remained necessary and advisable for owl conservation in certain parts of the range of the owl.

The Service published a Notice of Intent (NOI) in the Federal Register (58 FR, Page 69132) on December 29, 1993, to issue a 4(d) rule on the spotted owl, and sent out a mailer advising the public of its intention to prepare an Environmental Impact Statement (EIS) on the proposal. In response, the Service received and evaluated more than 8,500 public comments. Taking these comments into consideration, and based upon additional analyses, the Service subsequently proposed a special rule that would reduce the prohibition against incidental take of spotted owls in the course of timber harvest and related activities on specified non-Federal forest lands in Washington and California.

The Service did not include Oregon within the geographic scope of the proposed special rule at the request of the Oregon Congressional delegation. The Service was asked to wait for state officials and private landowners to develop an alternative owl conservation strategy for the state. By excluding Oregon altogether from the proposed special rule, the Service retained for Oregon the original level of protection against take for the owl established when the species was listed on June 26, 1990.

Although the release of this Draft EAA represents another important milestone in the development of a 4(d) rule for the northern spotted owl, the Service wants to reiterate that the ability to finalize such a rule, providing relief to non-Federal landowners, is directly dependent upon the continued strength of the President's Forest Plan, as well as the continued viability of the assumptions underlying that Plan. Should litigation or legislative enactments ultimately nullify key elements of the Forest Plan, the Service would have to reassess its ability to finalize any 4(d) rule.

The Draft EAA is being mailed to all persons who previously requested a copy. A 35 page Executive Summary also is available by calling (503) 326–6218. The document, including all maps, tables, charts, and graphs, is available on the Internet's World Wide Web at http://www.rl.fws.gov/4deaa/welcome.html.

Dated: February 15, 1996.

Michael J. Spear,

Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 96–4116 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[I.D. 021496A]

Caribbean Fishery Management Council; Public Hearing

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

ACTION: Public hearing; request for comments.

SUMMARY: The Caribbean Fishery Management Council (Council) will convene one public hearing on alternatives for closed areas to protect spawning aggregations of red hind in an area off Mayaguez, PR.

DATES: Written comments will be accepted on or before March 15, 1996. The public hearing will be on March 7, 1996, from 7 p.m. to 10 p.m.

ADDRESSES: Written comments should be sent to and copies of the document with the alternatives to be considered are available from Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Ave., Suite 1108, San Juan, PR 00918. The hearing will be held at the Joyuda Plaza Hotel, Cabo Rojo, PR.

FOR FURTHER INFORMATION CONTACT: Miguel A. Rolón, (809) 766-5926; Fax (809) 766 6239.

SUPPLEMENTARY INFORMATION:

Background

The Council will be holding a public hearing on alternatives for closed areas to protect the spawning aggregations of the red hind grouper during the period December 1 through February 28 of each consecutive year. The current regulation that implements the Fishery Management Plan for the Shallow Water Reeffish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP) establishes a closed area off Mayaguez, PR to protect the spawning grounds of this species of grouper. Recent information obtained by the Council indicates that the fish aggregations are taking place in other sites outside the present closed area. The Council will be considering alternatives to the closed area that could be more effective in protecting the red hind spawning aggregations while causing less burden to fishers.

The following alternatives will be considered: (1) No action. Keep the same area of seasonal closure (Amendment 2 of the FMP, 1993), (2) close an area of 1 1/2 miles (2.41 kilometers (km)) radius around ''Buoy 8.'' The area will be closed to all fishing from December 1 to February 28 of each year, (3) close an area of 1 1/2 miles (2.41 km) radius around ''Buoy 6.'' The area will be closed to all fishing from December 1 to February 28 of each year; (4) close an area of 1 1/2 miles (2.41 km) radius centered around a buoy to be deployed in the area known as ''El Bajo de Sico'' to all fishing between December 1 and February 28 of each year, and (5) close all three areas mentioned above to all fishing between December 1 and February 28 of each year.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or requests for sign language interpretation and/or other auxiliary aids, please contact Miguel A. Rolón at (809) 766-5926 (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. 96–4168 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 37
Friday, February 23, 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 AGRICULTURE

Submission for OMB Review; Comment Request

February 16, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 *and* to Department Clearance Officer, USDA, OIRM, Ag Box 7630, Washington, DC 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

Food and Consumer Service

• *Title:* National Food Stamp Program Survey.

Summary: This survey will collect data to help understand the Food Stamp Program client population's needs and views on a variety of matters.

Need and Use of the Information: Data are to be used to improve the Food Stamp Program administration, and make policy decisions that affect nutrition issues.

Description of Respondents: Individuals or households.

Number of Respondents: 9,530.

Frequency of Responses: Reporting—On occasion.

Total Burden Hours: 4,731.

Food and Consumer Service

• *Title:* School Food Purchase Study.

Summary: This study is designed to provide statistically valid national estimates of food acquisitions made by schools participating in the National School Lunch and School Breakfast Programs. It will also identify food purchase practices used by the schools.

Need and Use of the Information: Results of this study will provide important information to policymakers and program administrators as they make decisions regarding the future of school food programs.

Description of Respondents: Not for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 400.

Frequency of Responses: Reporting; One-time only.

Total Burden Hours: 5,200.

Forest Service

• *Title:* Customer and Use Survey Techniques For Operations, Management Evaluation and Research: A Contingent Behavior Extension—Addendum.

Summary: Data will be collected in an attempt to evaluate the linking of revealed and stated preference information in estimating the demand for, and nonmarket use values of, natural resources.

Need and Use of the Information: What will be learned from this experiment can be used in better designing and implementing future valuation work in a wide array of efforts around the country.

Description of Respondents: Individuals or households.

Number of Respondents: 33,500.

Frequency of Responses: Reporting—On occasion.

Total Burden Hours: 4,965.

Emergency Processing of This Submission Has Been Requested by *March 1, 1996.*

Rural Utilities Service

• *Title:* Prospective Large Power Service.

Summary: Rural Utility Service (RUS) borrowers supply electric power and energy to industrial consumers. Electric borrowers often enter into special contracts with commercial and industrial consumers for the retail sale of electricity. These contracts require significant plant investments. RUS review of a loan application establishes the method to determine the adequacy of rates for serving large power loads.

Need and Use of the Information: Review is intended to protect the interests of the government as a secured lender; to show feasibility of providing service to prospective large power consumers, check adequacy of rate based on amount of investment in facilities; show method used to obtain financing for construction; and show contract terms, rates, and minimum change.

Description of Respondents: Business or other for-profit.

Number of Respondents: 5.

Frequency of Responses: On occasion.

Total Burden Hours: 22.

Farm Service Agency

• *Title:* Payment Limitation and Determination of Eligibility of Foreign Individuals or Entities to Receive Program Benefits—7 CFR 795, 1497, and 1498.

Summary: Regulations require an ''activity engaged in farming'' status determination be made for individuals or entities with respect to a particular farming operation in order for them to be considered a person eligible for program payments from Price Support Programs, Production Adjustments, and Conservation Reserve Programs.

Need and Use of the Information: Information is needed so maximum payment eligibility can be determined for the Price Support Production Adjustments and Conservation Reserve Programs. The information collected will be used to determine eligibility and for general statistical purposes.

Description of Respondents: Farms; State, Local, or Tribal Government.

Number of Respondents: 356,800.

Frequency of Responses: Reporting; Annually.

Total Burden Hours: 307,985.

Foreign Agricultural Service

• *Title:* Emergency Import Relief From Duty-Free Imports of Perishable Products From Andean Countries.

Summary: The Andean Trade Preference Act necessitates a regulation be in place which provides a procedure for requesting temporary emergency relief from imports of duty-free perishable products pending completion of an ITC import relief request.

Need and Use of the Information: Information will be used by USDA in assessing whether imports of a perishable product(s) from an Andean country are entering the United States in such increased quantities as to be a substantial cause of serious injury or

threat thereof to a domestic industry producing a like perishable product.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 2.

Frequency of Responses: Recordkeeping; Reporting—On occasion.

Total Burden Hours: 46.

Cooperative State Research, Education, and Extension Service

• *Title:* Application for Authorization to Use the 4–H Name and/or Emblem.

Summary: The 4–H name and emblem are controlled by an Act of Congress. Those requesting use of the 4–H name and emblem must apply for approval.

Need and Use of the Information: The collection of this information is used to determine whether the applicant's use will meet the regulatory requirements and whether an authorization for use should be granted.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 40.

Frequency of Responses: Recordkeeping; Reporting; On occasion.

Total Burden Hours: 40.

Donald E. Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 96–4120 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–01–M

Farm Service Agency

List of Warehouses and Availability of List of Cancellations and/or Terminations

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of publication.

SUMMARY: Notice is hereby given that the Farm Service Agency has published a list of warehouses licensed under the United States Warehouse Act (7 U.S.C. 241 *et seq.*) as of December 31, 1995, as required by section 26 of that Act (7 U.S.C. 266). A list of cancellations or terminations that occurred during calendar year 1995 is also available. Interested parties may obtain a copy of either list from the person listed below.

FOR FURTHER INFORMATION CONTACT: Mrs. Judy Fry, Farm Service Agency, Warehouse and Inventory Division, U.S. Department of Agriculture, AG CODE 0553, P.O. Box 2415, 5962–South Agriculture Building, Washington, D.C. 20013–2415, telephone: 202–720–3822.

Signed at Washington, D.C., on February 14, 1996.

Alan King,

Acting Administrator, Farm Service Agency.

[FR Doc. 96–4119 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–05–P

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on March 7, 1996, at the Howard Johnson Airport Hotel, 7101 NE 82nd Avenue, Portland, Oregon 97220. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 9:00 a.m. on March 7 and continue until 12:00 Noon. Agenda items to be discussed include, but are not limited to: (1) a progress report on riparian reserve evaluation methods and techniques and (2) discussions on implementation of the Rescission Bill. The IAC meeting will be open to the public. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–326–6265).

Dated: February 14, 1996.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 96–4076 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–11–M

Southwest Oregon Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Oregon PIEC Advisory Committee will meet on March 6, 1996 at the Brookings Inn Best Western, Brookings, Oregon. The meeting will begin at 9:30 a.m. and continue until 4:45 p.m. Agenda items to be covered include: (1) Recommendations for revising standards and guides for large woody material; (2) Local area issues presentation; (3) Public forum. All Province Advisory committee meetings are open to the public, interested citizens are encouraged to attend, and (4) Monitoring Subcommittee report, and Grazing Standards and Guides.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Kurt Austermann, Province Advisory Committee staff, USDI, Medford District, Bureau of Land Management, 3040 Biddle Rd., Medford, Oregon 97504, phone 541–770–2200.

Dated: February 14, 1996.

James T. Gladen,

Forest Supervisor, Designated Federal Official.

[FR Doc. 96–4111 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–11–M

Conformity Determination for the Proposed Carlota Copper Project, Pinal and Gila Counties, AZ

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with the federal Conformity Rule (November 15, 1993, 40 CFR 51.850–51.860), the United States Department of Agriculture, Forest Service—Tonto National Forest (Tonto NF) has reviewed the air quality analysis conducted for the proposed Carlota Copper Project to be located within the Hayden/Miami, Arizona, planning area that has been designated a nonattainment area for particulate matter less than 10 microns in aerodynamic diameter (PM_{10}) and sulfur dioxide (SO_2). The Tonto NF's review has been conducted consistent with the requirements of 40 CFR Part 93, Subpart B: ''Determining Conformity of General Federal Activities to State or Federal Implementation Plans (SIP)'', issued on November 30, 1993.

The Tonto NF has determined that total annual emissions of SO_2 from the proposed project are less than the *de minimis* mission threshold (40 CFR Part 93) that triggers the requirement to conduct a conformity determination.

Annual PM_{10} emissions have been determined to exceed the PM_{10} *de minimis* threshold and the Tonto NF has prepared a conformity determination for this pollutant. As per the requirement in 40 CFR 93.153(h)(1), this Federal Register notice lists the proposed activities that are presumed to conform and the basis for the presumptions. A comprehensive presentation of the bases for the conformity presumptions are included in the report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February, 1996. This document

is currently available for public review and comment.

DATES: Public comment period ends March 25, 1996.

ADDRESSES: The report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February, 1996, is available for public review at the following locations: Tonto National Forest Supervisor's Office, Phoenix, AZ; Globe Ranger District Office, Globe, AZ. All comments should be in writing and sent to: Forest Supervisor, Tonto National Forest, 2324 E. McDowell Road, Phoenix, AZ 85006.

FOR FURTHER INFORMATION CONTACT: Paul M. Stewart, Tonto National Forest, 2324 E. McDowell Road, Phoenix, AZ 85006, (602) 225–5200.

SUPPLEMENTARY INFORMATION:

I. Background

The Carlota Copper Company has submitted a Plan of Operations (1992) and a subsequent Update to the Plan of Operations (1993) to the Globe Ranger District of the United States Department of Agriculture (USDA) Forest Service—Tonto National Forest (Tonto NF) for the construction, operation, and reclamation of the Carlota Copper Project (project), a copper mining and processing operation. The proposed project is located on lands administered by the Tonto NF. Specifically, the project is located in Gila and Pinal Counties, approximately 7 miles west of Miami, Arizona.

A portion of the project is proposed to be located in the northern part of an area that has been designated by the United States Environmental Protection Agency (EPA) as a nonattainment area for the annual and 24-hour National Ambient Air Quality Standard (NAAQS) for particulate matter less than 10 microns in aerodynamic diameter (PM_{10}). The first phase of the PM_{10} nonattainment designation occurred August 7, 1987, (52 FR 29383) when EPA identified and listed the Group I and Group II areas in each state. The Hayden/Miami planning area was designated a Group I area. A Group I area is an area that has been estimated by EPA to have a 95 percent or greater probability of exceeding the PM_{10} standards. (Hayden Area SIP/PM_{10}, p. 14).

On March 15, 1991, EPA designated all Group I areas as ''nonattainment'' for PM_{10}. At the same time, EPA announced that all areas designated as nonattainment for PM_{10} were classified as ''moderate'' nonattainment areas. Therefore, the Hayden/Miami planning area is classified as a moderate nonattainment area for PM_{10}. A moderate area is a nonattainment area that the Administrator has determined can practicably attain the NAAQS for PM_{10} by the attainment date for moderate areas (as expeditiously as practicable but no later than the sixth calendar year after the area's designation as nonattainment). (Clean Air Act, Section 188 a–c.) The Hayden/Miami planning area consists of:

- Townships: T4S, R16E; T5S, R16E; T6S, R16E,
- The portion of Township T3S, R16E that does not lie on the San Carlos Indian Reservation, and
- The rectangle formed by, and including Townships: T1N, R13E; T1N, R15E; T6S, R13E; T6S, R15E.

The portion of the project area that is within the moderate nonattainment area is in the rectangle formed by the four townships. Specifically, the project area is located within Township T1N, R13E.

The area has also been classified as a Priority 1A Region (40 CFR 52.120) for sulfur dioxide (SO_2). States are required to prepare and submit a SIP that demonstrates attainment and maintenance of the NAAQS in Priority I Regions. The Priority 1''A'' classification is for any area that has been designated a Priority 1 region primarily because of emissions from a single source. In this case, the designation is based on copper smelting operations in Hayden, Arizona. The area is in attainment of all other criteria pollutants: carbon monoxide, nitrogen dioxide, lead, and ozone.

Section 110 of the Clean Air Act requires that the State of Arizona prepare and submit to the EPA a State Implementation Plan (SIP) to reduce particulate emissions to achieve and maintain attainment of both the SO_2 and PM_{10} NAAQS. The Arizona Department of Environmental Quality (ADEQ) has developed a PM_{10} SIP designed to reduce and maintain ambient concentrations of PM_{10} to levels below the NAAQS for PM_{10}. EPA has proposed partial approval of the Hayden/Miami PM_{10} SIP. To date, there has been no final approval of the SIP. ADEQ is in the process of developing the SO_2 SIP.

Due to the proposed location of the project in the nonattainment area and the Tonto NF's affirmative role as Federal Land Manager, the Tonto NF has the responsibility under the Conformity Rule (November 15, 1993, CFR 51.850–51.860) to make a determination as to whether the proposed project conforms with all aspects of the applicable SIP for the area. The Tonto NF has reviewed the air quality analysis conducted for this project consistent with the requirements of 40 CFR Part 93 Subpart B: ''Determining Conformity of General Federal Actions to State or Federal Implementation Plans (SIP)'', issued on November 30, 1993.

The Tonto NF has determined that total annual emissions of SO_2 from the project are less than the *de minimis* emission threshold (40 CFR Part 93) that triggers the requirement to conduct a conformity determination. Therefore, although the Hayden area has been designated a nonattainment area for SO_2, a conformity determination for SO_2 emissions is not required. Annual PM_{10} emissions have been determined to exceed the *de minimis* threshold and the Tonto NF has determined that a conformity determination is required for PM_{10}.

II. Requirements of the Conformity Determination

The purpose of the conformity analysis is to establish the Carlota Copper Project's conformity with the Hayden area PM_{10} SIP, thereby demonstrating that total direct and indirect emissions from the project will not:

- cause or contribute to any new violation of any standard in the area,
- interfere with provisions in the applicable SIP for maintenance of any standard,
- increase the frequency or severity of any existing violation of any standard in any area, or
- delay timely attainment of any standard or any required interim emission reductions or other milestones in the SIP for purposes of

(a) a demonstration of reasonably further progress (RFP),

(b) a demonstration of attainment, or

(c) a maintenance plan.

For the purposes of a conformity determination, direct and indirect emissions are defined as follows (40 CFR 93.152):

- Direct Emissions: Those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action;
- Indirect Emissions: Those emissions of a criteria pollutant or its precursors that:

1. Are caused by the Federal action, but may occur later in time and/or maybe further removed in distance from the action itself but are still reasonably foreseeable; and

2. The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency.

For the Carlota Copper Project, the Tonto NF has determined that the emissions inventory prepared for the air

quality analysis includes the total of direct and indirect emissions from the project. The Tonto NF has determined that the emissions of concern with regard to PM_{10} SIP conformity of the emission sources at the proposed Carlota Copper Project are restricted to PM_{10} emissions. The basis for designation of the area as nonattainment was PM_{10} emissions (not precursors) from mining activities (associated with smelting activities in Hayden, AZ). Precursors of PM_{10} were also not incorporated in the SIP analysis for the nonattainment area. The Tonto NF maintains that a conformity determination based on PM_{10} emissions will be adequate to assess SIP conformity and to protect the PM_{10} NAAQS at the process area boundary.

Emissions from process and non-process sources at the project are direct emissions under the definition above. The Tonto NF has determined that the hourly and annual emission estimates prepared for the air quality analysis are representative of PM_{10} emission rates over the life of the project and that the distribution of emission sources in the modeling analysis is representative of the spatial extent of the emissions sources over the life of the project. Further, the Tonto NF has not identified any other emissions or emissions sources that the Tonto NF can practicably control or maintain control of due to a continuing program responsibility at the project. The report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February 1996, includes a detailed description of emission sources and controls at the project.

The PM_{10} nonattainment designation for the Hayden/Miami planning area is a result of expected exceedances of the PM_{10} NAAQS proximate to the copper smelting activities in the town of Hayden. As a result, the ''design value'' (i.e., the predicted ambient level of PM_{10} upon which the controls in the SIP are based) pertains to particulate levels in Hayden, as opposed to the proposed project site. Furthermore, particulate emission control measures in the SIP pertain only to control of PM_{10} emissions at two specific copper smelters (and associated activities) located in Hayden. Hayden is located in the southern tip of Gila County, approximately 25 miles south of the proposed project.

The results of the impact modeling analysis used for this conformity determination indicate that the Carlota Copper Project is not expected to cause any increase in ambient PM_{10} levels in the Hayden area. The most distant receptor to the south of the project (in the direction of Hayden) is approximately 6 miles due south of the center of the proposed process area. The maximum predicted 24-hour and the annual average PM_{10} impacts at this receptor are predicted to be less than 6.8 μ/m^3 and 0.3 μ/m^3, respectively. Hayden is four times further away from the Carlota Copper Project that this receptor. The model results suggest that particulate impacts at Hayden, 25 miles to the south of the project, would be negligible (or zero). (The report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February 1996, includes a description of modeling approach, presents the results of the modeling analyses, and includes printouts of the input and output files of the modeling analyses.)

On November 10, 1994, ADEQ petitioned EPA to re-align the Hayden/Miami PM_{10} nonattainment are boundary. Based on topographical and climatological differences, as well as no monitored exceedances of the PM_{10} NAAQS in the Miami area, ADEQ requested that Townships T1N, R13E–R15E and T1S, R13E–R15E be excluded from the nonattainment area. This area includes the proposed Carlota Copper Project area. This petition, and the history of monitored compliance with the NAAQS in Miami, underscores the fact that the air quality issues addressed in the SIP do not pertain to air quality issues in the project area.

Based on this information, the Tonto NF has determined that this conformity determination is to establish through a local modeling analysis that PM_{10} emissions from the proposed project will not create any new exceedances of the PM_{10} NAAQS. The other conformity criteria (listed in the first paragraph of this section) are not applicable to the Carlota Copper Project due to the conditions of the nonattainment area, the ambient levels of PM_{10} at the project site, and the source specific controls in the SIP.

The final Conformity Rule (40 CFR 93) specifically allows for the use of a local modeling analysis for a conformity determination. 40 CFR 93.158.a.4.i stipulates:

> Where the State agency primarily responsible for the applicable SIP determines that an area-wide air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on local air quality modeling analysis * * *

Paragraph (b) requires that the local air quality modeling analysis must show that an action does not cause or contribute to any new violation of any standard in any area, nor does the action increase the frequency or severity of any existing violation of any standard in any area. Paragraph (b) also requires that requirements and milestones in the SIP must not be violated. (There are no requirements or milestones that apply to any sources other than the identified smelter sources in Hayden.) A complete air quality analysis and identification of any necessary mitigation measures is also required by paragraph (b).

Lastly, paragraph (b) requires that a local air quality analysis must meet the applicable requirements of 40 CFR 93.159, *Procedures for Conformity Determinations of General Federal Actions.* The applicable requirements of 93.159 are:

- The analysis must be based on the latest and most accurate emission estimation techniques available for stationary and area sources of emissions, defined as the latest emission factors specified by EPA in AP–42 (''Compilation of Emission Factors''), unless more accurate emission data are available (93.159.b.2):
- The analysis must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of the ''Guideline on Air Quality Models (Revised)'' (1986) including supplements (93.159.c); and
- The analysis must be based on the total of direct and indirect emissions from the action and must reflect emission scenarios that are expected to occur the year during which total emissions are expected to be the greatest on an annual basis (93.159.d.2).

As an option to a modeling analysis, 40 CFR 93.158 allows an action to fully offset its emissions within the same nonattainment area through a revision to the applicable SIP or an equally enforceable measure that effects emission reductions equal to or greater than the total of direct and indirect emissions from the action so that there is no net increase in emissions of that pollutant (93.158.a.5.iii). The Tonto NF has determined that since the local modeling analysis satisfies the requirements of paragraph (b) and because there is not a fully approved SIP for the Hayden/Miami are that could be revised to include offsets, the local modeling analysis allowed for in 93.158.a.4 is adequate for determining the conformity of the action.

III. Presumption of Conformity

The Globe Ranger District of the United States Department of Agriculture (USDA) Forest Service—Tonto National Forest has reviewed the air quality

analysis conducted for the Carlota Copper Project (consistent with the requirement of 40 CFR Part 93, ''Determining Conformity of General Federal Actions to State or Federal Implementation Plans (SIP)'', issued on November 30, 1993.

For purposes of emissions of sulfur dioxide (SO_2), the project is proposed to be located in an area designated as nonattainment for SO_2, although there is not an approved SO_2 SIP for the nonattainment area. The Tonto NF has reviewed the air quality analysis and determined that predicted direct and indirect emissions of SO_2 are 26 tons per year. This is below the *de minimis* level of 100 tons per year for SO_2 as defined in the general conformity rule (40 CFR 93.153). Since the proposed facility conforms with the allowed emissions limitation, no further conformity determination was deemed necessary.

For purposes of emissions of particulate matter with aerodynamic diameter less than 10 microns (PM_{10}), the project is proposed to be located in an area designated as a moderate nonattainment area of PM_{10}. The air quality analysis for the project indicates that predicted direct and indirect emissions of PM_{10} exceed the *de minimis* level for moderate PM_{10} areas (100 tons per year). Therefore, the Tonto NF has reviewed the local PM_{10} emissions modeling analysis for the project and has determined the following:

- The methods for estimating direct and indirect emissions from the project meet the requirements of 40 CFR 93.159. The emissions scenario used in the air quality analysis is expected to produce the greatest off-site impacts on a daily and annual basis. (A detailed description of the emission sources and detailed emissions inventory tables are included in the report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February, 1996.)
- The local PM_{10} emissions modeling methodology is appropriate for determining whether emissions from the project will cause or contribute to any new violation of the PM_{10} National Ambient Air Quality Standard (NAAQS) and meet the requirements of 40 CFR 93.159. (A detailed description of the local PM_{10} emissions modeling methodology is included in the report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February, 1996.)
- The results of the modeling analysis predict maximum 24-hour ambient concentrations at the process area boundary to be 110.8 μ/m^3. This is below the 24-hour PM_{10} NAAQS of 150 μ/m^3. (A detailed description of the modeling analysis results and the printouts of the model input and output files are included in the report, ''Conformity Determination: Carlota Copper Project,'' USDA, Forest Service—Tonto National Forest, February, 1996.)
- The results of the modeling analysis predict the maximum average annual ambient concentration at the process area boundary to be 36.9 μ/m^3. This is below the annual PM_{10} NAAQS standard of 50 μ/m^3.
- The action does not cause or contribute to any new violation of any standard in any area (40 CFR 93.158.b.2.i).
- The action does not increase the frequency or severity of any existing violation of any standard in any area (40 CFR 93.158.b.2.ii).
- The action does not violate any requirements or milestones in the SIP (no requirements or milestones are applicable to the project (40 CFR 93.158.c).

Based on these determinations, the activities at the Carlota Copper Project is presumed to conform to the applicable SIPs for the project area. The list of activities at the Carlota Copper Project that are presumed to conform include:

Process	Non-process
Primary crusher system.	Topsoil removal.
Conveyor systems	Topsoil unloading to stockpiles.
Secondary crusher system.	Blast hole drilling.
Boiler	Blasting.
Back-up generator	Loading/unloading of ore and mine rock.
	Hauling or ore and mine rock.
	Combustion emissions from mobile equipment.
	Travel of mine equipment other than haul trucks.
	Haul road maintenance.

This presumption of conformity assumes that adequate activity limits, emission limits, emission controls, and monitoring requirements will be included in the Air Installation Permit for the Carlota Copper Project and will be adequately enforced by the issuing agency, the Arizona Department of Environmental Quality.

Dated: February 13, 1996.

Charles R. Bazan,

Forest Supervisor.

[FR Doc. 96–3804 Filed 2–22–96; 8:45 am]

BILLING CODE 3400–11–M

Natural Resources Conservation Service

Coon Creek Watershed, MN; Notice of Intent To Deauthorize Federal Funding

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural Resources Conservation Service gives notice of the intent to deauthorize Federal funding for the Coon Creek Watershed project, Anoka County, Minnesota.

FOR FURTHER INFORMATION CONTACT: William Hunt, State Conservationist, Natural Resources Conservation Service, Suite 600, 375 Jackson St., St. Paul, MN, telephone (612) 290–3675.

Coon Creek Watershed, Minnesota

Notice of Intent To Deauthorize Federal Funding

SUPPLEMENTARY INFORMATION: A determination has been made by William Hunt, State Conservationist, that the proposed works of improvement for the Coon Creek Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from William Hunt, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the Federal Register.

Dated: January 16, 1996.

William Hunt,

State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 96–4097 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–16–M

Pasture Creek Watershed, Montana; Deauthorization of Federal Funding

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural Resources Conservation Service gives notice of the deauthorization of Federal funding for the Pasture Creek Watershed project, McCone County, Montana, effective on December 19, 1996.

FOR FURTHER INFORMATION CONTACT: Richard J. Gooby, State Conservationist, Natural Resources Conservation Service, 10 East Babcock Street, Room 443, Bozeman, Montana, 59715, telephone 406–587–6813.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 12, 1996.

Shirley J. Elliott,

Acting State Conservationist.

[FR Doc. 96–3870 Filed 2–22–96; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Monthly Wholesale Trade Survey

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 23, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ronald Piencykoski, Bureau of Census, Room 2626–FOB 3, Washington, DC 20233–6500, (301) 457–2779.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Monthly Wholesale Trade Survey represents firms primarily engaged in merchant wholesale trade in the United States by selected kinds of business. This survey provides the only continuous measure of monthly wholesale sales, end-of- month inventories, method of inventory valuation and stock sales ratios. The survey also provides data for a valuable comparison for use with the 5-year wholesale census. The Bureau of Economic Analysis (BEA) uses this information on methods of valuation and changes in the valuation methods to improve the inventory valuation adjustments applied to estimates of the gross domestic product (GDP).

The survey currently uses a sample design that includes both fixed and rotating panels. Larger firms are requested to report sales and inventories each month, putting them in the fixed panel category. Smaller firms belong to one of three rotating panels that are contacted every third month and report data from the two most recent months. In this way, we obtain eight months of data through four contacts per year for the smaller firms. Under the current system, we release a preliminary estimate one month, and then revise it with a final estimate one month later. Revisions can be relatively large due to imbalances in the rotating panels and differential response bias between current and previous month reports.

We plan to implement a totally fixed panel design for the next sample revision starting in early 1997. Under this new design, all reporting units will report each month. By going to a totally fixed panel design, we will greatly minimize preliminary-to-final revisions caused by the rotating panels.

The fixed panel design will allow for better analysis of data since we will be able to more readily pinpoint unusual responses by reviewing each reporting unit's data each month. By using a simplified estimation scheme, the new design will also allow easier computation of an individual firm's effect on the total estimates.

The fixed panel design will also give us better estimates when reconciling differences with other surveys. When we reconcile smaller firms with the Annual Trade Survey, (OMB Approval #0607–0195), we will have twelve months of data rather than eight. This fixed panel design will allow for better comparisons between these closely related surveys.

II. Method of Collection

We collect this information by mail, facsimile machine, and telephone.

III. Data

OMB Number: 0607–0190.

Form Number: B–310(97).

Type of Review: Regular submission.

Affected Public: Merchant wholesale firms in the United States.

Estimated Number of Respondents: 3,110 per month.

Estimated Time Per Response: 7 minutes.

Estimated Total Annual Burden Hours: 4,354 hours.

Estimated Total Cost: The total cost in fiscal year 1996 for the Current Wholesale Trade Survey is $629,000 all borne by the Bureau of the Census. The cost to the respondents is estimated to be $67,052 based on the median hourly salary of $15.40 for accountants and auditors. (January 1995 Bureau of Labor Statistics publication ''Employment and Earnings,'' $15.40 represents the median hourly wage of the full-time wage and salary earnings of accountants and auditors).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 20, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–4165 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–07–P

Bureau of the Census

Current Retail Sales and Inventory Survey

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before April 23, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Nancy Piesto, Bureau of the Census, Room 2632-FOB 3, Washington, DC 20233–6500, (301) 457–2708.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Current Retail Sales and Inventory Survey provides estimates of monthly sales and end-of-month merchandise inventories of retail stores in the United States by selected kinds of business. The survey also provides sales estimates for selected states, metropolitan areas and cities. The Bureau of Economic Analysis (BEA) uses this information to prepare the National Income and Products Accounts, and to benchmark the annual input-output tables. Statistics provided from the Retail Sales and Inventory Survey are used to calculate the gross domestic product (GDP).

The survey currently uses a sample design that includes both fixed and rotating panels. Larger firms are requested to report sales and inventories each month, putting them in the fixed panel category. Smaller firms belong to one of three rotating panels that are contacted every third month and report data from the two most recent months. In this way, we obtain eight months of data through four contacts per year for the smaller firms. Under the current system, we release a preliminary estimate one month, and then revise it with a final estimate one month later. Revisions can be relatively large due to imbalances in the rotating panels and differential response bias between current and previous month reports.

We plan to implement a totally fixed panel design for the next sample revision starting in early 1997. Under this new design, all reporting units will report each month. By going to a totally fixed panel design, we will greatly minimize preliminary-to-final revisions caused by the rotating panels.

The fixed panel design will allow for better analysis of data since we will be able to more easily pinpoint unusual responses by reviewing each reporting unit's data each month. By using a simplified estimation scheme, the new design will also allow easier computation of an individual firm's effect on the total estimates.

The fixed panel design will also give us better estimates when reconciling differences with other surveys. When we reconcile smaller firms with the Annual Retail Trade Survey, (OMB Approval #0607–0013), we will have twelve months of data rather than eight. Also, firms in the Advance Monthly Retail Sales Survey (OMB Approval #0607–0104)—a subsample of the Current Retail Sales and Inventory Survey—are requested to report one month of data every month. Under the fixed panel design, all firms in the Advance Monthly Retail Sales Survey will now be included in the Current Retail Sales and Inventory Survey each month.

This fixed panel design will allow for better comparisons between these closely related surveys.

II. Method of Collection

We collect this information by mail, fax, and telephone follow up.

III. Data

OMB Number: 0607–0717.

Form Number: B–101(97),B–102(97),B–103(97), B–111(97), B–111(97)L, B–112(97), B–113(97), B–114(97).

Type of Review: Regular Submission.

Affected Public: Retail firms in the United States.

Estimated Number of Respondents: 11,464 per month.

Estimated Time Per Response: 12.2 minutes.

Estimated Total Annual Burden Hours: 27,972 hours.

Estimated Total Cost: The total cost in fiscal year 1996 for the Current Retail Sales and Inventory Survey is $5,035,999 all borne by the Bureau of the Census. The cost to the respondents is estimated to be $430,768 based on the median hourly salary of $15.40 for accountants and auditors. (January 1995 Bureau of Labor Statistics publication ''Employment and Earnings,'' $15.40 represents the median hourly wage of the full-time wage and salary earnings of accountants and auditors).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 20, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–4164 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–07–P

Foreign-Trade Zones Board

[Docket 10–96]

Proposed Foreign-Trade Zone—Yuma County, Arizona Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Yuma County Airport Authority, Inc. (YCAA), (an Arizona non-profit civic corporation), to establish a general-purpose foreign-trade zone in Yuma County, Arizona, within the San Luis Customs port of entry on the U.S.-Mexico border. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 9, 1996. The applicant is authorized to make the proposal under Section 44–6501 of the Arizona Revised Statutes.

The proposed zone would be located on a 79-acre site within the Yuma International Airport complex, which is

owned by Yuma County and leased to YCAA. The applicant plans to develop the first phase of the zone by constructing a 20,000 square foot multi-tenant building.

The application contains evidence of the need for zone services in the Yuma area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as fresh fruits and vegetables, seed and plants, citrus and meat. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on April 3, 1996, at 9:00 a.m., at the Yuma Civic & Convention Center, 1440 West Desert Hills Drive, Yuma, Arizona.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 18, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 3, 1996.

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Yuma County Library, 350 South 3rd Avenue, Yuma, Arizona 85364

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: February 13, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–4170 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 11–96]

Proposed Foreign-Trade Zone—Sioux Falls, South Dakota Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Governor's Office of Economic Development of the State of South Dakota, to establish a general-purpose foreign-trade zone at sites in Sioux Falls, South Dakota, within the Sioux Falls Customs port of entry (authorized in 1995). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 12, 1996. The applicant is authorized to make the proposal under South Dakota Codified Law, Chapter 37–28.

The proposed new zone would consist of 5 sites (392 acres) in the City of Sioux Falls: *Site 1* (130 acres)—Joe Foss Field, 2801 Jaycee Lane; *Site 2* (123 acres)—Sioux Falls Development Foundation Park III, 4th Avenue N.; *Site 3* (125 acres)—Sioux Falls Development Foundation Park IV, north of East Benson Road, west of Interstate 229; *Site 4* (7 acres, 2 parcels)—Burns Moving & Storage, 4205 N. 4th Avenue and N. 2nd Avenue and 54th Street; and, *Site 5* (7 acres, 2 parcels)—Parker Transfer and Storage, Inc., 1700 F Avenue and 3703 West Tickman Street.

The application contains evidence of the need for foreign-trade zone services in the Sioux Falls area. Several firms have indicated an interest in using zone procedures for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on May 8, 1996, 9:00 a.m., Sioux Falls City Hall, Council Chambers, 224 West 9th Street, Sioux Falls, South Dakota.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 23, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 7, 1996.

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Sioux Falls Development Foundation, 200 North Phillips Avenue, Suite 101, Sioux Falls, SD 57102

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: February 14, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–4171 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Determination Not To Revoke Antidumping Duty Orders and Findings Nor To Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Determination not to revoke antidumping duty orders and findings nor to terminate suspended investigations.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty orders and findings nor to terminate the suspended investigations listed below.

EFFECTIVE DATE: February 23, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–4737.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on December 4, 1995, we published in the Federal Register a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Objections or requests for review were originally due by December 31, 1995. However, due to the partial government shutdown from December 16, 1995, through January 6, 1996, the time frame to either object or request a

review was extended 22 days. Such requests for review or objections to our intent to revoke were therefore due by January 22, 1996. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

Antidumping Proceeding

A–351–602
Brazil
Certain Carbon Steel Butt-Weld Pipe Fittings
Objection Date: December 8, 1995, January 16, 1996
Objector: Hackney Inc., Tube Forgings of America Inc., et. al.
Contact: Thomas Schauer at (202) 482–4852

A–428–062
Germany
Animal Glue and Inedible Gelatin
Objection Date: January 11, 1996
Objector: Hudson Industries Corporation
Contact: Karen Park at (202) 482–3578

A–588–405
Japan
Cellular Mobile Telephones and Subassemblies
Objection Date: December 6, 1995
Objector: Motorola Inc.
Contact: Charles Riggle at (202) 482–0650

A–588–811
Japan
Drafting Machines and Parts Thereof
Objection Date: December 11, 1995
Objector: Vemco Corporation
Contact: Mathew Blaskovich at (202) 482–5831

A–588–068
Japan
Steel Wire Strand
Objection Date: January 11, 1996
Objector: Florida Wire & Cable Company
Contact: Kris Campbell at (202) 482–3813

A–614–502
New Zealand
Low-Fuming Brazing Copper Rod & Wire
Objection Date: December 6, 1995
Objector: Copper & Brass Fabricators Council
Contact: Karin Price at (202) 482–3782

A–583–508
Taiwan
Porcelain-On-Steel Cooking Ware
Objection Date: January 11, 1996
Objector: General Housewares Corporation
Contact: Amy Wei at (202) 482–1131

Dated: February 9, 1996.

Joseph A. Spetrini,
Deputy Assistant Secretary for Compliance.

[FR Doc. 96–4172 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

[I.D. 021596A]

Environmental Impact Statement (EIS) for the Proposed Consolidation of NOAA Facilities in Juneau, AK

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

ACTION: Notice of intent to prepare an EIS; request for comments.

SUMMARY: NOAA announces its intention to prepare an EIS in accordance with the National Environmental Policy Act of 1969 for the proposed consolidation of NOAA/NMFS facilities in Juneau, AK. The University of Alaska may also develop facilities as part of the proposed consolidation.

DATES: Written comments on the intent to prepare and EIS will be accepted on or before March 25, 1996. Scoping meetings are scheduled as follows:

1. March 29, 1996, 1 p.m., Federal Building, Juneau, AK.
2. May 24, 1996, 1 p.m., Federal Building, Juneau, AK.
3. May 24, 1996, 5 p.m., Centennial Hall, Juneau, AK.

ADDRESSES: Written comments on suggested alternatives and potential impacts should be sent to John Gorman, Responsible Program Manager, National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668 or to Robb Gries, Contract Office Technical Representative, NOAA, Facilities and Logistics Division, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115.

Scoping meetings will be held as follows:

1. NOAA/NMFS personnel - Friday, March 29, 1996, 4th Floor Conference Room, Federal Building, 709 West 9th Street, Juneau, AK, 1–4 p.m.
2. NOAA/NMFS personnel - Friday, May 24, 1996, 4th Floor Conference Room, Federal Building, 709 West 9th Street, Juneau, AK, 1–4 p.m.
3. Open to the public - Friday, May 24, 1996, Centennial Hall, 101 Egan Drive, Juneau, AK, 5 p.m.–10 p.m.

SUPPLEMENTARY INFORMATION:

The proposed action would involve consolidation of NOAA/NMFS offices, laboratory, and enforcement facilities in Juneau, AK. NOAA operations are currently in four space assignments in the Federal Building and at an aging, overcrowded Commerce-owned laboratory facility at Auke Bay. The NOAA/NMFS portion of the facility will be about 91,628 net square ft (8,512.5 square meters) in size and constructed on 28 acres (11.3 hectares (ha)) of Commerce-owned property at Auke Cape. The 28 acre (11.3 ha) site is situated on saltwater (Auke Bay) and will require access and utility improvements. Approximately 273 NOAA/NMFS related personnel would be housed in the consolidated facilities. The University of Alaska School of Fisheries and Ocean Sciences is interested in collocating 22,000 net square ft (2,044 square meters) of laboratory, classroom, and office space with NOAA/NMFS at Auke Cape. The University of Alaska space would house about 90 faculty, staff, and students. The EIS will examine three alternative locations for the proposed consolidation and also evaluate the proposed action with and without University of Alaska participation. The no action alternative will also be evaluated. The agency's preferred alternative is to locate on approximately 28 acres (11.3 ha) of agency-owned land at Auke Cape/Indian Point on Auke Bay.

To identify the scope of issues that will be addressed in the EIS and to identify potential impacts on the quality of the human environment, public participation is invited by providing written comments to NMFS and attending the scoping meeting.

Public Information Meetings:

Additional public information meetings and community workshops on the proposed project will be held in Juneau beginning in March. These meetings will be held in various locations and will be advertised in local Juneau newspapers.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Gorman or Robb Gries (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. 96–4167 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 081195B]

Small Takes of Marine Mammals Incidental to Specified Activities; McDonnell Douglas Aerospace Delta II Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of modification of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA), issued to the U.S. Air Force (USAF) on September 19, 1995, to take small numbers of marine mammals by harassment incidental to launches of McDonnell Douglas Aerospace (MDA) Delta II vehicles at Space Launch Complex 2W (SLC–2W), Vandenberg Air Force Base, CA (Vandenberg), has been modified.

EFFECTIVE DATE: The authorization is effective from September 19, 1995, until September 19, 1996.

ADDRESSES: The application, authorization and modification are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd., Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, 301–713–2055, or Irma Lagomarsino, 301–980–4016.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 1995, NMFS received an application from the USAF requesting an authorization for the harassment of small numbers of harbor seals and potentially for other pinniped species incidental to launches of Delta II vehicles at SLC–2W, Vandenberg. These launches would place Department of Defense, National Aeronautic and Space Administration (NASA), and commercial, medium-weight payloads into polar or near-polar orbits. MDA/NASA intends to launch four to five Delta IIs during the period of this proposed 1-year authorization.

Background information and rationale was provided with the notice of receipt of the application and proposed authorization that was published on August 18, 1995 (60 FR 43120) and are not repeated here. A 30-day public comment period was provided on the application and proposed authorization. After review of the comments received on the application, NMFS concluded that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, California sea lions, and northern elephant seals, would have only a negligible impact on the species, and would result in the least practicable impact on the stock. Accordingly, NMFS determined that the requirements of section 101(a)(5)(D) of the MMPA had been met and the incidental harassment authorization was issued on September 19, 1995 (60 FR 52653, October 10, 1995).

Summary of Request

Section 6(b) of the IHA requires the USAF to observe harbor seal activity on haulouts in the vicinity of SLC–2W before and after each Delta II launch and to record launch noise levels at nearby harbor seal haulouts. On January 24, 1996, NMFS received a request from the USAF to amend section 6(b) by removing the requirement for recording launch noises at coastal harbor seal haulouts.

The first launch of a Delta II vehicle under the IHA occurred on November 4, 1995. NMFS and the USAF received a preliminary report on noise measurements recorded at various distances from SLC–2W during this launch. These results indicate that launch noise was similar to noise recorded at the same distances during another Delta II launch at the Kennedy Space Center, FL, in July 1992. Furthermore, the USAF indicated that these noise levels correspond closely with a predictive model that was run prior to the launch to calculate launch noise levels at various distances from the launch pad.

Based on this information, it appears that noise levels from launches of Delta II space vehicles are predictable and consistent. The USAF has indicated that the azimuth for subsequent Delta II launches during the authorization period will be similar to the November 4, 1995, launch. The noise level measurements taken during the November 4, 1995, launch therefore appear to be applicable to the remaining Delta II launches during the authorization period.

Because the empirical data support the predictive model, additional acoustic measurements are unnecessary for monitoring the impact of Delta II launches on nearby harbor seal haulouts. Accordingly, on January 31, 1996, NMFS amended section 6(b) of the IHA as follows:

b. Observations on harbor seal activity at harbor seal haulouts in the vicinity of SLC–2 and Purisima Point or in the absence of pinnipeds at that location, at another nearby haulout, must commence at least 72 hours prior to any planned launch and continue for a period of time not less than 48 hours subsequent to launching.

As a result of this modification, the monitoring of noise levels during the remaining launches of Delta II space vehicles from SLC–2W will not be necessary through September 19, 1996. However, the USAF will be required to comply with all of the other conditions of the IHA, including observations of harbor seal activity, as required in the IHA.

Dated: February 15, 1996.

Ann D. Terbush,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–4166 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 021596B]

Endangered Species; Permits

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

ACTION: Receipt of two applications for scientific research permits (P605 and P606).

SUMMARY: Notice is hereby given that Ms. Pamela A. Petrusso, in collaboration with the U.S. Bureau of Reclamation at Red Bluff, CA (BOR), and the Contra Costa Water District at Concord, CA (CCWD) have applied in due form for permits to take juvenile, endangered, Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on either of these applications must be received on or before March 25, 1996.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Director, Southwest Region, NMFS, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310–980–4016).

Written comments or requests for a public hearing should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: Ms. Petrusso and CCWD request permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-227).

Ms. Petrusso, a graduate assistant of Michigan State University (P605), requests a 2-year permit to determine the physical condition of juvenile chinook salmon rearing in mainstem habitats between Keswick Dam and Red Bluff on the Sacramento River. Listed juvenile salmon will be captured and handled indirectly during run-of-the-river sampling activities. Any adipose fin-clipped juveniles collected, including juvenile, listed, hatchery-produced, winter-run chinook salmon, will be sacrificed and provided to the U.S. Fish and Wildlife Service at Red Bluff, CA for coded-wire tag extraction. The proposed project will contribute to BOR's efforts to reduce migration impediments to the four runs of Sacramento River chinook salmon by providing baseline data for interpretation of the results of entrainment studies. In addition, the study will advance the understanding of the early life history and ecology of young chinook salmon in the upper Sacramento River.

CCWD (P606) requests a 5-year permit to monitor its Mallard Slough pumping facility for the presence of listed juvenile salmon in compliance with the California ESA requirements imposed by the California Department of Fish and Game. Listed juvenile salmon may be captured and handled during bimonthly sampling from February 15 to July 31 each year within the Mallard Slough intake channel and in the adjacent San Joaquin River channel. Any adipose fin-clipped juveniles collected, including juvenile, listed, hatchery-produced, winter-run chinook salmon, will be sacrificed and provided to the U.S. Fish and Wildlife Service at Stockton, CA for coded-wire tag extraction. Sampling will not occur if Delta water quality conditions do not allow the operation of the Mallard Slough facility. The monitoring results will indicate the relative abundance of sensitive fish species and allow CCWD to modify operation of the Mallard Slough facility as necessary to minimize potential entrainment losses.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on either application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in these application summaries are those of the applicants and do not necessarily reflect the views of NMFS.

Dated: February 16, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–4161 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 020196D]

Marine Mammals

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

ACTION: Issuance of modification to permit no. 854 (P211F).

SUMMARY: Notice is hereby given that Permit No. 854, issued to the Oregon Department of Fish and Wildlife, Marine Science Drive, Bldg. 3, Newport, OR 97365, has been modified.

ADDRESSES: The modification and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130 Silver Spring, MD 20910 (301/712–2289);

Director, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0070 (206/526–6150);

Director, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310/980–4015); and

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

SUPPLEMENTARY INFORMATION: The subject modification has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the provisions of of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Permit No. 854 authorizes scientific research on Steller sea lions (*Eumetopias jubatus*) over a 5-year period.

The Permit, as modified, reduces the number of Steller sea lion pups to be weighed, measured, marked, flipper tagged, hot-branded, and have blood drawn from 200 to 100 annually, and authorizes 100 Steller sea lions of any sex or age to be weighed, measured, marked, flipper tagged, hot-branded, and have blood drawn annually.

Issuance of this modified permit as required by the Endangered Species Act of 1973 was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Endangered Species Act.

Dated: February 14, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–4160 Filed 2–22–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 25, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740

SUPPLEMENTARY INFORMATION: On October 20 and December 29, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 F.R. 54612 and 67351) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of

qualified nonprofit agencies to provide the services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46 - 48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Acquisition & Distribution of D-Cell Batteries (6135–00–835–7210), Defense General Supply Center, Richmond, Virginia

Grounds Maintenance, Department of Veterans Affairs Medical Center, 801 South Marion Street, Lake City, Florida.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–4142 Filed 2–22–96; 8:45 am]

BILLING CODE 6353–01–P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 25, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Case, Plotting Board
1220–01–055–6137
NPA: North Bay Rehabilitation Services, Inc., San Rafael, California at its facility in Rohnert Park, California

Web Door Assembly
5340–02–000–0319
NPA: Rauch Rehabilitation & Developmental Services, Inc., New Albany, Indiana

Envelope, Wallet
7530–00–NIB–0260 20″ × 26″
7530–00–NIB–0261 25″ × 31″
7530–00–NIB–0262 30″×42″
(Requirements for the Defense Mapping Service, Bethesda, MD)
NPA: Blind Industries, Inc., Buffalo, New York

Panel Marker, Aerial Liaison
8345–00–567–3323
NPA: North Bay Rehabilitation Services, Inc., San Rafael, California at its facility in Rohnert Park, California

Wipes, Scrubber
M.R. 588
NPA: Mississippi Industries for the Blind, Jackson, Mississippi

Services

Food Service
U.S. Naval Home
Gulfport, Mississippi
NPA: Allied Enterprises of Harrison County, Long Beach, Mississippi

Janitorial/Custodial
AMSA #32
100 Stephens Road
Wilkes-Barre, Pennsylvania
NPA: United Rehabilitation Services, Inc., Wilkes-Barre, Pennsylvania

Recycling Service
for the following locations:
Cape Canaveral Air Force Station, Florida
Jonathon Dickinson Missile Tracking Annex, Florida
Malabar Tracking Annex, Florida
NPA: ARC-Brevard, Inc., Rockledge, Florida

Operation of SERVMART
Fleet and Industrial Supply Center
Agana, Guam
NPA: Able Industries of the Pacific, Agana, Guam

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–4141 Filed 2–22–96; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy. Copies of the patents cited are available from the Commissioner of

Patents and Trademarks, Washington, DC 20231, for $3.00 each. Requests for copies of patents must include the patent number.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR, OOCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Patent No. 5,489,200: COMPRESS/MELT PROCESSOR FOR CONTAMINATED PLASTIC WASTE; filed 29 November 1994; patented 6 February 1996.

Patent No. 5,488,278: LOAD LIMIT SYSTEM FOR MECHANICAL LINEAR ACTUATOR; filed 23 September 1994; patented 30 January 1996.

Dated: February 12, 1996.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 96–4107 Filed 2–22–96; 8:45 am]

BILLING CODE 3810–FF–P

Board of Advisors to the Superintendent, Naval Postgraduate School; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School, Monterey, California, will meet on 1-2 May, 1996, in Hermann Hall (Bldg 220) at the School. All sessions will be open to the public.

The purpose of the meeting is to elicit the advice of the board of the Navy's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula; instruction; physical equipment; administration ; state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent.

For further information concerning this meeting contact: Ms. Jan Kleinschmidt, Naval Postgraduate School, Monterey, California 93943-5000, Telephone Number: (408) 656-2512.

Dated: February 13, 1996

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 96–4071 Filed 2–22–96; 8:45 am]

BILLING CODE 3810–FF–F

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 28, 1996. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1:00 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference among the Commissioners and staff will be held at 11:00 a.m. at the same location and will include a presentation on the Neshaminy Creek Basin Study and management options, discussion of proposed DRBC computer system and GIS, the Commission's 1996 meeting schedule and public dialogue.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Holdover Project: Crompton & Knowles Colors Incorporated, D–95–8 (Revised).* A request to revise the applicant's recently approved 0.22 million gallons per day (mgd) industrial wastewater treatment plant (IWTP) expansion docket to increase the average monthly allowable copper concentration limits from 0.50 milligrams per liter (mg/l) to 1.0 mg/l. The applicant requests the limit on the basis of demonstration of best practicable treatment provided by its IWTP that serves the applicant's dyestuff and special chemical manufacturing operation. The plant is located in Robeson Township, Berks County, Pennsylvania and will continue to discharge to the Schuylkill River. This hearing continues that of January 24, 1996.

2. *Merrill Creek Owners Group (MCOG) D–77–110 CP (Amendment 9).* An application for inclusion of the Grays Ferry Cogeneration Partnership's 173 megawatt cogeneration plant (an oil/natural gas fueled combustion turbine approved by Docket No. D–95–32 on June 28, 1995) as a Designated Unit to Table A (Revised) of the Merrill Creek Reservoir project, to enable releases from the reservoir to make up for consumptive water use of the plant during drought periods. The MCOG expects the Grays Ferry Cogeneration plant to have a maximum monthly consumptive water use of 267,840 gallons per day (gpd) during winter and 60,480 gpd during summer. The plant is situated on the site of an existing cogeneration facility which was formerly part of the PECO Energy Company's Schuylkill Generating Station, in the City of Philadelphia, Pennsylvania. Merrill Creek Reservoir is located in Harmony Township, Warren County, New Jersey.

3. *Borough of Doylestown D–79–18 CP RENEWAL 3.* An application for the renewal of a ground water withdrawal project to supply up to 50 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 7, 8, 9, 10, 12 and 13. Commission approval on March 27, 1991 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 50 mg/30 days. The project is located in the Borough of Doylestown, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Evesham Municipal Utilities Authority D–93–12 CP RENEWAL.* An application for approval of a ground water withdrawal project to supply up to 23 mg/30 days of water to the applicant's distribution system from new Well No. 12 screened in the PRM Aquifer, and to retain the existing withdrawal limit of 136 mg/30 days from all wells. The project is located in Evesham Township, Burlington County, New Jersey.

5. *Village of Wurtsboro D–94–25 CP.* An application for approval of a ground water withdrawal project to supply up to 2.5 mg/30 days of water to the applicant's distribution system from new Well Nos. 2 and 3, and to limit the withdrawal from all wells to 6.0 mg/30 days. The project is located in the Village of Wurtsboro, Sullivan County, New York.

6. *Warminster Township Municipal Authority D–94–40 CP.* An application for the approval of a ground water withdrawal project to supply up to 18 mg/30 days to the applicant's distribution system from new Well Nos. 43, 44 and 45; and to increase the existing withdrawal limit from all wells from 98.46 mg/30 days to 114 mg/30 days. The project is located in Warminster Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Old York Country Club D–95–3.* An application for approval of a ground water and surface water withdrawal project to supply up to 8 mg/30 days of water to the applicant's golf course irrigation system from new Well Nos. 1 and 2, and to limit the withdrawal from the man-made storage reservoirs to 8 mg/30 days. The project is located in

Chesterfield Township, Burlington County, New Jersey.

8. *Delaware Avenue Enterprises, Inc. D–95–61.* A project to construct a multi-purpose marine terminal on the Delaware River which will entail removal of existing deteriorated pier structures, construction of approximately 1,750 linear feet of new bulkheading, filling approximately 2.3 acres of open water, and dredging approximately 197,760 cubic yards. The project is located immediately upstream of the Walt Whitman Bridge (encompassing Piers 103 through 108) in the City of Philadelphia, Philadelphia County, Pennsylvania.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: February 13, 1996.

Susan M. Weisman,

Secretary.

[FR Doc. 96–4094 Filed 2–22–96; 8:45 am]

BILLING CODE 6360–01–P

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 23, 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 SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 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 16, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Randolph-Sheppard Vending Facility Program.

Frequency: Annually.

Affected Public: Individuals or households; Business or other for-profit; Federal Government; State, local or Tribal Gov't, SEAs or LEAs.

Reporting Burden and Recordkeeping:
Responses: 51.
Burden Hours: 739.

Abstract: The information is needed to evaluate the effectiveness of the program and to promote growth. The information is transmitted to State agencies to assist in the conduct and expansion of the program at the State level.

Office of Management

Type of Review: Reinstatement.

Title: GEPA 424 Biennial Report on the Distribution of Federal Education Funds.

Frequency: Biennially.

Affected Public: Federal Government; State, local or Tribal Government, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:
Responses: 144.
Burden Hours: 3,436.

Abstract: Section 424 of the General Education Provisions Act (GEPA) requires States to report on the distribution of funds for State-administered Federal education programs. The U.S. Department of Education is required to report to Congress the distribution of State- and Federally-administered Federal education funds.

[FR Doc. 96–4055 Filed 2–22–96; 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, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 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 16, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: 1996 National Postsecondary Student Aid Study.
Frequency: On occasion.
Affected Public: Individuals or households; business or other for-profit; not for Profit institutions.
Reporting Burden and Recordkeeping:
Responses: 1.
Burden Hours: 36,191.
Abstract: This study collects data from a sample of students in postsecondary institutions, including institutional financial aid data on sample students, and a sample of students' parents. It collects data to determine how students and their families finance postsecondary education, and to describe characteristics of enrolled postsecondary students, addressing important issues in this area. This collection is for institutional student, and parent data.

Office of Management

Type of Review: Revision.
Title: Waiver Guidance under Goals 2000.
Frequency: On occasion.
Affected Public: State, Local or Tribal Government, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 300.
Burden Hours: 6,000.
Abstract: This information provides guidance to schools, LEAs and SEAs on the submission of requests for waivers of statutory and regulatory requirements.

[FR Doc. 96–4056 Filed 2–22–96; 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: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 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 16, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: New.
Title: Equity in Athletics Disclosure Act.
Frequency: Annually.
Affected Public: Not-for-profit institutions.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 1,800.
Burden Hours: 9,900.
Abstract: The Equity in Athletics Disclosure Act amended the Higher Education of 1965, as amended, to require coeducational institutions of higher education that participate in a Title IV, HEA program to make available annually a report on institutional financing and student participation in men's and women's intercollegiate athletic teams.

Office of Postsecondary Education

Type of Review: Revision.
Title: New Application for Grants under the Student Support Services Program.
Frequency: Every Three Years.
Affected Public: Not-for-profit institutions.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 1,115.
Burden Hours: 11,150.
Abstract: Information requested from eligible institutions of higher education is needed to provide department program officers with necessary information to make funding decisions and to determine compliance with authorizing legislation and program regulations.

[FR Doc. 96–4057 Filed 2–22–96; 8:45 am]

BILLING CODE 4000–01–P

Jacob K. Javits Gifted and Talented Students Education Program

AGENCY: Department of Education.

ACTION: Notice of proposed priorities.

SUMMARY: The Secretary proposes an absolute priority and a competitive preference priority under the Jacob K. Javits Gifted and Talented Students Education Program. The Secretary takes this action to focus Federal financial assistance on specific approaches to identifying and serving gifted and talented students. The Secretary may use these priorities in FY 1996 and subsequent years.

DATES: Comments must be received on or before March 25, 1996.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Linda Jones, U.S. Department of Education, 555 New Jersey Avenue, N.W., Room 500, Washington, D.C. 20208–5645. Comments may also be sent through the Internet to (Javits__Grant@ed.gov).

FOR FURTHER INFORMATION CONTACT: Linda Jones or Janet Williams. Telephone: (202) 219–2153 or (202) 219–1674. 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: The Jacob K. Javits Gifted and Talented Students Education Program is designed to build nationwide capability in gifted and talented education and encourage rich and challenging curricula for all children.

The Secretary seeks to improve the education of gifted and talented children, and to promote the use of strategies developed in gifted and talented education programs to help improve the education of all students. The Secretary believes that improving the education of gifted and talented students is an integral part of achieving the National Education Goals, which require that every student attain higher standards of academic excellence. The Secretary is particularly concerned that the educational needs of gifted and talented students from populations historically underserved by gifted and talented education programs be addressed. In addition, the Secretary wants to see gifted and talented education programs contribute to systemic education reform by modeling coordinated systems of challenging standards and assessments, curricula, and teacher preparation aligned with those standards to improve education. The Secretary believes that the use of challenging content and performance standards is the most promising way to raise students' achievement.

Therefore, the Secretary proposes an absolute priority that would support the development of model demonstration programs that focus on economically disadvantaged children, children with limited English proficiency, or children with disabilities. Each project would be required to involve a school or schools that serve at least 50 percent low-income children and to incorporate professional development of staff and training of parents into the program. In addition, the program must be based on challenging content and performance standards in one or more of the core subject areas, and include a comprehensive improvement plan for each school involved in the project.

The Secretary proposes a competitive priority to direct financial assistance to projects that primarily benefit areas that have been designated as Empowerment Zones or Enterprise Communities in accordance with Section 1391 of the Internal Revenue Code (IRC), as amended by Title XIII of the Omnibus Budget Reconciliation Act (OBRA) of 1993.

Background on Empowerment Zone and Enterprise Community Program—(EZ/EC)

The Empowerment Zone and Enterprise Community program is a critical element of the Administration's community revitalization strategy. The program is the first step in rebuilding communities in America's poverty-stricken inner cities and rural heartlands. It is designed to empower people and communities by inspiring Americans to work together to create jobs and opportunity.

The Departments of Agriculture (USDA) and Housing and Urban Development (HUD) have designated empowerment zones and enterprise communities, which are communities located within the cities and counties listed in the appendix.

The Empowerment Zones and Enterprise Communities were designated based on locally-developed strategic plans that comprehensively address how the community will link economic development with education and training, as well as how community development, public safety, human services, and environmental initiatives together will support sustainable communities. Designated areas will receive Federal grant funds and substantial tax benefits and will have access to other Federal programs. (For additional information on the Urban EZ/EC program contact HUD at 1–800–998–9999 and for the rural EZ/EC program contact USDA at 1–800–645–4712.)

The Department of Education is supporting the Empowerment Zone and the Enterprise Community initiative in a variety of ways. It is encouraging zones to use funds they already receive from Department of Education programs (including Title I of the Elementary and Secondary Education Act, the Safe and Drug-Free Schools and Communities Act, the Adult Education Act, and the Carl D. Perkins Vocational and Applied Technology Education Act) to support the comprehensive vision of their strategic plans. In addition, the Department of Education is giving preferences to EZ/ECs in a number of discretionary grant programs that are well suited for inclusion in a comprehensive approach to economic and community development.

The Empowerment Zone initiative and the Jacob K. Javits Gifted and Talented Students Education Program share some common features. Both programs are concerned with the educational advancement of students caught in high-poverty communities. Under the Javits Gifted and Talented Education Program, at least one-half of the grants in any given year must serve students who are economically disadvantaged, limited English proficient or who have disabilities. Communities that have been designated as Empowerment Zones or Enterprise Communities have demonstrated a capacity for the type of planning that allows communities to use, where appropriate, methods and materials developed in gifted and talented programs to improve the educational opportunities for all children.

The Secretary believes that the limited resources available under the Jacob K. Javits Gifted and Talented Students Education Program will have the greatest impact if the funds are directed to communities that have the greatest need and have already established comprehensive community development plans. Therefore, the Secretary establishes the following competitive priority to focus Federal funds on gifted and talented projects that would address the needs of Empowerment Zones or Enterprise Communities.

Note: This notice of proposed priorities does *not* solicit applications. A notice inviting applications under this priority for fiscal year 1996 will be published in the Federal Register concurrent with or following publication of the notice of final priorities.

Priorities

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition

only applications that meet this absolute priority:

Proposed Absolute Priority—Model Programs

Projects that establish and operate model programs to serve gifted and talented students in schools in which at least 50 percent of the students enrolled are from low-income families. Projects must include students who may not be served by traditional gifted and talented programs, including economically disadvantaged students, limited English proficient students, and students with disabilities. The projects must incorporate high-level content and performance standards in one or more of the core subject areas as well as utilize innovative teaching strategies. The projects must provide comprehensive ongoing professional development opportunities for staff. The projects must incorporate training for parents in ways to support their children's educational progress. There must also be comprehensive evaluation of the projects' activities.

Proposed Competitive Preference Priority—Empowerment Zone or Enterprise Community

Within this proposed absolute priority concerning model projects, the Secretary, under 34 CFR 75.105(c)(2)(i), proposes to give preference to applications that meet the following competitive priority. The Secretary proposes to award five (5) points to an application that meets this competitive priority. These points would be in addition to any points the application earns under the evaluation criteria for the program:

Projects that implement model programs in one or more schools in an Empowerment Zone or Enterprise Community or that primarily serve students who reside in the EZ or EC. Applicants must ensure that the proposed program relates to the strategic plan and will be an integral part of the Empowerment Zone or Enterprise Community program.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 500, 555 New Jersey Avenue, N.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Applicable Regulations

(a) 34 CFR Parts 74, 75, 77, 79, 80, 81, 85 and 86; and (b) the final regulations for Standards for the Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Evaluation of Applications for Grants and Cooperative Agreements and Proposals for Contracts, published on September 14, 1995 in the Federal Register (60 FR 47808), to be codified at 34 CFR Part 700.

Note: The regulations in 34 CFR Part 791 previously applicable to this program will no longer apply to this program.

Program Authority: 20 U.S.C 8032–8036.

(Catalog of Federal Domestic Assistance Number 84.206A, Jacob K. Javits Gifted and Talented Students Education Program)

Dated: February 16, 1996.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

Appendix—Empowerment Zones and Enterprise Communities

Empowerment Zones (EZ)

Georgia: Atlanta
Illinois: Chicago
Kentucky: Kentucky Highlands*
Maryland: Baltimore
Michigan: Detroit
Mississippi: Mid Delta*
New York: Harlem, Bronx
Pennsylvania/New Jersey: Philadelphia, Camden
Texas: Rio Grande Valley*

Supplemental Empowerment Zones (SEZ)

California: Los Angeles
Ohio: Cleveland

Enterprise Communities (EC)

Alabama: Birmingham
Alabama: Chambers County*
Alabama: Greene, Sumter Counties*
Arizona: Phoenix
Arizona: Arizona Border*
Arkansas: East Central*
Arkansas: Mississippi County*
Arkansas: Pulaski County
California: Imperial County*
California: Los Angeles, Huntington Park
California: San Diego
California: San Francisco, Bayview, Hunter's Point
California: Watsonville*
Colorado: Denver
Connecticut: Bridgeport
Connecticut: New Haven
Delaware: Wilmington
District of Columbia: Washington
Florida: Jackson County*
Florida: Tampa
Florida: Miami, Dade County
Georgia: Albany
Georgia: Central Savannah*
Georgia: Crisp, Dooley Counties*
Illinois: East St. Louis
Illinois: Springfield
Indiana: Indianapolis
Iowa: Des Moines
Kentucky: Louisville
Louisiana: Northeast Delta*
Louisiana: Macon Ridge*
Louisiana: New Orleans
Louisiana: Ouachita Parish
Massachusetts: Lowell
Massachusetts: Springfield
Michigan: Five Cap*
Michigan: Flint
Michigan: Muskegon
Minnesota: Minneapolis
Minnesota: St. Paul
Mississippi: Jackson
Mississippi: North Delta*
Missouri: East Prairie*
Missouri: St. Louis
Nebraska: Omaha
Nevada: Clarke County, Las Vegas
New Hampshire: Manchester
New Jersey: Newark
New Mexico: Albuquerque
New Mexico: Moro, Rico Arriba, Taos Counties*
New York: Albany, Schenectady, Troy
New York: Buffalo
New York: Newburgh, Kingston
New York: Rochester
North Carolina: Charlotte
North Carolina: Halifax, Edgecombe, Wilson Counties*
North Carolina: Robeson County*
Ohio: Akron
Ohio: Columbus
Ohio: Greater Portsmouth*
Oklahoma: Choctaw, McCurtain Counties*
Oklahoma: Oklahoma City
Oregon: Josephine*
Oregon: Portland
Pennsylvania: Harrisburg
Pennsylvania: Lock Haven*
Pennsylvania: Pittsburgh
Rhode Island: Providence
South Carolina: Charleston
South Carolina: Williamsburg County*
South Dakota: Beadle, Spink Counties*
Tennessee: Fayette, Haywood Counties*

Tennessee: Memphis
Tennessee: Nashville
Tennessee/Kentucky: Scott, McCreary Counties*
Texas: Dallas
Texas: El Paso
Texas: San Antonio
Texas: Waco
Utah: Ogden
Vermont: Burlington
Virginia: Accomack*
Virginia: Norfolk
Washington: Lower Yakima*
Washington: Seattle
Washington: Tacoma
West Virginia: West Central*
West Virginia: Huntington
West Virginia: McDowell*
Wisconsin: Milwaukee

*Denotes rural designee.

Enhanced Enterprise Communities (EEC)

California: Oakland
Massachusetts: Boston
Missouri/ Kansas: Kansas City, Kansas City
Texas: Houston

[FR Doc. 96–4061 Filed 2–22–96; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Final Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The Department of Energy (DOE) and the Department of State have completed the final Environmental Impact Statement (EIS) on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel. The final EIS was prepared in compliance with requirements under the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations implementing NEPA, 40 CFR Parts 1500–1508, and the DOE Implementing Procedures, 10 CFR Part 1021. The Department of State was a cooperating agency in preparing this EIS. The analyses demonstrate that the potential impacts on the environment, workers and the general public of implementing any of the alternative management approaches analyzed in the EIS would be small and within applicable Federal and state regulatory limits. The final EIS identifies the preferred alternative of the Departments of Energy and State for the management of foreign research reactor spent nuclear fuel.

DOE has completed general distribution of the document to interested Members of Congress, appropriate Federal agencies, the Governors of affected states, leaders of affected Indian tribes, interested local and state public officials, and organizations and persons who are known to have an interest in the subjects addressed in the final EIS. DOE has filed the final EIS with the Environmental Protection Agency (EPA), which is also publishing a Notice of Availability in today's Federal Register. The final EIS is also available to the public in DOE reading rooms and designated information locations, which are identified in this notice. DOE plans to issue a Record of Decision on the final EIS no sooner than thirty days after EPA publishes a Notice of Availability of the EIS in the Federal Register.

ADDRESSES: Requests for copies of the final EIS and for further information on the final EIS should be directed to the Center for Environmental Management Information, P.O. Box 23769, Washington, D.C. 20026–3769. Copies of the final EIS may also be obtained by following instructions given below under ''Supplementary Information'', or by calling 1–800–736–3282. Addresses of DOE Public Reading Rooms, and other locations where the final EIS will be available for public review, are listed below under **SUPPLEMENTARY INFORMATION.**

General information on the DOE NEPA process may be obtained from: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), United States Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0001. Ms. Borgstrom may be reached by phone at (202) 586–4600, or by leaving a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

DOE issued the draft Environmental Impact Statement on April 21, 1995. The draft analyzed environmental impacts and policy issues associated with the proposed adoption and implementation of a policy for management of spent nuclear fuel from foreign research reactors. The public comment period on the draft EIS ran from April 21, 1995 to July 20, 1995. During this period, DOE held 17 public meetings in 16 cities nationwide in order to obtain public comments on the draft EIS. The draft EIS was made available to the public by mailings to persons known to have expressed interest in reviewing the document, and by providing copies for public review at DOE Reading Rooms and other designated information locations. More than 1,250 commentors, including a broad spectrum of private citizens, organizations, local, state, and Federal officials, Native American Tribes, and public interest groups commented on the draft EIS. The public comments are contained in Volume 3 of the final EIS. DOE and the Department of State responses to those comments are also provided in Volume 3, as well as a description of the changes made to the final EIS in response to the comments on the draft.

The public comments on the draft EIS were considered both individually and collectively by the Department of State. Some comments resulted in modifications to the EIS. For other comments, DOE explained why a change to the EIS was not warranted. Most responses to such comments describe government policy, indicated that the comment refers to subjects beyond the scope of the EIS, explain the relationship of this EIS to other NEPA related documents, refer commentors to information in the EIS, answer technical questions, or further explain technical issues.

The final EIS evaluates the potential impacts on the environment, workers, and the public that could result from the proposed action, which is to adopt a policy to manage spent nuclear fuel from foreign research reactors to support United States nuclear weapons nonproliferation policy. The analyses demonstrate that the potential impacts on the environment, workers and the general public of implementing any of the alternative management approaches analyzed in the EIS would be small and within applicable Federal and state regulatory limits.

The goal of the proposed action is intended to reduce the risk of diversion of highly enriched uranium for use in nuclear weapons by reducing the amount of highly enriched uranium in international commerce. All the spent nuclear fuel under consideration contains uranium enriched in the United States, much of it highly enriched uranium. Highly enriched uranium can be used directly to make simple nuclear weapons.

The proposed action has three Management Alternatives:

Management Alternative 1. Under this alternative, foreign research reactor spent nuclear fuel which contains uranium enriched in the United States would be accepted and managed in the United States.

Management Alternative 2. This alternative consists of facilitating the management of foreign research reactor spent nuclear fuel overseas. This would require clear and binding agreements between the United States and one or more foreign governments to ensure compliance with United States nuclear weapons nonproliferation policy. Under this alternative there are two subalternatives: one is to provide in country assistance to foreign nations that are able to store spent nuclear fuel in their own countries, and the other is to provide assistance in reprocessing spent nuclear fuel overseas in facilities operated under international safeguards sufficient to satisfy United States nuclear weapons nonproliferation concerns.

Management Alternative 3. This alternative is a combination of the implementation components of both Management Alternatives. An example hybrid alternative is evaluated in the EIS and involves encouraging the reprocessing of as much foreign research reactor spent nuclear fuel as possible at Western European reprocessing facilities, and accepting the remainder of the foreign research reactor spent nuclear fuel for management in the United States in existing facilities at the Savannah River Site and at the Idaho National Engineering Laboratory.

No Action Alternative. In the No Action Alternative, the United States would neither accept foreign research reactor spent nuclear fuel nor provide technical assistance or financial incentives for overseas management. If no action were taken to adopt a policy to manage foreign research reactor spent nuclear fuel, no environmental impacts would occur in the United States. However, failure to accept spent nuclear fuel would increase the amount of highly enriched uranium available in civilian commerce.

Preferred Alternative

The preferred alternative is for the United States to accept and manage U.S.-enriched foreign research reactor spent nuclear fuel (slightly less than 20 metric tons) from forty-one countries. The spent fuel would be managed at the Savannah River Site in South Carolina (about 19 metric tons of aluminum-based spent fuel) and the Idaho National Engineering Laboratory (about 1 metric ton of non-aluminum-based spent fuel). Spent fuel currently stored or to be generated within a ten-year period would qualify for acceptance; however, shipments of spent fuel generated during this ten year period could occur for an additional three years. The preferred ports of entry are the military ports of the Charleston Naval Weapons Station, South Carolina, and the Concord Naval Weapons Station, California.

Availability of Copies of the Final EIS

The final EIS has been distributed to interested Federal, State, local agencies, and individuals throughout the country, and to libraries, local planning offices, and civic institutions in potentially affected areas. A complete copy of the final EIS and a list of reference documents may be reviewed at any of the public reading rooms and information locations listed below. Copies of the final EIS and the EIS Summary are available on request by calling DOE's Center for Environmental Management Information at 1–800–736–3282 (1–800–7–EM DATA).

The final EIS, including appendices, is approximately 4000 pages in length, and is separately bound into the following portions:

Summary of the EIS (80 pages)

Volume 1 (494 pages)

Chapter 1. Introduction
Chapter 2. Proposed Action and Alternatives
Chapter 3. The Affected Environment
Chapter 4. Policy Considerations and Environmental Impacts
Chapter 5. Applicable Laws, Regulations and Other Requirements
Chapter 6. List of Preparers
Chapter 7. Agencies Consulted
Chapter 8. References
Chapter 9. Glossary

Volume 2 (1111 pages)

Appendix A—Environmental Justice Analysis
Appendix B—Foreign Research Reactor Spent Nuclear Fuel Characteristics and Transportation Costs
Appendix C—Marine Transport and Associated Environmental Impacts
Appendix D—Selection and Evaluation of Potential Ports of Entry
Appendix E—Evaluation of Human Health Effects of Overland Transportation
Appendix F—Description and Impacts of Storage Technology Alternatives
Appendix G—Background Documents
Appendix H—General Provisions of Transportation Planning for the Shipments of Foreign Research Reactor Spent Nuclear Fuel

Volume 3 (2230 pages)

Public Comments and Department of Energy Responses
Part 1—Overview, Governments, and Native American Groups
Public Comments and Department of Energy Responses
Part 2—Organizations and Foreign Entities
Public Comments and Department of Energy Responses
Part 3a—Individuals (2.7–1 through 2.7–530)
Public Comments and Department of Energy Responses
Part 3b—Individuals (2.7–531 through 2.7–1080)
Public Comments and Department of Energy Responses
Part 4—Public Hearings

The 80-page EIS Summary is available for review for those who do not wish to examine the entire final EIS. When requesting copies of the final EIS, please indicate whether you wish to receive only the summary, or the entire final EIS.

DOE Public Reading Rooms

U.S. Department of Energy, Headquarters, Freedom of Information Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–6020
Monday–Friday: 9:00 a.m. to 4:00 p.m.

U.S. Department of Energy, Oakland Operations Office, Environmental Information Center, 1301 Clay Street, Room 700 North, Oakland, CA 94612, (510) 637–1762
Monday–Friday: 8:30 a.m. to 5:00 p.m.

U.S. Department of Energy, Rocky Flats Operations Office, Front Range Community College Library, 3645 W. 112th Avenue, Level B, Center or the Building, Westminster, CO 80030, (303) 469–4435
Monday–Tuesday: 10:30 a.m. to 6:30 p.m., Wednesday: 10:30 a.m. to 4:00 p.m., Thursday–Friday: 8:00 a.m. to 4:00 p.m.

U.S. Department of Energy, Idaho Operations Office, Public Reading Room, 1776 Science Center Drive, Idaho Falls, ID 83402, (208) 526–9162
Monday–Friday: 8:00 a.m. to 5:00 p.m.

U.S. Department of Energy, University of Illinois at Chicago Library, Public Reading Room, Government Documents Section, 801 South Morgan Street, Chicago, IL 60607, (312) 996–2738
Monday–Friday: 8:00 a.m. to 10:00 p.m., Saturday: 10:00 a.m. to 5:00 p.m.

U.S. Department of Energy, National Atomic Museum, Public Reading Room, 87117 Wyoming Boulevard, SE (Kirtland AFB), Albuquerque, NM 87185, (505) 845–4378
Monday–Friday 9:00 a.m. to 5:00 p.m.

U.S. Department of Energy, Nevada Operations Office, Public Reading Room, Coordination and Information Center, 3084 South Highland Drive, Las Vegas, NV 89106, (702) 295–0731
Monday–Friday: 7:00 a.m. to 4:00 p.m.

U.S. Department of Energy, Fernald Operations Office, Public Reading

Room, Public Environmental Center, JANTER Building 10845, Hamilton-Cleves Highway, Harrison, OH 44503, (513) 738–0164
Monday and Thursday: 9:00 a.m. to 8:00 p.m., Tuesday, Wednesday, Friday: 9:00 a.m. to 4:30 p.m., Saturday: 9:00 a.m. to 1:00 p.m.

U.S. Department of Energy, Savannah River Operations Office, Public Reading Room, University of South Carolina—Aiken Campus, Grigg-Graniteville Library, 2nd Floor, 171 University Parkway, Aiken, SC 29801, (803) 641–3320
Monday–Thursday: 8:00 a.m. to 11:00 p.m., Friday: 8:00 a.m. to 5:00 p.m., Saturday: 10:00 a.m. to 5:00 p.m., Sunday: 2:00 p.m. to 11:00 p.m.

U.S. Department of Energy, Oak Ridge Operations Office, Public Reading Room, 55 Jefferson Avenue, Oak Ridge, TN 37831, (615) 576–1216
Monday–Friday: 8:00 a.m. to 11:30 a.m. and 12:30 p.m. to 5:00 p.m.

U.S. Department of Energy, Richland Operations Office, Public Reading Room, Washington State University Tri-Cities, 100 Sprout Road, Room 130W, Richland, WA 99352, (509) 376–8583
Monday–Friday: 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.

Other Information Locations

Concord Branch Library, 2900 Salvio Street, Concord, CA 94519, (510) 646–5455
Monday and Thursday: 12:00 noon to 9:00 p.m., Tuesday–Wednesday: 10:00 a.m. to 6:00 p.m., Friday–Saturday: 1:00 p.m. to 5:00 p.m.

George A. Smathers Libraries, Library West, University of Florida Library, Room 241, P.O. Box 11701, Gainsville, FL 32611–7001, (904) 392–0367
Monday–Thursday: 8:00 a.m. to 9:30 p.m., Friday: 8:00 a.m. to 5:00 p.m., Saturday: closed; Sunday: 2:30 p.m. to 9:30 p.m. (Hours may vary during semester breaks)

Jacksonville Public Library, Documents Department, 122 North Ocean Street, Jacksonville, FL 32202, (904) 630–2665
Monday–Thursday: 10:00 a.m. to 8:00 p.m., Friday–Saturday: 10:00 a.m. to 6:00 p.m., Sunday: 1:00 p.m. to 5:00 p.m.

Atlanta Public Library, Government Documents Section, 1 Margaret Mitchell Square, Atlanta, GA 30303, (404) 730–1700
Monday: 9:00 a.m. to 6:00 p.m., Tuesday–Thursday: 9:00 a.m. to 8:00 p.m., Saturday: 10:00 a.m. to 5:00 p.m.

Reese Library, Augusta College, 2500 Walton Way, Augusta, GA 30904–2200, (706) 737–1744
School Hours: Monday–Thursday: 7:45 a.m. to 10:30 p.m., Friday: 7:45 a.m. to 5:00 p.m., Saturday: 9:00 a.m. to 5:00 p.m., Sunday: 1:30 p.m. to 9:30 p.m.
Summer Hours: Monday–Friday: 8:00 a.m. to 5:00 p.m.

Chatham-Effington-Liberty Regional Library, 2002 Bull Street, Savannah, GA 31401, (912) 234–5127,
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday: 9:00 a.m. to 6:00 p.m., Saturday: 10:00 a.m. to 6:00 p.m.

Boise Public Library, Government Documents Section, 715 South Capitol Boulevard, Boise, ID 83702, (208) 384–4023
Monday, Friday: 10:00 a.m. to 6:00 p.m., Tuesday–Thursday: 10:00 a.m. to 9:00 p.m., Saturday: 1:00 p.m. to 5:00 p.m.

Idaho National Engineering Laboratory, Oversight Program Library, Idaho Department of Health & Welfare, 1410 North Hilton, Third Floor, Boise, ID 83706, (208) 334–0498
Monday–Friday: 8:00 a.m. to 5:00 p.m.

Idaho Falls Public Library, 457 Broadway, Idaho Falls, ID 83402, (208) 529–1462
Monday–Thursday: 8:00 a.m. to 7:00 p.m., Friday: 8:00 a.m. to 5:00 p.m., Saturday: 9:00 a.m. to 1:00 p.m.

Pocatello Public Library, 812 East Clark Street, Pocatello, ID 83201, (208) 232–1263
Monday–Thursday: 10:00 a.m. to 9:00 p.m., Friday–Saturday: 10:00 a.m. to 6:00 p.m.

Twin Falls Public Library, Reference Desk, 434 Second Street East, Twin Falls, ID 83301, (208) 733–2964
Monday–Thursday: 10:00 a.m. to 6:00 p.m., Friday: 10:00 a.m. to 5:00 p.m., Saturday: 12:00 noon to 5:00 p.m.

Amargosa Valley Community Library, HCRoute 69, Box 401–T, 829 Farm Road, Amargosa Valley, NV 89020, (702) 372–5340
Monday: 1:00 p.m. to 9:00 p.m., Tuesday–Friday: 9:00 a.m. to 5:00 p.m.

Carson City Public Library, 900 North Roop Street, Carson City, NV 89701, (702) 887–2244 or (702) 887–2245
Monday, Friday, and Saturday: 10:00 a.m. to 6:00 p.m., Tuesday–Thursday: 10:00 a.m. to 9:00 p.m.

Nye County Nuclear Waste Repository, Project Office, P.O. Box 1767, 475 St. Patrick Street, Tonopah, NV 89049, (702) 482–8183
Monday–Friday: 8:00 a.m. to Noon; 1:00 p.m. to 5:00 p.m.

Brunswick County Government Center, Mr. Wyman Yelton, City Manager, P.O. Box 249, 45 Court House Drive, NE, Bolivia, NC 28422, (910) 252–4331
Monday–Friday: 8:30 a.m. to 5:00 p.m.

Pembroke State University Library, 1 University Drive, Pembroke, NC 28372, (910) 521–6265
Monday–Thursday: 8:00 a.m. to 11:00 p.m., Friday: 8:00 a.m. to 5:00 p.m., Saturday: 10:00 a.m. to 5:00 p.m., Sunday: 2:00 p.m. to 10:00 p.m.

D.H. Hill Library, North Carolina State University, P.O. Box 7111, Raleigh, NC 27695–7111, (919) 515–3364
Monday–Thursday: 7:00 a.m. to 1:00 a.m., Friday: 7:00 a.m. to 9:30 p.m., Saturday: 9:30 a.m. to 6:30 p.m., Sunday: 1:00 p.m. to 1:00 a.m.

New Hanover County Public Library, Attn: Daniel Horn, 201 Chestnut Street, Wilmington, NC 28401, (910) 341–4390
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday: 9:00 a.m. to 6:00 p.m., Saturday: 9:00 a.m. to 5:00 p.m., Sunday: 1:00 p.m. to 5:00 p.m.

Brantford Price Millar Library, Portland State University, 934 S.W. Harrison, Portland, OR 97201, (503) 725–4617
Monday–Friday: 8:00 a.m. to 10:00 p.m., Saturday: 10:00 a.m. to 10:00 p.m., Sunday: 11:00 a.m. to 10:00 p.m.

Charleston County Main Library, 404 King Street, Charleston, SC 29403, (803) 723–1645
Monday–Thursday: 9:30 a.m. to 9:00 p.m., Friday–Saturday: 9:30 a.m. to 6:00 p.m., Sunday: 2:00 p.m. to 6:00 p.m.

South Carolina State Library, 1500 Senate Street, Columbia, SC 29201, (803) 734–8666
Monday–Friday: 8:15 a.m. to 5:30 p.m., Saturday: 9:00 to 1:00 p.m.

Berkeley County Library,100 Library Street, Monks Corner, SC 29461, (803) 722–3550
Monday and Wednesday–Friday: 8:30 a.m.–6:00 p.m., Tuesday: 8:30 a.m. to 8:30 p.m., Saturday: 9:00 a.m. to 5:00 p.m.

Otranto Regional Library, 2261 Otranto Road, North Charleston, SC 29418, (803) 572–4094
Monday–Thursday: 10:00 a.m.–8:00 p.m., Friday and Saturday: 10:00 a.m.–6:00 p.m., Sundays: 2:00 p.m.–5:00 p.m. (until Memorial Day)

Clinton Public Library, 118 South Hicks Street, Clinton, TN 37716, (615) 457–0519
Monday, Thursday: 10:00 a.m. to 8:00 p.m., Tuesday, Wednesday, Friday, Saturday: 10:00 a.m. to 5:00 p.m.

Lawson McGhee Public Library, 500 West Church Avenue, Knoxville, TN 37902, (615) 544–5750
Monday–Thursday: 9:00 a.m. to 8:30 p.m., Friday: 9:00 a.m. to 5:30 p.m., Saturday–Sunday: 1:00 p.m. to 5:00 p.m.
Memphis/Shelby County Public Library and Information Center, 1850 Peabody Avenue, Memphis, TN 38104, (901) 725–8800
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday–Saturday: 9:00 a.m. to 6:00 p.m.,
Oak Ridge Public Library, Civic Center, Oak Ridge, TN 37830, (615) 482–8455
Monday–Thursday: 10:00 a.m. to 9:00 p.m., Friday: 10:00 a.m. to 6:00 p.m., Saturday: 9:00 a.m. to 6:00 p.m., Sunday: 2:00 p.m. to 6:00 p.m.
Rosenberg Library, Attn: Judy Young, 2310 Sealy Avenue, Galveston, TX 77550–2296, (409) 763–2526
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday–Saturday: 9:00 a.m. to 6:00 p.m., Sunday: 1:00 p.m. to 5:00 p.m.
Houston Public Library, Attn: Social Sciences, 500 McKinney, Houston, TX 77002, (713) 247–2222
Monday–Friday: 9:00 a.m. to 9:00 p.m., Saturday: 9:00 a.m. to 6:00 p.m., Sunday: 2:00 p.m. to 6:00 p.m.
Hampton Public Library, 4207 Victoria Boulevard, Hampton, VA 23669, (804) 727–1154
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday–Saturday: 9:00 a.m. to 5:00 p.m.
Newport News Public Library, Grissom Branch, 366 Deshazor Dr., Newport News, VA 23602, (804) 886–7896
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday–Saturday: 9:00 a.m. to 6:00 p.m.
Kirn Library, 301 East City Hall Ave., Norfolk, VA 23510, (804) 441–2429
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday: 9:00 a.m. to 5:30 p.m., Saturday: 9:00 a.m. to 5:00 p.m.
Portsmouth Public Library, Main Branch, 601 Court St., Portsmouth, VA 23704, (804) 393–8501
Monday–Thursday: 9:00 a.m to 9:00 p.m, Friday–Saturday: 9:00 a.m to 5:00 p.m.
Owen Science & Engineering Library, Washington State University, Pullman, WA 99164–3200, (509) 335–4181
School Hours: Monday–Thursday: 8:00 a.m. to 11:00 p.m., Friday: 8:00 a.m. to 9:00 p.m., Saturday: 12:00 noon to 9:00 p.m., Sunday: 12:00 noon to 11:00 p.m.
Summer Hours: Monday, Thursday: 7:30 a.m. to 11:00 p.m., Tuesday, Wednesday, Friday: 7:30 a.m. to 6:00 p.m., Saturday–Sunday: 12:00 noon to 6:00 p.m.
Seattle Public Library, 1000 Fourth Avenue, Seattle, WA 96104, (206) 386–4636
Monday–Thursday: 9:30 a.m. to 9:00 p.m., Friday–Saturday: 9:30 a.m. to 6:00 p.m., Sunday: 1:00 p.m. to 5:00 p.m.
Suzzallo Library, SM25, University of Washington Libraries, University of Washington, Seattle, WA 98185, (206) 543–9158
Monday–Thursday: 7:30 a.m. to 12:00 midnight, Friday: 7:30 a.m. to 6:00 p.m., Saturday: 9:00 a.m. to 5:00 p.m., Sunday: 12:00 p.m. to 12:00 midnight
Foley Center, Gonzaga University, East 502 Boone Avenue, Spokane, WA 99258, (509) 328–4220, extension 3125
School Hours: Monday–Thursday: 8:00 a.m. to 12:00 midnight, Friday–Saturday: 8:00 a.m. to 9:00 p.m., Sunday: 11:00 a.m. to 12:00 midnight
Summer Hours: Monday–Friday: 8:00 a.m. to 9:00 p.m., Saturday: 10:00 a.m. to 6:00 p.m., Sunday: 1:00 p.m. to 7:00 p.m.
Pierce County Library, 300 512th Street, East Tacoma, WA 98446, (206) 536–6500
Monday–Friday: 8:00 a.m. to 5:00 p.m.
Tacoma Public Library, 1102 Tacoma Avenue South, Tacoma, WA 98402, (206) 591–5666
Monday–Thursday: 9:00 a.m. to 9:00 p.m., Friday–Saturday: 9:00 a.m. to 6:00 p.m.

Issued in Washington, DC on February 20, 1996.

Jill E. Lytle,

Deputy Assistant Secretary for Nuclear Materials and Facility Stabilization Environmental Management.

[FR Doc. 96–4205 Filed 2–21–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Research

Energy Research Financial Assistance Program Notice 96–11; Atmospheric Radiation Measurement (ARM) Program

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research, U.S. Department of Energy (DOE), hereby announces its interest in receiving applications to support the experimental and theoretical study of radiation and clouds in conjunction with the Atmospheric Radiation Measurement (ARM) Program as part of the U.S. Global Change Research Program (USGCRP). The purpose of the ARM Program is to improve the treatment of radiation and clouds in the models used to predict future climate, particularly the General Circulation Models (GCMs). This notice requests applications for grants to support:

(Category 1): Continuation and enhancement of activities previously funded by DOE under Energy Research Financial Assistance Grant Program Notice No. 91–9 published in the Federal Register March 8, 1991, and Notice No. 93–14 published in the Federal Register April 1, 1993.

(Category 2): The modeling of clouds and radiation including aerosol effects for use in General Circulation Models (GCMs) and related models. Analysis of ARM and other data for refining, supporting, and validating model development are key aspects of research sought in this category. These activities should be closely tied to the analysis and use of data from the current and planned facilities at the three Cloud and Radiation Testbed sites: the first is centered near Lamont, Oklahoma; the second will have instruments first on the Island of Manus, Papua, New Guinea, and later on other islands or buoys in the Tropical Western Pacific; and the third site in the North Slope of Alaska region.

(Category 3): The development of new analytic methods and derived data products which combine ARM data and, if appropriate, other data such as satellite data to support the efforts of ARM Science Team members. Of high current interest are new algorithms and procedures that can be automated for the processing of ARM data streams. Successful applications will involve algorithms that take advantage of current or projected ARM instrumentation, or which will provide insight into new data streams of high credibility and useability to the ARM Science Team.

(Category 4): The development of advanced instrumentation for high accuracy/precision radiometric observations and for profiling of all three phases of water in the atmosphere and lower stratosphere. Short wave radiometry is of particular present interest.

(Category 5): The use of ARM data to support activities in other programs with goals related to those of ARM through unfunded participation in the ARM Science Team.

DATES: Formal applications submitted in response to this notice must be received by 4:30 PM, EST, May 16, 1996, to permit timely consideration for award in fiscal year 1997.

ADDRESSES: Formal applications should be forwarded to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, MD 20874–1290, ATTN: Program Notice 96–11. This address also must be used when submitting applications by U.S. Postal Service Express Mail, any commercial mail delivery service, or when handcarried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Patrick A. Crowley, Office of Health and Environmental Research, Environmental Sciences Division, ER–74, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone: (301) 903–3069, fax (301) 903–8519, or by Internet address, pat.crowley@oer.doe.gov.

SUPPLEMENTARY INFORMATION: One of the major scientific objectives of the Environmental Sciences Division (ESD) is to improve the performance of predictive models of the Earth's climate and to thereby make predictions of the response of the climate system to increasing concentrations of greenhouse gases. This program is one element of a major effort to improve the quality of current models and to support the development of sets of climate models capable of making regional prediction of climate and climate change. The major component of the ARM Program is an experimental testbed for the study of models of the terrestrial radiation field, properties of clouds, the full life cycle of clouds, and the incorporation of these process-level models into climate models. This testbed is referred to as the Cloud and Radiation Testbed (CART). The first ARM CART site began operation in calendar year 1992, with instruments spread over an area of approximately 60,000 sq. km., centered on Lamont, Oklahoma. The Tropical Western Pacific (TWP) site will consist initially of island-based suites of instrumentation focused on cloud and radiative properties in the tropical ocean environment. The first of the TWP Atmospheric Radiation and Clouds Stations (ARCS) will be operating by the end of calendar year 1996 on the island of Manus, Papua New Guinea, and the second on Nauru in 1997. Instrumentation more representative of the CART site in Oklahoma will be deployed to the vicinity of Point Barrow, on the North Slope of Alaska late in 1997 or early 1998.

To ensure that the program meets the broadest needs of the research community and the specific needs of the DOE, ESD, successful applicants will participate as ARM Science Team members along with selected scientists from other ESD programs that relate to the ARM Program. Costs for participation in ARM Science Team meetings and subcommittee meetings should be based on two trips of 1 week each to Washington, D.C., and two trips of 3 days each to Chicago, Illinois.

Successful applicants for continuation or enhancement of previously awarded grants, Category 1, will demonstrate (a) continued relevance of their work to the goals of the ARM Program; (b) the quality and relevance of work conducted under previous support to the goals of the ARM Program, including a listing of publications and presentations; and (c) relevant contribution to the development of the ARM program, particularly the design and development of CART facilities, as a result of previous funding. Applications should include a special section covering items (b) and (c) entitled ''Accomplishments Under Previous Support.''

Successful applicants for grants in support of Category 2 will demonstrate the role of their research in the improvement of GCMs and/or related models and delineate the path that their results will take to make those improvements. Successful applicants will be involved in one or more of three activities: (a) The development of models and parameterization of radiative transfer or cloud processes, including aerosol effects, or the testing of these models in GCMs or process-level models; (b) experimental studies at CART facilities to test elements of models and their performance or to obtain key laboratory data; or (c) the analysis of existing data, including field data and satellite data, to support model development or testing.

Successful applicants for participation in Category 3, the development of new analytic methods and derived data products, will demonstrate how the proposed efforts support the ARM Science Team members involved in the other categories of research. Applications in this area must recognize that the program has a developed infrastructure for data treatment and distribution. The support looked for in this area involves a deeper more sophisticated algorithmic approach than presently in use. The successful applications will accent a strong scientific approach to the problem of data fusion.

Because ARM is well into its intended life cycle, successful applicant for participation in the ARM instrument development program, Category 4, will meet either (1) immediate and near-term needs of the ARM Program for improved radiometric sensors, both broad-band and spectrally resolved or for instruments capable of high-precision radiometric calibration, or (2) immediate and near-term needs of the ARM Program for improved systems for the measurement of the spatial distribution of all three phases of water, with particular emphasis on vertical profiles. In each case the application should contain, in appropriate detail, a discussion of the accuracy and precision of the proposed measurement methodology as a function of wavelength or altitude respectively, and the relevance of the proposed measurements to test models of atmospheric radiative processes. It has been suggested that the data available from the array of instruments planned or in place in the program suffer from too little short wave data. Applications which address this concern in the near term are anticipated to be of high interest.

Successful applicants for participation in the adjunct ARM Science Team, Category 5, will apply ARM data to research programs of interest to DOE and related to ARM goals, but which are funded by other sources. While ARM data is available through the ARM Data Archive at Oak Ridge National Laboratory, ARM Science Team participation provides investigators the opportunity to receive tailored data products from the ARM Experiment Center at Pacific Northwest Laboratory and the opportunity to participate in the design of ARM facilities and experiments. While there will not be funds to support the research of applicants under this portion of this notice, some funds may be available to support the travel of successful applicants to participate in ARM Science Team activities as indicated below. Preference will be given to participants whose goals are related to the general goals of ARM outlined above; Global Energy and Water Experiment (GEWEX) and its associated programs; the study of aerosols and their effect on the radiative transfer, including visibility studies; and the transfer of UV–B radiation through the atmosphere.

The efforts proposed in support of all five categories should have as a focus the conduct of research using the CART facilities either in operation or being

developed for ARM. Successful applicants will participate in the continuing development of the detailed experimental approaches for CART and guide the evolving development and acquisition of the experimental equipment.

It is anticipated that approximately $5,000,000 will be available for awards for the combined activity under Categories 1, 2, 3, and 4 above in fiscal year 1997, contingent upon availability of appropriate funds. Multiple year funding of awards is expected, also contingent upon availability of funds. The allocation of funds among the three categories above will depend on the number and quality of the applications received. It is anticipated that a substantial fraction of the funds will support continuation of existing research under Category 1 above. Typical ESD awards are $200,000 per year, but range from $50,000 to $600,000.

Information about development, submission, and the selection process, and other policies and procedures may be found in 10 CFR Part 605, and in the Application Guide for the Office of Energy Research Financial Assistance Program. The Application Guide is available from the U.S. Department of Energy, Office of Health and Environmental Research, Environmental Sciences Division, ER–74, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone requests may be made by calling (301) 903–4902. Electronic access to ER's Financial Assistance Guide is possible via the Internet using the following e-mail address: http://www.er.doe.gov/

Collaborative applications are encouraged. Awards are anticipated to begin on or about November 1, 1996.

The technical portion of the application should not exceed twenty-five (25) doubled-spaced pages. For applicants under Category 4 above, the ''Accomplishments Under Previous Support'' section should not exceed ten (10) additional double-spaced pages. An abstract of less than 200 words must be included with the application. Lengthy appendices are discouraged.

Technical information on the ARM Program is available from the ARM Program Office at Pacific Northwest Laboratory, P.O. Box 999, Richland, WA 99352, telephone (509) 375–6964, or from the Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37831, telephone (615) 576–8401.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, D.C., on February 13, 1996.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 96–4143 Filed 2–22–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP96–185–000]

ANR Pipeline Company; Notice of Application

February 16, 1996.

Take notice that on February 12, 1996, ANR Pipeline Company (''ANR''), 500 Renaissance Center, Detroit, Michigan 48243, filed an abbreviated application (''Application'') pursuant to Section 7(b) of the Natural Gas Act (''NGA''), as amended, for an order granting permission and approval to abandon by sale (''spinoff'') to GPM Gas Corporation (''GPM'') certain gathering facilities and a 15.1 mile pipeline segment which is currently functionalized as transmission, all as more fully set forth in the application on file with the Commission and open to public inspection.

ANR has requested that the Commission issue an order to be effective July 1, 1996.

ANR states that it has entered into a Purchase and Sale Agreement (Agreement) wherein ANR has agreed, subject to necessary Commission authorizations, to sell the GPM certain of ANR's gathering facilities and the 15.1 mile segment of transmission pipeline. These facilities are comprised of five discrete areas in northwest Oklahoma: (i) Laverne; (ii) Lovedale; (iii) Woodward; (iv) Korfman; and (v) Weatherford. GPM, in turn, will assume all operations of these facilities and provide gathering services through them.

In addition, GPM has requested of ANR that ANR request the FERC to provide confidential treatment to the following information otherwise to have been included in the public filing of this application.

1. The price to be paid by GPM to ANR for the assets being abandoned and the terms relating to those payments, which are contained in the Agreement and in Exhibit Y to the abandonment application; and

2. The price and term for which GPM will provide gas gathering service to ANR as to gas ANR is obliged to purchase or otherwise controls for a period from the date of the abandonment and continuing for an agreed time beyond expiration of the ''default contract'' (the two year period following the abandonment and transfer), which is contained in exhibits to the Agreement (Schedule F, Tab 1).

With respect to its remaining southwest gathering facilities, in an application filed contemporaneously with this Application in Docket No. CP96–186–000, ANR states that it is proposing to: (1) Abandon such facilities by transfer or ''spindown'' to ANR Field Services Company; or (2) refunctionalize them to transmission. ANR states that due to the bulk and nature of the documents involved and the large service list in this case certain material has been omitted from certain of the filed copies and the service copies of the filing. ANR states that these materials will be available for public inspection at the following locations:

ANR Pipeline Company, 500 Renaissance Center, Detroit, Michigan 48243, Contact: Bruce C. Hopper, Telephone: 313/496–2492

ANR Pipeline Company, 2000 M Street, N.W. #300, Washington, DC 20036, Contact: Jens Faaborg, Telephone: 202/331–4612

ANR Pipeline Company, Nine Greenway Plaza, Houston, Texas 77046, Contact: Steven R. Anderson, Telephone: 713/877–7625

GPM Gas Services Company, B. J. Miller, 210 Park Avenue #2500, Oklahoma City, OK 73102–5627, Telephone: 405/270–8192

Any person desiring to be heard or to make any protest with reference to said application should on or before March 8, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must filed a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition 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 petition for leave 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 provided for, unless otherwise advised, it will be unnecessary for ANR to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

FR Doc. 96–4044 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–186–000]

ANR Pipeline Company; Notice of Application

February 16, 1996.

Take notice that on February 12, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, for authority (1) to abandon by transfer to ANR Field Services Company (ANR Field Services), its affiliate, certain certificated and non-certificated facilities and (2) to refunctionalize certain facilities as transmission facilities and for a finding that the facilities to be transferred to ANR Field Services will be non-jurisdictional, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR states that, historically, it purchased substantial natural gas supplies in its Southwest area (in Oklahoma, Texas, and Kansas). ANR also purchased production in Wyoming. To connect these supplies, ANR constructed extensive gathering systems into the producing areas of these states. ANR asserts that the location, extent, and configuration of these systems were specifically designed and operated to support the merchant function. Some of the gathering facilities constructed were contiguous and some were non-contiguous.

ANR indicates that as a result of Order No. 636 and unbundling, it no longer has a merchant function and does not desire to be a provider of gathering services in this region. Accordingly, ANR no longer has a need to own and operate its Southwest gathering facilities either to access system supply or provide gathering services. Therefore, ANR proposes to ''spin down'' certain of its Southwest Area facilities currently classified as gathering to ANR Field Services. ANR states that it has entered into a purchase and sale agreement with ANR Field Services whereby ANR Field Services will assume ownership and operation of transferred facilities and will provide gathering services. The agreement provides that the facilities will be sold at the net book value of the assets. The facilities proposed to be transferred include 530 miles of pipeline, 2,700 horsepower of compression and appurtenant facilities, and metering and/or recording equipment at 351 locations.

In conjunction with the proposed transfer, ANR also requests that the Commission make a finding that such facilities will be non-jurisdictional facilities and that the service to be provided through such facilities will not be subject to the Commission's jurisdiction. ANR asserts that the facilities proposed to be transferred are gathering facilities and exempt from Commission jurisdiction pursuant to Section 1(b) of the Natural Gas Act. In support of this assertion, ANR states that it has presented evidence that the facilities qualify as gathering facilities consistent with the Commission's Modified Primary Function Test.[1]

ANR also proposes to refunctionalize certain facilities which are presently classified for rate and accounting purposes as gathering facilities, but which ANR asserts should be classified as transmission under the Commission's Modified Primary Function Test.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 8, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment 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 ANR to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4045 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[1] Citing *Amerada Hess Corporation*, 52 FERC ¶ 61,268 (1990).

[Docket No. RP96–141–000]

CNG Transmission Corporation; Notice of Section 4 Filing

February 16, 1996.

Take notice that on February 9, 1996, CNG Transmission Corporation (CNG) tendered for filing, pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service provided through specified uncertificated facilities which CNG will abandon by sale to Ashland Exploration, Inc. CNG states that no contract for transportation of service with CNG will be canceled or terminated because delivery of gas will occur further downstream of the current delivery points.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than February 21, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4049 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT96–5–000]

OkTex Pipeline Company; Notice of Tariff Filing

February 16, 1996.

Take notice that on January 24, 1996, OkTex Pipeline Company (OkTex) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Third Revised Sheet No. 38, with an effective date of January 24, 1996.

OkTex states that the filing is being made to modify page 38 of OkTex's tariff which reflect changes in corporate officers and their relationship with marketing affiliates.

OkTex states that a copy of the filing has been sent to all customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or 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. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4046 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–135–001]

Southern Natural Gas Company; Notice of Filing To Correct Pagination of Tariff Sheets

February 16, 1996.

Take notice that on February 14, 1996, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of February 1, 1996:

First Revised Sheet No. 16a

First Substitute Eighteenth Revised Sheet No. 30

First Substitute Second Revised Sheet No. 41a

Southern states that the revised tariff sheets are being filed in order to reflect changes in the pagination of the above sheets. Southern states that the text contained in the body of the tariff sheets has not been changed.

Southern states that copies of the filing were served upon all affected transportation customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules of Practice and Procedure. 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 Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4048 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER89–672–010, et al.]

Public Service Company of Indiana, Inc., et al.; Electric Rate and Corporate Regulation Filings

February 15, 1996.

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

1. Public Service Company of Indiana, Inc.

[Docket No. ER89–672–010]

Take notice that on January 17, 1996, Public Service Company of Indiana, Inc. filed certain information as required by the Commission's order issued on June 28, 1990, and pursuant to Section T of their Transmission Service Tariff. Copies of PSI's informational filing are on file with the Commission and are available for public inspection.

2. Vantus Energy Corporation

[Docket No. ER95–1614–003]

Take notice that on February 1, 1996, Vantus Energy Corporation filed a revision to its Rate Schedule FERC No. 1 as required by the Commission's December 13, 1995, order in Docket No. ER95–1625–000.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Tampa Electric Company

[Docket No. ER96–721–000]

Take notice that on February 9, 1996, Tampa Electric Company (Tampa Electric) amended its filing in this docket. Tampa Electric tendered an amendment to the power sales contract with Georgia Power (Georgia Power) and a service agreement with Georgia Power under Tampa Electric's point-to-point transmission service tariff.

Tampa Electric proposes that the contract, as amended, be made effective on March 1, 1996, and that the service agreement be made effective on July 19, 1996.

Copies of the filing have been served on Georgia Power and the Florida Public Service Commissions.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

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

[Docket No. ER96–1027–000]

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 CENERGY, INC (CENERGY) dated January 5, 1996. This Service Agreement specifies that CENERGY 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 cause 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 CENERGY.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

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

[Docket No. ER96–1028–000]

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 Citizens Lehman Power Sales (Citizens) dated January 5, 1996. This Service Agreement specifies that Citizens 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 cause 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 Citizens.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Illinois Power Company

[Docket No. ER96–1029–000]

Take notice that on February 7, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Koch Power Services Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 1, 1996.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER96–1030–000]

Take notice that on February 7, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Western Gas Resources Power Marketing, Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 1, 1996.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Cinergy Services, Inc.

[Docket No. ER96–1031–000]

Take notice that on February 7, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and Valero Power Services Company.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power & Light Company

[Docket No. ER96–1033–000]

Take notice that on February 7, 1996, Florida Power & Light Company (FPL) filed the Contract for Purchases and Sales of Power and Energy between FPL and Eastex Power Marketing, Inc. FPL requests an effective date of February 19, 1996.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER96–1034–000]

Take notice that on February 7, 1996, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and Noram Energy Services (Noram). This Service Agreement specifies that Noram has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and Noram to enter into separately scheduled transactions under which NMPC will sell to Noram capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of January 26, 1996. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Noram.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Power and Light Company

[Docket No. ER96–1035–000]

Take notice that on February 7, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing an Agreement dated January 31, 1996, establishing Coastal Electric Services Company as a customer under the terms of WP&L's Point-to-Point Transmission Tariff.

WP&L requests an effective date of January 31, 1996 and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Duke Power Company

[Docket No. ER96–1036–000]

Take notice that on February 7, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Tennessee Valley Authority, Inc. (TVA). Duke states that the TSA sets out the transmission arrangements under which Duke will provide TVA non-firm transmission service under its Transmission Service Tariff.

Comment date: February 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Duke Power Company

[Docket No. ER96–1037–000]

Take notice that on February 7, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly owned subsidiary, Nantahala Power and Light Company, and American Electric Power Service Corp. (AEP). Duke states that the TSA sets out the transmission arrangements under which Duke will provide AEP firm transmission service under its Transmission Service Tariff.

Comment date: February 29, 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. 96–4118 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP95–194–001 and Docket No. CP96–027–000]

Northern Border Pipeline Company and Natural Gas Pipeline Company of America; Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Northern Border Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

February 16, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Northern Border Project.[1] These facilities total 500.7 miles of pipeline, 304,750 horsepower of compression, meter stations, and other appurtenant facilities. This EIS will be used by the Commission in its decision-making process to determine whether to approve the project.

We are asking a number of Federal agencies to indicate whether they wish to cooperate with us in the preparation of the EIS. These agencies are listed in appendix 1 and may choose to participate once they have evaluated each proposal relative to their agencies' responsibilities.[2]

Summary of the Proposed Project

Northern Border Pipeline Company (Northern Border) wants to expand the capacity of its existing facilities in Montana, North Dakota, South Dakota, Minnesota, and Iowa, and extend its system into Illinois, to transport up to an additional 1,226.3 million cubic feet per day (MMcf/d) of natural gas to two interstate pipeline companies and five local distribution companies. Northern Border requests Commission authorization, in Docket No. CP95–194–001, to construct and operate the following facilities needed to transport those volumes:

- 181.5 miles of 42- and 36-inch-diameter pipeline loop and appurtenant facilities in three segments in Montana, North Dakota, South Dakota, Minnesota, and Iowa;[3]
- 243.1 miles of new 36- and 30-inch-diameter pipeline extension and appurtenant facilities in Iowa and Illinois;
- eight new compressor stations with a total of 213,000 horsepower (hp) of compression in Montana, North Dakota, South Dakota, Minnesota, and Iowa;
- modifications at four existing compressor stations with a total of 80,000 hp of additional compression, and modifications at three existing compressor stations with no additional horsepower in Montana, North Dakota, South Dakota, and Minnesota; and
- nine new meter stations, modifications at one existing meter station, five new pig launcher/receivers, and two new side valves in Iowa and Illinois.

Northern Border also proposes to acquire land as sites for four future compressor stations in Iowa and Illinois. Northern Border has also indicated that new communication towers may be required for remote operation of some facilities, but has not identified potential sites for these towers.

Natural Gas Pipeline Company of America (Natural) wants to expand the capacity of its existing facilities in Iowa and Illinois to transport up to an additional 345 MMcf/d of natural gas to one interstate pipeline company and four local distribution companies. Natural requests Commission authorization, in Docket No. CP96–027–000, to construct and operate the following facilities needed to transport those volumes:

- 76.1 miles of 36-inch-diameter loop in two segments in Iowa and Illinois; and
- modifications at two existing compressor stations with a total of 11,750 hp of additional compression in Iowa and Illinois.

The general locations of the project facilities are shown in appendix 2. If you are interested in obtaining detailed maps of a specific portion of the project contact Laura Turner at the address below. A detailed listing of the facilities is in appendix 3.

Land Requirements for Construction

Pipelines

The proposed loops would be built adjacent to Northern Border's and Natural's existing pipelines, using as much of the existing rights-of-way as possible. Approximately 77 percent of Natural's proposed loops would be installed in a previously used pipeline trench within Natural's existing right-of-way.[4] Northern Border's proposed pipeline extension in Iowa and Illinois would be built on entirely new pipeline right-of-way, with approximately 25 percent of its route adjacent to or within other existing rights-of-way.

Northern Border and Natural would use rights-of-way ranging in width from 75 to 100 feet for standard pipeline construction. Additional temporary work space would generally be used where the pipelines would cross roads, railroads, streams, and rivers. An estimated 6,080 acres would be disturbed during pipeline construction. After construction, the disturbed area would be restored, and a permanent right-of-way (0 to 50 feet wide) in addition to existing rights-of-way would be maintained. Existing land uses on the remainder of the disturbed area, as well as most land uses on the permanent rights-of-way, such as agriculture and open areas, would be allowed to continue following construction.

Aboveground Facilities

Construction of new compressor stations would require up to approximately 20 acres each beyond the pipeline right-of-way. Modifications to existing compressor stations would require from 0 to 10 acres each within existing station boundaries.

Construction of new meter stations and launcher/receivers and the modification of an existing meter station would require from 1 to 3 acres each. Construction of new side valves would require up to 0.3 acre each within the pipeline right-of-way.

The EIS Process/Environmental Issues

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The EIS we are preparing will give the Commission the information to do that. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the

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[1] Northern Border Pipeline Company's and Natural Gas Pipeline Company of America's applications were filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

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

[3] A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the pipeline system.

[4] The old pipeline has been removed from the trench.

scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. We encourage State and local government representatives to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified a number of issues under each topic that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by the applicants. These issues are listed below. Keep in mind that this is a preliminary list. The list of issues may be added to, subtracted from, or changed based on your comments and our analysis.

- Geology and Soils.

—Seismology and soil liquefaction.
—Prime farmland soils.
—Erosion control.
—Topsoil/subsoil mixing.
—Soil compaction.
—Drain tiles and ditches.
—Revegetation of non-agricultural areas.

- Water Resources.

—204 crossings of waterbodies, canals, and drainages.
—16 crossings of waterbodies and canals 100 feet wide or greater, including: the Iowa, Cedar, Mississippi, Rock, Green, Fox, DuPage, and Des Plaines Rivers; Spring, Mud, Coal, and a tributary to Oat Creeks; and the Illinois and Michigan, and Hennepin Canals.
—Effect on groundwater and surface water supplies.

- Biological Resources.

—Effect on wildlife and fisheries habitat.
—Effect on federally listed endangered and threatened species, including Indiana bat, bald eagle, Higgin's eye pearly mussel, eastern prairie fringed orchid, and western prairie fringed orchid.
—Effect on wetland habitat.

- Cultural Resources.

—Effect on historic and prehistoric sites.
—Native American and tribal concerns.

- Socioeconomics

—Effect of construction workforce on surrounding areas.
—Impact on property values.

- Land Use.

—Effect on farming.
—Effect on residences and recreation areas.
—Effect on public lands, including areas owned or managed by the Bureau of Land Management; Luke's Wetland, the Maynes Grove Conservation Area, the Comet Trail, Blanchard Island, the Hennepin Canal Parkway State Park, and the Illinois and Michigan Canal State Park.
—Effect of above ground facilities on visual aesthetics.

- Air Quality and Noise.

—Effect on local air quality and noise environment as a result of construction.
—Effect on local and regional air quality and local noise environment and as a result of operation of new and additional compression.

- Reliability and Safety.

—Assessment of hazards associated with natural gas pipelines.

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

Our independent analysis of the issues will be presented in a Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for these proceedings. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each comment received.

Public Participation and Scoping Meetings

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

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426;
- Reference Docket No. CP95–194–001;
- Send a copy of your letter to: Ms. Laura Turner, EIS Project Manager, Federal Energy Regulatory Commission, 888 First Street, NE, Room 7M–02, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before April 1, 1996.

In addition to sending written comments, you may attend public scoping meetings. We will conduct public scoping meetings at three locations. Meetings will be held at the following times and locations:

Date	Time	Location
March 26, 1996	7:00 p.m.	Channahon, Illinois
March 27, 1996	7:00 p.m.	Princeton, Illinois
March 28, 1996	7:00 p.m.	Walcott, Iowa

The meeting in Channahon, Illinois will be held at the Channahon Junior High School. The meeting in Princeton, Illinois will be held at the Bureau County Metro Center. The meeting in Walcott, Iowa will be held at the American Legion.

The purpose of the scoping meetings is to obtain input from state and local governments and from the public. Federal agencies have formal channels for input into the Federal Process (including separate meetings where appropriate) on an interagency basis. Federal agencies are expected to transmit their comments directly to the FERC and not use the scoping meetings for this purpose.

Northern Border and Natural will be invited to present a description of their proposals at the scoping meetings. Interested groups and individuals are encouraged to attend the meetings and present oral comments on the environmental issues which they believe should be addressed in the Draft EIS. The more specific your comments,

the more useful they will be. Anyone who would like to make an oral presentation at the meeting should contact the EIS Project Manager identified at the end of this notice to have his or her name placed on the list of speakers. Priority will be given to those persons representing groups. A list will be available at the public meetings to allow for non-preregistered speakers to sign up. A transcript will be made of the meetings and comments will be used to help determine the scope of the Draft EIS.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 4).

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

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested and/or potentially affected by the proposed project. It is also being sent to all potential right-of-way grantors to solicit focused comments regarding environmental considerations related to the proposed project.[5] As details of the project become established, representatives of Northern Border and Natural will directly contact landowners, communities, and public agencies concerning any other matters, including acquisition of permits and rights-of-way.

If you do not want to send comments at this time but still want to keep informed and receive copies of the Draft and Final EISs, please return the Information Request (appendix 5). If you do not return the Information Request you will be taken off the mailing list.

Additional information about the proposed project is available from Ms. Laura Turner, EIS Project Manager, at (202) 208–0916.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4043 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[5] Natural has supplied a preliminary landowner list. This list is based on the ownership of the land containing the existing right-of-way. A supplemental mailing will be made, if necessary, after the route has been surveyed.

[Project No. 1988]

Pacific Gas and Electric Company; Notice of Extending Time To Comment on Draft EA

February 16, 1996.

The Federal Energy Regulatory Commission (FERC) issued a Draft Environmental Assessment (DEA) for relicensing the Hass-Kings Hydrolectric Project, FERC Project No. 1988, on November 30, 1995. This hydropower project is located on the North Fork of the Kings River near Fresno, California.

In response to a letter filed by the California Department of Fish and Game, and supported by other parties to the proceedings, FERC is extending the comment period on the DEA until March 1, 1996.

Anyone wishing to comment in writing on the DEA must do so no later than March 1, 1996. Comments should be addressed to: Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Reference should be clearly made to: Hass-Kings Hydroelectric Project (Project No. 1988).

For further information, please contact Frankie Green at (202) 501–7704.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4047 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP69–169–000, et al.]

Western Gas Interstate Company, et al. Natural Gas Certificate Filings

February 15, 1996.

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

1. Western Gas Interstate Company

[Docket No. CP69–169–000]

Take notice that on February 6, 1996, Western Gas Interstate Company (Western) filed a request to discontinue the Presidential Permit granted to Western in Docket No. CP69–169–000.[1]

On March 20, 1969, the Commission authorized Western to construct and operate facilities, pursuant to Executive Order 10485, on the international boundary between Mexico and the United States in Dona Ana County, New Mexico. The authorized facilities included a 2-inch natural gas pipeline in Dona Ana County, New Mexico, commencing at a point of connection with El Paso Natural Gas Company's 4½-inch El Paso Brick Company pipeline and extending therefrom to a point on the United States-Mexico international boundary line, together with related metering facilities.

These facilities, however, were never constructed and the Presidential Permit was never activated. Accordingly, Western respectfully requests that the Commission discontinue the Presidential Permit.

Comment date: March 7, 1996, in accordance with Standard Paragraph F at the end of this notice.

2. Koch Gateway Pipeline Company

[Docket No. CP96–180–000]

Take notice that on February 8, 1996, Koch Gateway Pipeline Company (Koch) P.O. Box 1478, 600 Travis Street, Houston, Texas 77251–1478, filed in Docket No. CP96–180–000 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 operate a delivery tap, located in St. Charles Parish, Louisiana, as a certificated delivery point, under Koch's blanket certificate issued in Docket No. CP82–430–000, 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.

Koch states that it originally constructed the delivery tap pursuant to Section 311(a) of the Natural Gas Policy Act to be used for the delivery of gas to Louisiana Gas Service (LGS), a local distribution company pursuant to Subpart B of Part 284 of the Commission's Regulations. Koch states that it installed a 2-inch delivery tap and metering facilities on its Baton Rouge-New Orleans line in St. Charles Parish, Louisiana in order to facilitate timely deliveries to LGS who, in turn serves the St. Rose City Gate. Koch

[1] The Presidential Permit granted to Western by the Commission was part of a four-part order, 41 FPC 385 (1969), approving applications concerning the exportation of natural gas from the United States to Mexico. The other three applications contained in the order concern currently operating facilities and are not subject to this request.

states that certification of the facilities will provide LGS with the additional flexibility of being able to use these facilities as a delivery point under LGS's blanket transportation agreement with Koch.

Koch further states that it provides interruptible Section 311 transportation service to LGS pursuant to Koch's ITS rate schedule. Koch indicates that once these facilities are certificated, Koch will also provide Rate Schedule NNSSCO transportation since LGS proposes to add this delivery point to its existing NNSSCO transportation agreement with Koch. Koch asserts that the volume delivered to this new point under the NNSSCO agreement will be within the certificated entitlement of that existing service. Additionally, Koch states that the estimated construction cost is $31,860 for which Koch will be reimbursed.

Comment date: April 1, 1996, in accordance with Standard Paragraph G at the end of this notice.

3. K N Interstate Gas Transmission Co.

[Docket No. CP96–181–000]

Take notice that on February 9, 1996, K N Interstate Gas Transmission Co. (K N Interstate), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP96–181–000 a request pursuant to Sections 157.205, 157.211 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211 and 157.212) for authorization to install and operate minor delivery tap facilities on its main transmission system in Colorado and Nebraska under a blanket certificate issued in Docket No. CP83–140–000, *et al.*, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

K N Interstate proposes to install and operate ten new delivery taps and appurtenant facilities in Washington County, Colorado and Buffalo, Dawson, Hall, Harlan, Phelps and Sheridan Counties, Nebraska. Eight taps will become new delivery points pursuant to an existing transportation agreement between K N Interstate and K N Energy Inc. (K N Energy) and will facilitate the delivery of natural gas to K N Energy for sale to new direct retail customers in Colorado and Nebraska. The other two taps will become delivery points under a new transportation service agreement between K N Interstate and Interenergy Corporation (Interenergy) and will facilitate the delivery of natural gas to Interenergy for sale to new direct retail customers in Nebraska. The gas volumes delivered at these new points will be within the current maximum transportation quantities for K N Energy and Interenergy. K N Interstate states that its existing FERC Gas Tariff does not prohibit additional delivery points and that there is sufficient capacity to accomplish deliveries without detriment or disadvantage to existing customers.

Comment date: April 1, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. CNG Transmission Corporation

[Docket No. CP96–184–000]

Take notice that on February 12, 1996, CNG Transmission Corporation (CNGT), 445 West Main Street, Clarksburg, West Virginia 26301, filed an application with the Commission in Docket No. CP96–184–000 pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by sale approximately 2.5 miles of two- and four-inch diameter pipeline in Burnside Township, Clearfield County, Pennsylvania, which was authorized in Docket No. CP80–293–000, all as more fully set forth in the application which is open to the public for inspection.

CNGT proposes to abandon by sale to its affiliate, CNG Producing Company (CNG Producing), Lines 2274, 2275, 2277, 2340, and a portion of 2269 at the net book value of $42,166. Since these five gathering lines connect wells to other lines owned by CNGT, CNGT also request that upon abandonment the subject lines would function as nonjurisdictional facilities owned by CNG Producing. CNGT states that the lines operate between 110–150 psig. CNGT also states that two other producers who have production located along these lines have consented to the proposed transfer to CNG Producing.

Comment date: March 7, 1996, in accordance with Standard Paragraph F 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. 96–4117 Filed 2–22–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5429–5]

Agency Information Collection Activities Under OMB Review; Renewal of OMB No. 2070–0017

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 Information Collection Request (ICR) described below has been forwarded to the Office of Management and Budget (OMB) for an expedited review. As a result of the Government shutdown in December, the Office of Prevention, Pesticides and Toxic Substances (OPPTS) was unable to complete and forward a request to renew the approval of this Information Collection Request (ICR) in a timely manner. In order to minimize a lapse in OMB approval, and given the continuing nature of the ICR, as well as the absence of any issues, OPPTS is requesting an expedited review and approval for this ICR. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument. A Federal Register notice proposing this submission and seeking public comments on this ICR was published on September 29, 1995 (60 FR 50568). EPA did not receive any comments in response to that notice.

DATES: Comments must be submitted on or before March 24, 1996.

FOR FURTHER INFORMATION OR A COPY CALL:

Sandy Farmer at EPA, 202–260–2740, and refer to EPA ICR No. 1031.

SUPPLEMENTARY INFORMATION:

Title: TSCA Section 8(c) Health and Safety Data Reporting Rule (OMB Control No. 2070–0017, EPA ICR No. 1031). This is a request for extension of a currently approved information collection which expires on February 28, 1996.

Abstract: Section 8(c) of the Toxic Substances Control Act (TSCA) requires companies that manufacture, process, or distribute chemicals to maintain records of significant adverse reactions to health or the environment alleged to have been caused by such chemicals. Since section 8(c) includes no automatic reporting provision, EPA can obtain and use the information contained in company files only by inspecting those files or requiring reporting of records that relate to specific substances of concern. Therefore, under certain conditions, and using the provisions found in 40 CFR part 717, EPA may require companies to report such allegations to the Agency.

EPA uses such information on a case-specific basis to corroborate suspected adverse health or environmental effects of chemicals already under review by EPA. The information is also useful to identify trends of adverse effects across the industry that may not be apparent to any one chemical company.

Responses to the collection of information are mandatory (see 40 CFR part 717). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to range between 0.25 hours and 8.0 hours per response, depending upon the requirements that the collection places on each respondent. This estimate 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. No person is 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 displayed in 40 CFR Part 9.

Respondents/Affected Entities: Those that manufacture, process, import or distribute in commerce chemical substances or mixtures.

Estimated No. Of Respondents: 7,397.

Estimated Total Annual Burden on Respondents: 30,287 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following addresses. Please refer to EPA ICR No. 1031 and OMB Control No. 2070–0017 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (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. 96–4145 Filed 2–22–96; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–5413–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 05, 1996 Through February 09, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 1995 (60 FR 19047).

Draft EISs

ERP No. D–AFS–L65173–ID

Rating LO, Lower South Fork Salmon River Post-Fire Project, Fire-Killed and Imminently Dead Timber Harvesting, Implementation and COE Section 404 Permit Issuance, Payette National Forest, Mc Call Ranger District, Idaho and Valley Counties, ID.

Summary: EPA's abbreviated review revealed no concerns with the proposed project.

ERP No. D–AFS–L65247–AK

Rating EC2, Lab Bay Project Area Timber Harvest, Implementation, COE Section 404, EPA NPDES and Coast Guard Bridge Permits Issuance, Thorne Bay Ranger District, Ketchikan Administrative Area, Tongass National Forest, Prince of Wales Island, AK.

Summary: EPA expressed environmental concerns regarding the direct and cumulative impacts to water quality from construction and operation of a new LTF on the west side of Thorne Island, and the continued operation of LTFs existing. The Final EIS should address site specific bark accumulation and potential impacts to the marine environment.

ERP No. D–AFS–L65249–AK

Rating EO2, Northwest Baranof Timber Sale (s), Implementation, NPDES, Coast Guard Bridge, COE Section 10 and 404 Permits, Tongass National Forest, Sitka Ranger District, Baranof Island, AK.

Summary: EPA expressed environmental objections based on water quality impacts, especially to impaired waters and riparian areas. The final EIS should address effects to degraded waters, effects of timber harvest and road construction, the Fish and Wildlife Service dive survey information for LTF sites, and the

effects of logging camp and LTF removal.

ERP No. D–AFS–L65250–ID

Rating LO, White Sand Planning Area Ecosystem Management Project, Implementation, Clearwater National Forest, Powell Ranger District, Idaho County, ID.

Summary: EPA's abbreviated review has revealed no concerns with the proposed project.

ERP No. D–AFS–L65252–OR

Rating EC2, Hoodoo Master Plan, Plan of Operation Approval and Special-Use-Permit Issuance, Willamette National Forest, McKenzie Ranger District, Linn County, OR.

Summary: EPA expressed environmental concerns over potential impacts to air and water from land-use under the proposed expansion. The final EIS needs to further characterize these impacts and appropriate mitigation measures.

ERP No. D–BLM–L60102–OR

Rating EC2, Tucker Hill Perlite Quarry Project, Implementation, Mining Plan of Operation, Approval, Town of Lakeview, Lake County, OR.

Summary: EPA expressed environmental concerns regarding tribal issues and noise impacts to this site and suggests additional mitigation measures be included in the final EIS.

ERP No. D–COE–K36114–CA

Rating EC2, Magpie Creek Channel Section 205 Flood Control Investigation Project, Improvements, Implementation, National Economic Development Plan and Levee Plan, NPDES Permit Issuance, McCellan Air Force Base, City of Sacramento, Sacramento County, CA.

Summary: EPA expressed environmental concerns over the lack of information regarding potential non-structural alternatives to increase the level of flood protection. EPA also requested additional discussion or data in the final EIS regarding air quality impacts and mitigation.

ERP No. D–UAF–C11011–NY

Rating EC2, Griffis Air Force Base (AFB) Disposal and Reuse, Implementation, Oneida County, NY.

Summary: EPA expressed environmental concerns regarding the reuse plans for Installation Restoration Program sites and potential contamination issues. EPA also noted discrepancies regarding the extent of wetlands at the site. Accordingly, additional information must be provided in the final EIS.

ERP No. DS–FHW–E40010–SC

Rating EO2, Mark Clark Expressway Facility Construction, Sam Rittenberg Boulevard (SC–7) to Folly Road (SC–171) crossing the Stono River, Updated Information concerning the last portion of the Charleston Inner Belt Freeway, Funding and COE Sections 404 and 10 Permits and US Coast Guard Bridge Permit Issuance, Chareston County, SC.

Summary: EPA expressed environmental objection due to the potential estuarine and freshwater wetland impact. EPA requested that the final EIS contain an acceptable mitigation plan.

Final EISs

ERP No. F–AFS–L65237–ID

Thunderbolt Wildfire Recovery Project, Implementation, Boise and Payette National Forests, Valley County, ID.

Summary: EPA continues to find the proposed project environmentally unsatisfactory due to the potential adverse impacts to water quality and the spawning and rearing habitat for the federally endangered Snake River spring/summer Chinook salmon in the South Fork Salmon river. EPA will continue to work with the USFS and follow the results of any monitoring efforts.

ERP No. F–DOE–L05212–WA

Columbia Wind Farm #1 Project, Construction and Operation of a 25 Megawatt (MW) Wind Power Project in the Columbia Hills Area, Conditional-Use-Permit, NPDES Permit and COE Section 404 Permit, Klickitat County, WA.

Summary: EPA had no comment to the proposed action. Review of the Final EIS was not deemed necessary.

ERP No. F–FHW–B40065–RI

Quonset Point/Davisville Industrial Park Highway Access Improvement, RI–4 Freeway between North Kingstown and East Greenwich, Funding, Kent and Washington Counties, RI.

Summary: EPA expressed concern regarding longterm maintenance of stormwater management structures and water quality monitoring.

ERP No. F–FHW–L40185–WA

WA–520 Corridor Improvements, Construction and Reconstruction, between 104th Avenue N.E. and West Lake Sammamish Parkway (Formerly WA–901), Funding and COE Section 404 Permit, the Cities of Bellevue and Redmond, King County, WA.

Summary: EPA had no objection to the preferred alternative as described in the EIS.

Dated: February 20, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–4153 Filed 2–22–96; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5413–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed February 12, 1996 Through February 16, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960076, Draft EIS, NPS, CA, Manzanar National Historic Site (NHS), General Management Plan, Implementation, Inyo County, CA, Due: April 23, 1996, Contact: Dan Olson (415) 744–3968.

EIS No. 960077, Draft EIS, COE, NC, Cape Fear-Northeast Cape Fear Rivers Feasibility Study for Deepening of the Wilmington Harbor Ship Channel, Navigation Improvement, New Hanover and Brunswick Counties, NC, Due: April 08, 1996, Contact: Frank Yelverton (910) 251–4640.

EIS No. 960078, Final EIS, AFS, ID, Secesh River Subdivision Access Roads, Implementation, Special-Use-Permit, Idaho County, ID, Due: March 25, 1996, Contact: Randy Swick (208) 634–0400.

EIS No. 960079, Draft EIS, BLM, NM, Copper Flat Mining Project, Construction and Operation of New Ore Facilities, Hillsboro Mining District, Sierra County, NM, Due: April 15, 1996, Contact: Russell Jentgen (505) 525–4351.

EIS No. 960080, Draft EIS, AFS, OR, ID, Hells Canyon National Recreation Area (HCNRA), Comprehensive Management Plan, Implementation, Wallowa-Whitman National Forest, Nez Perce and Payette National Forests, Bake and Wallowa Counties, OR and Nez Perce and Adam Counties, ID, Due: May 23, 1996, Contact: Kurt Wiedenmann (541) 523–1296.

EIS No. 960081, Final EIS, AFS, WA, First Creek Basin Restoration Project, Implementation, Wenatchee National Forest, Chelan Ranger District, Chelan County, WA, Due: March 25, 1996, Contact: John Lampereur (509) 682–2576.

EIS No. 960082, Final EIS, BLM, MT, WY, Express Crude Oil Pipeline Project, Construction, Operation and Maintenance, Issuance of Right-of-

Way Grant, Hill, Chouteau, Fergus, Judith Basin, Wheatland, Golden Valley, Stillwater and Carbon Counties, MT and Bighorn, Washakies, Hot Springs, Freemont and Watrona Counties, WY, Due: March 25, 1996, Contact: Don Oggard (307) 347–9871.

EIS No. 960083, Draft Supplement, COE, NC, Wilmington Harbor Channel Widening and Navigation Improvement, Updated Information, Cape Fear River, Port of Wilmington, New Hanover and Brunswick Counties, NC, Due: April 08, 1996, Contact: Hugh Heine (910) 251–4070.

EIS No. 960084, Final EIS, UAF, MI, K. I. Sawyer Air Force Base (AFB) Disposal and Reuse, Implementation, Marquette County, MI, Due: March 25, 1996, Contact: William Myers (210) 536–5630.

EIS No. 960085, Final EIS, UAF, CA, March Air Force Base, Disposal of Portions, NPDES and COE Section 404 Permits, Riverside County, CA, Due: March 25, 1996, Contact: Jonathan D. Farthing (210) 536–3668.

EIS No. 960086, Final EIS, DOE, Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel, Implementation, United States and Abroad, Due: March 25, 1996, Contact: Charles Head 1–(800)–736–3282.

Dated: February 20, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–4152 Filed 2–22–96; 8:45 am]

BILLING CODE 6560–50–U

[FRL 5428–5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests. 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.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740.

Please refer to the EPA ICR No..

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency PRA Clearance Requests

OMB Approvals

EPA ICR No. 0940.12; Air Quality Networks, Monitoring and Quality Precision; was approved 12/07/95; OMB No. 2060–0084; expires 03/31/96.

EPA ICR No. 1761.01; Fleet Average Non-Methane Organic Gases (NMOG) Credit Program; was approved 12/07/95; OMB No. 2060–0345; expires 12/31/98.

EPA ICR No. 1488.03; Superfund Site Evaluation and Hazard Ranking System; was approved 07/31/95, expires 07/31/98.

EPA ICR No. 1619.02; EPA Indoor Environmental Quality Questionnaire; was approved 01/31/96; OMB No. 2060–0244; expires 01/31/99.

EPA ICR No. 1617.02; Servicing of Motor Vehicle Air Conditioners; was approved 01/31/96; OMB No. 2060–0247; expires 01/31/99.

EPA ICR No. 1506.06; Standards of Performance for New Stationary Sources: Municipal Waste Combustors; was approved 01/31/96; OMB No. 2060–0210; expires 01/31/99.

EPA ICR No. 1633.09; Acid Rain Program under the Clean Air Act Amendments of 1990, Title IV; was approved 01/31/96; OMB No. 2060–0258; expires 01/31/99.

OMB Disapprovals

EPA ICR 1745.01; Criteria for Classification of Solid Waste Disposal Facilities and Practices—40 CFR Part 257; was disapproved 07/31/95.

EPA ICR No. 1766.01; Hazardous Waste Identification Rule for Process Waste (Proposal); was disapproved 01/31/96.

Correction

EPA ICR No. 1170.05; Collection of Economic and Program Support Data; was approved 11/02/95; OMB No. 2070–0034; expires 08/31/98. In the November 15, 1995 Federal Register, the OMB No. 2040–0034 was incorrect.

Dated: February 15, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–4035 Filed 2–22–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission; Comments Requested

February 20, 1996.

SUMMARY: The Federal Communications Commission, 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 Commission's 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 23, 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.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., 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.: None.

Title: Petition for Declaratory Ruling by the Inmate Calling Services Providers Task Force.

Form No.: None.

Type of Review: New Collection.

Respondents: Businesses or other for Profit.

Number of Respondents: 60.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 60 Hours.

Needs and Uses: In the Declaratory Ruling issued in RM–8181, the Commission requires that local exchange carriers, among other things,

notify their customers of the change in status of inmate-only customer premises equipment (CPE). This is necessry to ensure that correctional facility customers are aware of change in regulatory status of inmate-only payphones.

OMB Approval Number: 3060–0096.

Title: Application for Ship Radio Station License.

Form No.: FCC 506.

Type of Review: Revision to an existing collection.

Respondents: Individuals or households; Businesses or other for-profit; State, Local or Tribal Government; Non-profit institutions.

Number of Respondents: 106,192.

Estimated Time Per Response: 22 minutes.

Total Annual Burden: 38,653 hours.

Needs and Uses: FCC Rules require that applicants file the FCC 506 to apply for a new or modified ship radio station license. The form can also be used to renew a station license. The FCC 506A is used by the applicant as a temporary operating authority until the ship radio station license is received.

This form is required by the Communications Act of 1934, as amended; International Treaties and FCC Rules 47 CFR Parts 1.922, 1.925 and 80.19.

Editorial changes will be made to the instructions to include the mailing location for feeable applications and the addition of the toll free 800 number for the Consumer Assistance Branch in Gettysburg, PA. Item 24 of FCC 506 will be revised to collect the length of ship in meters in lieu of feet. Item 27 will be deleted and the drug certification made part of the certification text. These revisions will not increase the burden time for application completion.

OMB Approval Number: 3060–0532.

Title: Scanning Receiver Compliance Exhibit, 2.975(a)(8), 2.1033(b)(12).

Form No.: None.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit; Small businesses or organizations.

Number of Respondents: 40.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 40 hours.

Needs and Uses: An exhibit accompanying a Form 731 Application for Equipment Authorization is required, in order to determine the compliance of applicants requesting authorization to market scanning receivers and frequency converters with Congressionally mandated regulations. These regulations prohibit the marketing of radio scanners capable of intercepting, or being modified to intercept, cellular telephone conversations.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–4228 Filed 2–22–96; 8:45 am]

BILLING CODE 6712–01–P

Notice of Public Information Collections Submitted to OMB for Review and Approval

February 16, 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 March 25, 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 and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.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.: 3060–0204.

Title: Section 90.38(b) Physically handicapped ''Special Eligibility Showing''.

Form No.: N/A.

Type of Review: Reinstatement of a previously approved collection.

Respondents: Individuals or households.

Number of Respondents: 20.

Estimated Time Per Response: 5 minutes.

Total Annual Burden: 1 hour.

Total Annualized Cost per respondent: The costs for this collection is for a physician to the required certification. The estimated costs is $50 per respondent.

Needs and Uses: Section 90.38(b) provides that persons claiming eligibility in the Special Emergency Radio Service on the basis of being physically handicapped must present a physician's statement indicating that they are handicapped. Submission of this information is necessary to ensure that frequencies are reserved for licensing to handicapped individuals. Commission personnel use the data to determine applicant eligibility.

OMB Approval No.: 3060–0020.

Title: Application for Ground Station Authorization in the Aviation Services.

Form No.: FCC 406.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit; Small businesses or organizations; Individuals or households; State or Local Governments.

Number of Respondents: 1,600.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 1,600 hours.

Total Annualized Cost per respondent: The costs for renewal applications is $85; the costs for new applications is $100.

Needs and Uses: FCC Rules require the collection of this information on new, modifications, renewal with modifications and assignments of Ground Station Authorizations. Data is used to update the existing database and make efficient use of the frequency spectrum. Data is also used by the Commission for enforcement and interference resolution. The data collected is required by the Communications Act of 1934, as amended; International Treaties and FCC Rules 47 CFR 1.922, 1.924, 87.21 and 87.31. The Commission is revising the form to collect only metric measurement in lieu of English measurements and to add a space for the applicant to provide a FAX number. The number of responses and estimated burden remains unchanged.

OMB Approval Number: None.

Title: Past Performance Evaluation (in compliance with the Federal Acquisitions Regulations (FAR)).

Form No.: N/A.

Type of Review: Emergency Submission for a New Collection.

Respondents: Individuals or households, business or other for-profit;small businesses or organizations, federal government, and State, local or Tribal government.

Number of Respondents: 50.

Estimated Time Per Response: 15 minutes (.25 hours per response).

Total Annual Burden: 125 hours total annual burden.

Needs and Uses: The information required by the FAR will be used by the Commission to evaluate past performance of potential offerors for various government contracts. The evaluation information will be used for determining responsibility and as a comparison of which offeror provides the best value for the Government. The Commission will focus on information that demonstrates quality of performance relative to the size and complexity of the procurement under consideration. The Commission requested and received OMB clearance for this collection on February 12, 1996.

OMB Approval No.: 3060–0329.

Title: Equipment Authorization - Verification (47 CFR 2.955).

Form No.: N/A.

Type of Review: Reinstatement of previously approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 5,655.

Estimated Time Per Response: 18 hours.

Total Annual Burden: 101,790.

Total Annualized Cost per respondent: The average costs per respondent for testing equipment to determine performance compliance is $4,000 Approximately 5% of the costs ($200) of the cost is attributable to the information collection.

Needs and Uses: The Commission rules require verification of compliance to established technical standards for certain Part 15 and 18 devices. Technical data is gathered and retained by the equipment manufactures in order to verify compliance with these regulations. The information may be used to determine that the equipment marketed complies with the applicable Commission rules and that the operation of the equipment is consistent with the initially documented test results. The information is essential to controlling potential interference to radio communications.

OMB Approval No.: 3060–0398.

Title: Equipment Authorization Measurement Standards (47 CFR 2.948, 15.117(g)(2), 15.117(g)(3).

Form No.: N/A.

Type of Review: Reinstatement of previously approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 420.

Estimated Time Per Response: 27.5 hours.

Total Annual Burden: 9,350 hours.

Needs and Uses: Certain measurement standards and practices are required by the Commission in order to establish uniformity between the technical standards for various non-licensed operators. Specifically Part 2 of the rules requires a filing of a test site description by individuals performing equipment testing in support of a request for equipment authorization. The information is used by the Commission to ensure that data accompanying all requests for equipment authorization are valid, and that proper test procedures were used. Testing ensures that potential interference to radio communication is controlled.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–4098 Filed 2–22–96; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1102–DR]

Idaho; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Idaho (FEMA–1102–DR), dated February 11, 1996, and related determinations.

EFFECTIVE DATE: February 13, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Idaho, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 11, 1996:

Idaho County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

G. Clay Hollister,

Deputy Associate Director, Rsponse and Recovery Directorate.

[FR Doc. 96–4139 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1102–DR]

Idaho; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA–1102–DR), dated February 11, 1996, and related determinations.

EFFECTIVE DATE: February 11, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 11, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Idaho, resulting from severe storms and flooding on February 6, 1996, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation Grant Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs. You may also provide direct Federal assistance, if warranted at 100 percent Federal funding for the first 72 hours following declaration.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Douglas Gore of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Idaho to have been affected adversely by this declared major disaster:

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties and the Nez Perce Reservation for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–4138 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1099–DR]

Oregon; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oregon (FEMA–1099–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is changed to read as follows: February 4, 1996, and continuing.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4129 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1099–DR]

Oregon; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oregon, (FEMA–1099–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Oregon, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

Washington County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4128 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1099–DR]

Oregon; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oregon, (FEMA–1099–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 14, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Oregon, is hereby amended to include Public Assistance and Hazard Mitigation for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, and Yamhill Counties for Public Assistance and Hazard Mitigation (already designated for Individual Assistance)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4127 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1099–DR]

Oregon; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–1099–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 9, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Oregon, resulting from high winds, severe storms and flooding on January 26, 1996, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Oregon.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance and Hazard Mitigation Assistance in the designated areas. I further authorize you to provide direct Federal assistance for the first 72 hours at 100 percent Federal funding, should you consider it warranted.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Richard A. Buck of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine that following areas of the State of Oregon to have been

affected adversely by this declared major disaster:

Benton, Clackamas, Clatsop, Columbia, Hood River, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wasco and Yamhill Counties and the Warm Springs Reservation for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–4126 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1093–DR]

Pennsylvania; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Pennsylvania, (FEMA–1093–DR) dated January 21, 1996, and related determinations.

EFFECTIVE DATE: February 13, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Pennsylvania, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 21, 1996:

Beaver, Cambria, Lancaster, and Warren Counties for Public Assistance (already designated for Individual Assistance and Hazard Mitigation)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4135 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1101–DR]

Vermont; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA–1101–DR), dated February 13, 1996, and related determinations.

EFFECTIVE DATE: February 13, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 13, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Vermont, resulting from ice jams and flooding beginning on January 19, 1996, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas. Individual Assistance may be added at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Alma Armstrong of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Vermont to have been affected adversely by this declared major disaster:

Addison, Bennington, Chittenden, Franklin, Lamoille, Orange, Orleans, Rutland, Washington, Windham, and Windsor Counties for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–4137 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1098–DR]

Virginia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia, (FEMA–1098–DR) dated January 27, 1996, and related determinations.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Virginia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 27, 1996:

Highland County for Individual Assistance (already designated for Public Assistance and Hazard Mitigation);

Warren County and the Cities of Buena Vista and Harrisonburg for Public Assistance (already designated for Individual Assistance and Hazard Mitigation); and

Fauquier and Greene Counties and the City of Clifton Forge for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Craig Wingo,

Division Director, Infrastructure Support Division.

[FR Doc. 96–4130 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1100–DR]

Washington; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington, (FEMA–1100–DR) dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Washington, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

Adams, Benton, Grays Harbor, King, Snohomish, and Wahkiakum Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dennis Kwiatkowski,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4134 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1100–DR]

Washington; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA–1100–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 14, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Washington, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

The Yakima Indian Reservation for Individual Assistance, Public Assistance, and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4133 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1100–DR]

Washington; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington, (FEMA–1100–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 13, 1996

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Washington, is hereby amended to include Public Assistance and Hazard Mitigation for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

Adams, Asotin, Benton, Clark, Columbia, Cowlitz, Grays Harbor, King, Kittitas, Klickitat, Lewis, Pierce, Skamania, Snohomish, Thurston, Wahkiakum, Walla Walla, Whitman, Yakima for Public Assistance and Hazard Mitigation (already designated for Individual Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4132 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1100–DR]

Washington; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA–1100–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 9, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Washington, resulting from high winds, severe storms and flooding on January 26, 1996 and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance and Hazard Mitigation Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert C. Freitag of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Washington to have been affected adversely by this declared major disaster:

Asotin, Clark, Columbia, Cowlitz, Kittitas, Klickitat, Lewis, Pierce, Skamania, Thurston, Walla Walla, Whitman and Yakima Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–4131 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1096–DR]

West Virginia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of West Virginia, (FEMA–1096–DR), dated

January 25, 1996, and related determinations.

EFFECTIVE DATE: February 14, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of West Virginia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 25, 1996:

Raleigh County for Individual Assistance and Hazard Mitigation; and

Mason County for Public Assistance (already designated for Individual Assistance and Hazard Mitigation).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4136 Filed 2–22–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Dresdner Bank AG; Notice to Engage in Certain Nonbanking Activities

Dresdner Bank AG, Frankfurt, Germany (Dresdner), has provided notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and section 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to acquire 100 percent of the voting interests in RCM Capital Management, California Limited Partnership (RCM Management), and RCM Capital Trust Company (RCM Trust), both of San Francisco, California, and thereby engage in the following nonbanking activities: providing investment and financial advisory services pursuant to 12 CFR 225.25(b)(4); performing functions or activities that may be performed by a trust company pursuant to 12 CFR 225.25(b)(3); and providing certain administrative services to investment companies. These activities will be conducted worldwide.

The Board previously has determined that these activities are closely related to banking. See 12 CFR 225.25(b)(3), and (4); Mellon Bank Corporation, 79 Fed. Res. Bull. 626 (1993) (providing administrative and other services to investment companies); Barclays PLC, 82 Fed. Res. Bull. 158 (1996) (providing advisory and administrative services to proprietary mutual funds). Dresdner would engage in these activities in accordance with the limitations and conditions established by the Board's regulations and orders. Dresdner also has proposed that RCM Management be permitted to purchase for its fiduciary accounts shares of investment companies that are advised and administered by RCM Management. The Board previously has issued proposed amendments to its interpretation regarding investment advisory activities (12 CFR 225.125(g)) that would permit such purchases, under certain circumstances. *See* 59 FR 67554 (December 30, 1994).

In order to approve the proposal, the Board must determine that the proposed activities to be conducted by Dresdner ''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.'' 12 U.S.C. 1843(c)(8). Dresdner believes that the proposal would produce public benefits that outweigh any potential adverse effects. In particular, Dresdner maintains that the proposal would not materially reduce competition in the relevant markets and would enable Dresdner to offer its customers a broader range of products. Dresdner also maintains that its proposal would not result in any adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act. Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 8, 1996. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, February 16, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–4051 Filed 2–22–96; 8:45 am]

BILLING CODE 6210–01–F

Norwest Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has given notice under § 225.23(a)(2) or (e) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (e)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether 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.

Comments regarding this application must be received not later than March 7, 1996.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire Norwest Investment Services, Inc., Minneapolis, Minnesota, through its subsidiary,

Victoria Securities Company, Victoria, Texas, and thereby engage in securities brokerage activities, pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 16, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–4052 Filed 2–22–96; 8:45 am]

BILLING CODE 6210–01–F

COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for 14 March 1996 at 10:00 a.m. the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. 15 February 1996.

Charles H. Atherton,

Secretary.

[FR Doc. 96–4110 Filed 2–22–96; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Dietary Supplement Labels Commission; Meeting

AGENCY: Office of Disease Prevention and Health Promotion, HHS.

ACTION: Commission on Dietary Supplement Labels: Announcement of Appointment; Notice of Meeting #2; Opportunity to Provide Comments.

SUMMARY: The Department of Health and Human Services (HHS) is (a) providing notice of the second meeting of the Commission on Dietary Supplement Labels, and (b) soliciting oral and written comments.

DATES: (1) The Commission will meet March 8, 1996, from 8:30 a.m. to 4:30 p.m. Central Time at the Radisson Hotel Salt Lake City Airport (Utah). (2) Written comments on the scope and intent of the Commission's objectives may be submitted up to 5:00 p.m. e.s.t. on June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Kenneth D. Fisher, Ph.D., Executive Director, Commission on Dietary Supplement Labels, Office of Disease Prevention and Health Promotion, Room 738G, Hubert H. Humphrey Building, 200 Independence Avenue SW. Washington, D.C. 20201, (202) 205–5968.

SUPPLEMENTARY INFORMATION:

Commission's Task

Public Law 103–417, Section 12, authorized the establishment of a Commission on Dietary Supplement Labels whose seven members have been appointed by the President. The appointments to the Commission by the President and the establishment of the Commission by the Secretary of Health and Human Services reflect the commitment of the President and the Secretary to the development of a sound and consistent regulatory policy on labeling of dietary supplements.

The Commission is charged with conducting a study and providing recommendations for regulation of label claims and statements for dietary supplements, including the use of supplemental literature in connection with their sale and, in addition, procedures for evaluation of label claims. The Commission is expected to evaluate how best to provide truthful, scientifically valid, and nonmisleading information to consumers in order that they may make informed health care choices for themselves and their families. The Commission's study report may include recommendations on legislation, if appropriate and necessary.

Announcement of Meeting

The Commission's second meeting will be March 8, 1996, 8:30 a.m. to 4:30 p.m. Central Time. The meeting will be held at the Radisson Hotel Salt Lake City Airport Coventary Room, (Utah). The agenda will include (a) oral comments from interested parties and the general public, (b) identification of additional information needs, and (c) discussion of dietary supplement label information.

Public Participation at Meeting

The meeting is open to the public. However, space is limited. Both oral and written comments from the public will be accepted, but oral comments at the meeting will be limited to a maximum of five minutes per presenter; thus, organizations and persons that wish to make their views known to the Commission should use the time for oral presentation to summarize their written comments. Members of the Commission may wish to question the presenters following each oral presentation. Please request the opportunity to present oral comments in writing and provide nine (9) copies of the written comments from which the oral presentation is abstracted to the address above by March 4, 1996. If you will require a sign language interpreter, please call Sandra Saunders (202) 260–0375 by 4:30 e.s.t. on March 4, 1996.

Written Comments

By this notice, the Commission is soliciting submission of written comments, views, information and data pertinent to Commission's task. Comments should be sent to Kenneth D. Fisher, Executive Director of the Commission at the Office of Disease Prevention and Health Promotion, Room 738G, Hubert Humphrey Building, 200 Independence Avenue SW., Washington D.C. 20201, 5:00 p.m. e.s.t. on June 30, 1996.

Dated: February 15, 1996.

Claude Earl Fox,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion), U.S. Department of Health and Human Services.

[FR Doc. 96–4101 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–17–M

Food and Drug Administration

[Docket No. 96F–0051]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to expand the safe use of oxidized bis(hydrogenated tallow alkyl)amines as a process stabilizer for polypropylene homo- and copolymers and high-density polyethylene homo- and copolymers intended for use in contact with food.

DATES: Written comments on the petitioner's environmental assessment by March 25, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA305), Food and Drug Administration, 12420 Parklawn Dr., Rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW.,

Washington, DC 20204–0002, 202–418–3098.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)(21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 6B4491) has been filed by Ciba-Geigy Corp., 540 White Plains Road, P.O. Box 2005, Tarrytown, N.Y. 10591–4311. The petition proposes to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers* (21 CFR 178.2010) to expand the safe use of oxidized bis(hydrogenated tallow alkyl)amines as a process stabilizer for polypropylene homo- and copolymers and high-density polyethylene homo- and copolymers intended for use in contact with food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before March 25, 1996, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: February 8, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center For Food Safety and Applied Nutrition.

[FR Doc. 96–4063 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–01–P

[Docket No. 91F–0264]

Stockhausen, Inc.; 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 a future filing, of a food additive petition (FAP 9B4149), proposing that the food additive regulations be amended to provide for the safe use of N-((3-dimethylamino)propyl)-2-propenamide, polymer with 2-propenoic acid, sodium salt as a dispersing aid in paper and paper coatings intended for use in contact with food.

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 1, 1991 (56 FR 36185), FDA announced that a food additive petition (FAP 9B4149) had been filed on behalf of Stockhausen, Inc., 2401 Doyle St. (formerly 2408 Doyle St.), Greensboro, NC 27406. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of N-((3-dimethylamino)propyl)-2-propenamide, polymer with 2-propenoic acid, sodium salt as a dispersing aid in paper and paper coatings intended for use in contact with food.

Stockhausen, Inc., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 8, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4062 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–01–P

[Docket No. 95D–0216]

International Conference on Harmonisation; Final Guideline on Quality of Biotechnological Products: Analysis of the Expression Construct in Cells Used for Production of r-DNA Derived Protein Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is publishing a final guideline on the quality of biotechnological products entitled ''Analysis of the Expression Construct in Cells Used for Production of r-DNA Derived Protein Products.'' The guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guideline is intended to describe the types of information that are considered valuable in assessing the structure of the expression construct used to produce recombinant deoxyribonucleic acid (r-DNA) derived proteins.

DATES: Effective February 23, 1996. Submit written comments at any time.

ADDRESSES: Submit written comments on the guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Copies of the guideline are available from the Division of Communications Management (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1012. An electronic version of this guideline is also available via Internet by connecting to the CDER file transfer protocol (FTP) server (CDVS2.CDER.FDA.GOV).

FOR FURTHER INFORMATION CONTACT:

Regarding the guideline: Elaine C. Esber, Center for Biologics Evaluation and Research (HFM–30), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0641.

Regarding ICH: Janet J. Showalter, Office of Health Affairs (HFY–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input

from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In the Federal Register of August 21, 1995 (60 FR 43496), FDA published a draft tripartite guideline entitled ''Analysis of the Expression Construct in Cells Used for Production of r-DNA Derived Protein Products.'' The notice gave interested persons an opportunity to submit comments by October 5, 1995.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies at the ICH meeting held on November 29, 1995.

The guideline presents guidance regarding the characterization of the expression construct for the production of r-DNA protein products in eukaryotic and prokaryotic cells. The guideline is intended to describe the types of information that are considered valuable in assessing the structure of the expression construct used to produce r-DNA derived proteins. The guideline is not intended to cover the entire quality aspect of r-DNA derived medicinal products.

In the past, guidelines have generally been issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to state procedures or standards of general applicability that are not legal requirements but are acceptable to FDA. The agency is now in the process of revising § 10.90(b). Although this guideline does not create or confer any rights for or on any person and does not operate to bind FDA, it does represent the agency's current thinking on the production of r-DNA derived protein products.

As with all of FDA's guidelines, the public is encouraged to submit written comments with new data or other new information pertinent to this guideline. The comments in the docket will be periodically reviewed, and, where appropriate, the guideline will be amended. The public will be notified of any such amendments through a notice in the Federal Register.

Interested persons may, at any time, submit written comments on the final guideline to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The text of the guideline follows:

Analysis of the Expression Construct in Cells Used for Production of r-DNA Derived Protein Products

I. Introduction

This document presents guidance regarding the characterization of the expression construct for the production of recombinant DNA (r-DNA) protein products in eukaryotic and prokaryotic cells. The document is intended to describe the types of information that are considered valuable in assessing the structure of the expression construct used to produce r-DNA derived proteins. The document is not intended to cover the entire quality aspect of r-DNA derived medicinal products.

The expression construct is defined as the expression vector containing the coding sequence of the recombinant protein. Segments of the expression construct should be analyzed using nucleic acid techniques in conjunction with other tests performed on the purified recombinant protein for assuring the quality and consistency of the final product. Analysis of the expression construct at the nucleic acid level should be considered as part of the overall evaluation of quality, taking into account that this testing only evaluates the coding sequence of a recombinant gene and not the translational fidelity nor other characteristics of the recombinant protein, such as secondary structure, tertiary structure, and posttranslational modifications.

II. Rationale for Analysis of the Expression Construct

The purpose of analyzing the expression construct is to establish that the correct coding sequence of the product has been incorporated into the host cell and is maintained during culture to the end of production. The genetic sequence of recombinant proteins produced in living cells can undergo mutations that could alter the properties of the protein with potential adverse consequences to patients. No single experimental approach can be expected to detect all possible modifications to a protein. Protein analytical techniques can be used to assess the amino acid sequence of the protein and structural features of the expressed protein due to posttranslational modifications such as proteolytic processing, glycosylation, phosphorylation, and acetylation. Data from nucleic acid analysis may be useful because protein analytical methods may not detect all changes in protein structure resulting from mutations in the sequence coding for the recombinant protein. The relative importance of nucleic acid analysis and protein analysis will vary from product to product.

Nucleic acid analysis can be used to verify the coding sequence and the physical state of the expression construct. The nucleic acid analysis is performed to ensure that the expressed protein will have the correct amino acid sequence, but is not intended to detect low levels of variant sequences. Where the production cells have multiple integrated copies of the expression construct, not all of which may be transcriptionally active, examination of the transcription product itself by analysis of m-RNA or c-DNA may be more appropriate than analysis of genomic DNA. Analytical approaches that examine a bulk population of nucleic acids, such as those performed on pooled clones or material amplified by the polymerase chain reaction, may be considered as an alternative to approaches that depend on selection of individual DNA clones. Other techniques could be considered that allow for rapid and sensitive confirmation of the sequence coding for the recombinant protein in the expression construct.

The following sections describe information that should be supplied regarding the characterization of the expression construct during the development and validation of the production system. Analytical methodologies should be validated for the intended purpose of confirmation of sequence. The validation documentation should, at a minimum, include estimates of the limits of detection for variant sequences. This should be performed for either nucleic acid or protein sequencing methods. The philosophy and recommendations for analysis expressed in this document should be reviewed periodically to take advantage of new advances in technology and scientific information.

III. Characterization of the Expression System

A. Expression Construct and Cell Clone Used to Develop the Master Cell Bank (MCB)

The manufacturer should describe the origin of the nucleotide sequence coding for the protein. This should include identification and source of the cell from which the nucleotide sequence was originally obtained. Methods used to prepare the DNA coding for the protein should be described.

The steps in the assembly of the expression construct should be described in detail. This description should include the source and function of the component parts of the expression construct, e.g., origins of replication, antibiotic resistance genes, promoters, enhancers, and whether or not the protein is being synthesized as a fusion protein. A detailed component map and a complete annotated sequence of the plasmid should be given, indicating those regions that have been sequenced during the construction and those taken from the literature. Other expressed proteins encoded by the plasmid should be indicated. The nucleotide sequence of the coding region of the gene of interest and associated flanking regions that are inserted into the vector, up to and including the junctions of insertion, should be determined by DNA sequencing of the construct.

A description of the method of transfer of the expression construct into the host cell should be provided. In addition, methods used to amplify the expression construct and criteria used to select the cell clone for production should be described in detail.

B. Cell Bank System

Production of the recombinant protein should be based on well-defined MCB and Working Cell Banks (WCB). A cell bank is a collection of ampoules of uniform composition stored under defined conditions, each containing an aliquot of a single pool of cells. The MCB is generally derived from the selected cell clone containing the expression construct. The WCB is derived by expansion of one or more ampoules of the MCB. The cell line history and production of the cell banks should be described in detail, including methods and reagents used during culture, in vitro cell age, and storage conditions. All cell banks should be characterized for relevant phenotypic and genotypic markers, which could include the expression of the recombinant protein or presence of the expression construct.

The expression construct in the MCB should be analyzed as described below. If the testing cannot be carried out on the MCB, it should be carried out on each WCB.

Restriction endonuclease mapping or other suitable techniques should be used to analyze the expression construct for copy number, for insertions or deletions, and for the number of integration sites. For extrachromosomal expression systems, the percent of host cells retaining the expression construct should be determined.

The protein coding sequence for the recombinant protein product of the expression construct should be verified. For extrachromosomal expression systems, the expression construct should be isolated and the nucleotide sequence encoding the product should be verified without further cloning. For cells with chromosomal copies of the expression construct, the nucleotide sequence encoding the product could be verified by recloning and sequencing of chromosomal copies. Alternatively, the nucleic acid sequence encoding the product could be verified by techniques such as sequencing of pooled c-DNA clones or material amplified by the polymerase chain reaction. The nucleic acid sequence should be identical, within the limits of detection of the methodology, to that determined for the expression construct as described in section III.A., and should correspond to that expected for the protein sequence.

C. Limit for In Vitro Cell Age for Production

The limit for in vitro cell age for production should be based on data derived from production cells expanded under pilot plant-scale or full-scale conditions to the proposed in vitro cell age or beyond. Generally, the production cells are obtained by expansion of the WCB; the MCB could be used to prepare the production cells with appropriate justification.

The expression construct of the production cells should be analyzed once for the MCB as described in section III.B., except that the protein coding sequence of the expression construct in the production cells could be verified by either nucleic acid testing or analysis of the final protein product. Increases in the defined limit for in vitro cell age for production should be supported by data from cells that have been expanded to an in vitro cell age that is equal to or greater than the new limit for in vitro cell age.

IV. Conclusion

The characterization of the expression construct and the final purified protein are both important to ensure the consistent production of a r-DNA derived product. As described above, analytical data derived from both nucleic acid analysis and evaluation of the final purified protein should be evaluated to ensure the quality of a recombinant protein product.

Glossary of Terms

Expression Construct

The expression vector that contains the coding sequence of the recombinant protein and the elements necessary for its expression.

Flanking Control Regions

Noncoding nucleotide sequences that are adjacent to the 5' and 3' end of the coding sequence of the product that contain important elements that affect the transcription, translation, or stability of the coding sequence. These regions include, e.g., promoter, enhancer, and splicing sequences, and do not include origins of replication and antibiotic resistance genes.

Integration Site

The site where one or more copies of the expression construct is integrated into the host cell genome.

In Vitro Cell Age

Measure of time between thaw of the MCB vial(s) to harvest of the production vessel measured by elapsed chronological time in culture, by population doubling level of the cells, or by passage level of the cells when subcultivated by a defined procedure for dilution of the culture.

Master Cell Bank (MCB)

An aliquot of a single pool of cells that generally has been prepared from the selected cell clone under defined conditions, dispensed into multiple containers, and stored under defined conditions. The MCB is used to derive all working cell banks. The testing performed on a new MCB (from a previous initial cell clone, MCB, or WCB) should be the same as for the MCB unless justified.

Pilot Plant Scale

The production of a recombinant protein by a procedure fully representative of and simulating that to be applied on a full commercial manufacturing scale. The methods of cell expansion, harvest, and product purification should be identical except for the scale of production.

Relevant Genotypic and Phenotypic Markers

Those markers permitting the identification of the strain of the cell line that should include the expression of the recombinant protein or presence of the expression construct.

Working Cell Bank (WCB)

The WCB is prepared from aliquots of a homogeneous suspension of cells obtained from culturing the MCB under defined culture conditions.

Dated: February 16, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–4064 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

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

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

is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. March 11, 1996, 8 a.m., Holiday Inn—Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the hotel. Attendees requiring overnight accommodations may contact the hotel at 301–948–8900 and reference the FDA Panel meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Sociometrics, Inc., 301–608–2151. The availability of appropriate accommodations cannot be assured unless prior notification is received.

Type of meeting and contact person. Closed committee deliberations, 8 a.m. to 9 a.m.; open public hearing, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; Janet L. Scudiero, Center for Devices and Radiological Health (HFZ–420), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1287, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), General Hospital and Personal Use Devices Panel, code 12520.

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

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 4, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will: (1) Discuss and make recommendations on the classification of two unclassified preamendments devices, percutaneously implanted long-term catheters, and implanted intravascular infusion ports; and (2) discuss a premarket notification submission for an antimicrobial coated latex examination glove.

Closed committee deliberations. FDA staff will present to the committee trade secret and/or confidential commercial information regarding present and future FDA issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Joint Meeting of the Antiviral Drugs Advisory Committee and the Dermatologic and Ophthalmic Drugs Advisory Committee (Ophthalmic Drugs Subcommittee)

Date, time, and place. March 14, 1996, 1 p.m., and March 15, 1996, 8:30 a.m., Holiday Inn—Gaithersburg, Whetstone and Goshen Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Type of meeting and contact person. Closed committee deliberations, March 14, 1996, 1 p.m. to 5 p.m.; open committee discussion, March 15, 1996, 8:30 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 4 p.m.; Ermona B. McGoodwin or Liz Ortuzar, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Antiviral Drugs Advisory Committee, code 12531.

General function of the committees. The Antiviral Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), and other viral, fungal, and mycobacterial infections. The Dermatologic and Ophthalmic Drugs Advisory Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 8, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. On March 14, 1996, the Antiviral Drugs Advisory Committee will discuss trade secret and/or confidential commercial information relevant to pending new drug applications (NDA's). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Open committee discussion. On March 15, 1996, the Antiviral Drugs Advisory Committee and an ophthalmic drugs subcommittee of the Dermatologic and Ophthalmic Drugs Advisory Committee will meet jointly to discuss data relevant to NDA 20–638 Vistide™ (cidofovir, intravenous, Gilead Sciences, Inc.) for treatment of cytomegalovirus (CMV) retinitis in patients with AIDS.

Blood Products Advisory Committee

Date, time, and place. March 21 and 22, 1996, 8 a.m., Holiday Inn—Bethesda, Versailles Ballrooms II and III, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open committee discussion, March 21, 1996, 8 a.m. to 9:10 a.m.; open public hearing, 9:10 a.m. to 9:40 a.m., unless public participation does not last that long; open committee discussion, 9:40 a.m. to 11:15 a.m.; open public hearing, 11:15 a.m. to 12:15 p.m., unless public participation does not last that long; open committee discussion, 12:15 p.m. to 3 p.m.; open public hearing, 3 p.m. to 4 p.m., unless public participation does not last that long; open committee discussion, 4 p.m. to 5 p.m.; open committee discussion, March 22, 1996, 8 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12:15 p.m., unless public participation does not last that long; open committee discussion, 12:15 p.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 3 p.m.; Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–350), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3514, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area) Blood Products Advisory Committee, code 12388.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data,

information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 15, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 21, 1996, the committee will hear agency updates on Creutzfeldt-Jakob Disease and blood safety, peripheral blood hematopoietic stem cell products intended for transfusion, and a summary of regulatory issues related to human reproductive tissue. Labeling issues regarding testing for antibody to hepatitis C virus antigen by an ''HCV 3.0'' assay will be reviewed and discussed in the morning and in the afternoon, there will also be a discussion of clinical claims for the Roche Amplicor HIV Monitoring Test™. On March 22, 1996, the committee will review and discuss implications of non-lipid enveloped viruses in blood products.

Closed committee deliberations. On March 22, 1996, the committee will review trade secret and/or confidential commercial information relevant to current and pending products. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. March 25, 1996, 8:30 a.m., Holiday Inn—Gaithersburg, Goshen Room, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the hotel. Attendees requiring overnight accommodations may contact the hotel at 301–948–8900 and reference the FDA Panel meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact John Sellman, Sociometrics, Inc., 301–608–2151. The availability of appropriate accommodations cannot be assured unless prior notification is received.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4:30 p.m.; Gail G. Gantt, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–3090, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), General and Plastic Surgery Devices Panel, code 12519.

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

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 18, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss and vote on a premarket approval application for a resorbable translucent membrane for use as an adjuvant in abdominopelvic surgery.

Closed committee deliberations. FDA staff will present to the committee trade secret and/or confidential commercial information regarding present and future FDA issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

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

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

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

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

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

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

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for

the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

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

Dated: February 15, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–4067 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95N–0357]

Medical Devices; Investigational Devices; Interagency Agreement Between the Food and Drug Administration and the Health Care Financing Administration; Categorization of Investigational Devices for Coverage under Medicare; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of an interagency agreement between FDA and the Health Care Financing Administration (HCFA) and a list of all FDA-approved investigational device exemptions (IDE's) and their corresponding categorization determinations for possible Medicare reimbursement. This list was compiled in accordance with the categorization criteria set forth in the interagency agreement. The HCFA/FDA interagency agreement regarding investigational devices describes procedures by which FDA will assist HCFA in identifying nonexperimental/investigational devices that are potentially covered by Medicare under a final rule recently issued by HCFA extending coverage to certain devices and related services. FDA is making the interagency agreement and the list of FDA-approved IDE's and their categorization determinations available to IDE sponsors and the public.

DATES: The HCFA final rule ''Medicare Program; Criteria and Procedures for Extending Coverage to Certain Devices and Related Services'' became effective on November 1, 1995. The HCFA/FDA interagency agreement became effective on September 8, 1995.

ADDRESSES: Submit written requests for a copy of the interagency agreement and the categorization list to the Division of Small Manufacturers Assistance (HFZ–220), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Requests should be identified with the docket number found in brackets in the heading of this document. Send two self-addressed adhesive labels to assist that office in processing your request. Copies of the interagency agreement and the categorization list are available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857 between 9 a.m. and 4 p.m., Monday through Friday. Copies of a facsimile of this information are available from the Center for Devices and Radiological Health's (CDRH's) Facts on Demand (1–800–899–0381). This information may also be obtained from the electronic docket administered by the Division of Small Manufacturers Assistance and is available to anyone with a video terminal or personal computer (1–800–252–1366, 1–800–222–0185, or 1–301–594–2741). Requests for reconsideration of the categorization of an IDE should be submitted in the same manner as an IDE supplement and should reference the IDE number, and be submitted in triplicate to: IDE Document Mail Center (HFZ–401), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: John Ensign, Center for Devices and Radiological Health (HFZ–404), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1190.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 19, 1995 (60 FR 48417), HCFA published a final rule in which it announced that it would consider for Medicare coverage certain devices with an FDA-approved IDE that have been categorized as nonexperimental/investigational. An FDA-approved IDE application permits a device which otherwise could not be lawfully shipped without marketing clearance, to be shipped lawfully for the purpose of conducting a clinical trial in accordance with section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) and 21 CFR parts 812 and 813.

Under section 513 of the act (21 U.S.C. 360c), all devices must be classified into one of three regulatory classes: Class I (general controls), Class II (special controls), or Class III (premarket approval). For the purposes of consideration for reimbursement under the Medicare program and in accordance with the procedures set forth in the HCFA final rule published on September 19, 1995, FDA has categorized all FDA-approved IDE's into either Category A (experimental/investigational) or Category B (nonexperimental/investigational). An experimental/investigational (Category A) device refers to an innovative device believed to be in Class III for which ''absolute risk'' of the device type has not been established (that is, initial questions of safety and effectiveness have not been resolved, and the FDA is unsure whether the device type can be safe and effective). A nonexperimental/investigational (Category B) device refers to a device believed to be in Class I or Class II, or a device believed to be

in Class III for which the incremental risk is the primary risk in question (that is, underlying questions of safety and effectiveness of the device type have been resolved), or it is known that the device type can be safe and effective because, for example, other manufacturers have obtained FDA approval for that device type. The specific criteria used to categorize the IDE's are set forth in Attachment A of the HCFA/FDA interagency agreement. In order to facilitate the processing of Medicare claims, FDA and HCFA encourage IDE sponsors to provide the IDE application numbers to the hospitals and clinical investigators participating in the sponsors' clinical investigations.

According to the September 19, 1995, HCFA final rule, IDE's which have been placed in Category B by FDA would be eligible for Medicare coverage consideration. The final coverage decision, however, will encompass other factors and thus will be made by HCFA.

By this notice, FDA is making available a list of all FDA-approved IDE's, the corresponding categorization determination (Category A or Category B), and the rationale for the determination. FDA will update this list as circumstances require and will make the revised list available through the electronic docket and Facts on Demand (details above), and in the Dockets Management Branch (address above). As set forth in the September 19, 1995, final rule, an IDE sponsor may seek reconsideration of a categorization determination by submitting a request for re-evaluation to FDA. Requests for re-evaluation should be submitted in the same manner as an IDE supplement to the IDE Document Mail Center (address above). IDE sponsors may submit this request for re-evaluation at any time, i.e., there is no time limit for submitting a reconsideration request to FDA. Further information about categorization, its effect on Medicare reimbursement, and appeal of a categorization determination, is contained in the September 19, 1995, final rule cited above.

Dated: February 12. 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health

[FR Doc. 96–4066 Filed 2–22–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Submitted for Collection of Public Comment: Submission for OMB Review

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and the Clinical Laboratory Improvement Act (CLIA) Exemption Under State Laboratory Programs; *Form No.:* HCFA R–185; *Use:* The information required is necessary to determine whether a private accreditation organization/State licensure program standards and accreditation/licensure process is equal to or more stringent than those of CLIA; *Frequency:* Other (initial application/as needed); *Affected Public:* Not-for-profit institutions, State, local, or tribal government.

To request copies of the proposed paperwork collections referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 24, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–4105 Filed 2–22–96; 8:45 am]

BILLING CODE 4120–03–P

Submitted for Collection of Public Comment: Submission for OMB Review

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension; *Title of Information Collection:* Sole Community Home Health Agencies (HHA) at 42 CFR424.22(b)(2), (f) and (g); *Form No.:* HCFA R–85; *Use:* These regulations implement the rules for participation of HHAs in Medicare and the establishment and review of plans of care for home health services. These regulations make it easier for certain HHAs to meet certification and plan of care requirements. *Frequency:* Annually; *Affected Public:* Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 20; *Total Annual Hours:* 40.

To request copies of the proposed paperwork collections referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch,

Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 16, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–4104 Filed 2–22–96; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3778–N–73]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

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

EFFECTIVE DATE: February 23, 1996.

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

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

Dated: February 16, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 96–4113 Filed 2–22–96; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invitation for Proposals

AGENCY: Department of the Interior, Office of the Secretary.

SUMMARY: The Exxon Valdez Oil Spill Trustee Council is inviting the submission of proposals for projects for the fiscal year 1997 for restoration of resources and services injured by the Exxon Valdez oil spill.

DATES: Proposals are due April 15, 1996, at 5:00 p.m.

ADDRESSES: Exxon Valdez Oil Spill Trustee Council, 645 ''G'' Street, Suite 401, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: Sandra Schubert, Exxon Valdez Oil Spill Trustee Council, (907) 278–8012 or toll free at (800) 478–7745.

SUPPLEMENTARY INFORMATION: Following the Exxon Valdez oil spill in March 1989, a Trustee Council of three state and three federal trustees, including the Secretary of the Interior, was formed. The Trustee Council prepared a restoration plan for the injured resources and services within the oil spill area. The restoration plan calls for annual work plans identifying projects to accomplish restoration. The Trustee Council is inviting proposals for projects to be included in the fiscal year 1997 work plan.

The publication explaining this invitation, Invitation to Submit Restoration Proposals for Federal Fiscal Year 1997, is available from the Exxon Valdez Oil Spill Trustee Council at the address listed above.

Dated: February 16, 1996.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 96–4053 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–10–M

Exxon Valdez Oil Spill Public Advisory Group Meeting

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group.

DATES: March 13, 1996, at 9:00 a.m.

ADDRESSES: First floor conference room, 645 ''G'' Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV. The agenda will include a review of current restoration activities and plans for the fiscal year 1997 restoration work plan.

Dated: February 16, 1996.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 96–4054 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[CA–010–06–1220]

Bakersfield Resource Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Bakersfield Resource Advisory Council.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and the Federal Land Policy and Management Act of 1976 (sec. 309), the Bureau of Land Management Bakersfield Resource Advisory Council will meet in Placerville, California.

DATES: March 6–7, 1996, beginning at 8:00 a.m. both days.

ADDRESS: Best Western Placerville Inn, 6850 Greenleaf Drive, Placerville, California. From Highway 50 take the Missouri Flat Road Exit. At the bottom of the exit ramp take two immediate left turns and one immediate right turn and you are there.

SUPPLEMENTARY INFORMATION: The Bakersfield Resource Advisory Council is a 12 member council appointed by the Secretary of the Interior to give counsel and advice regarding planning and management of public land resources to the District Manager of the Bureau of Land Management Bakersfield District. The Council will meet to discuss standards and guidelines for grazing operators on public land, community based planning on the 'Inimim Forest, land exchange proposals in the Folsom Resource Area, and land title and access issues in the Yuba

Goldfields along the Yuba River. There will be a field trip to the South Fork of the American River on Wednesday afternoon, March 6. Due to logistical limitations, the field trip will be for Council members only, but the rest of the meeting is open to the public. Anyone wishing to address the Council about any public land issue may do so during the public comment period beginning at 10 a.m., March 7, 1996 or at any time during the meeting at the discretion of the Council Chairman. Written comments may be submitted at the meeting, or to the address below.

FOR FURTHER INFORMATION CONTACT: Larry Mercer, Public Affairs Officer, Bureau of Land Management, Bakersfield District, 3801 Pegasus Drive, Bakersfield, CA 93308, telephone 805–391–6010.

Dated: February 12, 1996.

Ron Fellows,

District Manager.

[FR Doc. 96–4091 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–40–M

Notice of Meeting Cancellation

AGENCY: Lower Snake River District, Bureau of Land Management, Interior.

ACTION: Notice of meeting cancellation.

SUMMARY: The Lower Snake River District Resource Advisory Council has cancelled its meeting scheduled for February 24, 1996 at the Idaho State Office of the Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706. The meeting has not been rescheduled.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Barry Rose,

Public Affairs Specialist.

[FR Doc. 96–4075 Filed 2–22–96; 8:45 am]

BILLING CODE 1020–66–P

[UT–912–06–0777–52]

Notice of Meeting of the Utah Resource Advisory Council

AGENCY: Bureau of Land Management, Utah

SUMMARY: The Utah Resource Advisory Council will conduct a field trip and meeting on March 22–23, 1996. Council members will assemble on March 22 at 8:00 a.m. at the BLM's Cedar City District Office, 176 East D.L. Sargent Drive, Cedar City, Utah, and depart for an all-day field tour of BLM lands in the Beaver River Resource Area and the Beaver Dam Slope. The Council will reconvene on March 23 (8:00 a.m.) at the Southern Utah State University, Hunter Conference Center, 351 Center Street, Cedar City. Topics of discussion will include Standards and Guidelines for grazing management. The session will conclude at approximately 1:00 p.m. The session is open to the public. Any public attending the field sessions must provide their own transportation, meals and overnight accommodations. Opportunities for the public to address the council members will take place at 11:30 a.m. on March 23.

FOR FURTHER INFORMATION CONTACT: Don Banks, Utah State Office, Bureau of Land Management, 324 S. State St., Salt Lake City, 84111; phone (801) 539–4021.

Dated: February 15, 1996.

William G. Lamb,

Utah BLM State Director.

[FR Doc. 96–4069 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–DQ–P

[ID–060–1610–00]

Notice of Change of Mailing Address

AGENCY: Bureau of Land Management, Salmon Field Office, Idaho.

SUMMARY: The Bureau of Land Management, Upper Columbia-Salmon Clearwater Districts, Salmon Field Office including Fire Dispatch, warehouse, Lemhi Resource Area and Challis Resource Area will have a new mailing address effective March 4, 1996. The address will change from P.O. Box 430, Salmon, Idaho 83467 to Rt. 2, Box 610, Salmon, Idaho 83467.

DATES: Effective March 4, 1996.

ADDRESSES: New address will be: Bureau of Land Management, Upper Columbia-Salmon Clearwater Districts, Salmon Field Office, Rt. 2, Box 610, Salmon, Idaho 83467.

FOR FURTHER INFORMATION CONTACT: Lori Shulenberger, (208) 756–5463.

Dated: February 16, 1996.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 96–4077 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–GG–M

[AZ–930–06–1020–00]

Intent To Prepare an Arizona Statewide Plan Amendment, To Develop State Standards for Rangeland Health and Guidelines for Grazing Management

AGENCY: Bureau of Land Management.

ACTION: Modified notice of intent to extend scoping period and notice of meetings.

SUMMARY: The Arizona Bureau of Land Management published a Federal Register notice of intent to prepare a Statewide plan amendment to develop state Standards for Rangeland Health and Guidelines for Grazing Management on February 1, 1996, Vol. 61, No. 22, pages 3728–3729. The scoping period is extended and four open house public meetings will be held.

DATES: Comments will be accepted throughout the Statewide plan amendment and NEPA analysis process. However, comments received after March 22, 1996 may not be reflected in the alternatives considered or issues analyzed in the plan amendment and associated NEPA document released for public review and comment.

ADDRESS: Any comments or requests to be placed on the mailing list should be sent to: Standards and Guidelines (AZ-930); Bureau of Land Management; P.O. Box 16563; Phoenix, AZ, 85011–6563.

FOR FURTHER INFORMATION CONTACT: Clint Oke or Ken Mahoney; Co-Team Leaders; Bureau of Land Management (AZ-930); P.O. Box 16563; Phoenix, AZ, 85011–6563; phone (602) 650–0513.

SUPPLEMENTARY INFORMATION: The BLM's new grazing administration regulations (43 CFR Part 4100), which became effective August 21, 1995, provide for the development of state Standards for Rangeland Health and Guidelines for Grazing Management. These Standards and Guidelines are to be approved and implemented through an integrated planning and NEPA process using an interdisciplinary team of specialists pursuant to BLM's Planning Regulations (43 CFR Part 1600). All existing land use plans for public lands in the State of Arizona will be amended. At this point in time, it is undecided what level of NEPA analysis (EA-level or EIS-level) will be needed.

Public Meetings

Four open house public meetings will be held. Their locations and schedules are as follows:

March 4, 1996: 3:00 p.m. to 8:00 p.m.; Interagency Office and Information Center; 345 E. Riverside Dr.; St. George, UT.

March 5, 1996: 3:00 p.m. to 8:00 p.m.; Bureau of Land Management Kingman Resource Area Office; 2475 Beverly Ave.; Kingman, AZ.

March 12, 1996: 3:00 p.m. to 8:00 p.m.; Bureau of Land Management Safford District Office; 711 14th Ave.; Safford, AZ.

March 13, 1996: 3:00 p.m. to 8:00 p.m.; Bureau of Land Management Arizona State Office; 3707 N. 7th St.; Phoenix, AZ.

Dated: February 15, 1996.

Phillip D. Moreland,

Acting Deputy State Director, Resource Planning, Use and Protection Division.

[FR Doc. 96–4114 Filed 2–22–96; 8:45 pm]

BILLING CODE 4310–FB–P

[NM–030–1430–01; NMNM95066]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action; R&PP Act Classification.

SUMMARY: The following public land in Dona Ana County, New Mexico has been examined and found suitable for classification for lease or conveyance to Las Cruces School District under the provision of the R&PP Act, as amended (43 U.S.C. 869 et seq.). Las Cruces School District proposes to use the land for a school site.

T. 22 S., R. 2 E., NMPM
Sec. 33, lot 2, W½SE¼NW¼.
Containing 45.64 acres, more or less.

DATES: Comments regarding the proposed lease/conveyance or classification must be submitted on or before April 8, 1996.

ADDRESSES: Comments should be sent to the Bureau of Land Management, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Marvin M. James at the address above or at (505) 525–4349.

SUPPLEMENTARY INFORMATION: Lease or conveyance will be subject to the following terms, conditions, and reservations:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.
2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.
3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.
4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the Federal Register, the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. On or before April 8, 1996, interested persons may submit comments regarding the proposed lease/conveyance or classification of the land to the District Manager, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a school site. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a school site.

Dated: February 20, 1996.

Linda S.C. Rundell,

District Manager.

[FR Doc. 96–4218 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–VC–P

[CO–056–1220–04]

Notice of Interim Management for Protection of Wild and Scenic River Values

AGENCY: Bureau of Land Management, Interior.

ACTION: The Bureau of Land Management, Canon City District, San Luis Resource Area has determined that 41 miles of the Rio Grande River in Colorado was eligible for consideration as a potential addition to the National Wild and Scenic River System. This determination was made as a part of the San Luis Resource Management Plan process in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), 43 CFR 1600, the Guidance for the Identification and Evaluation of Potential Additions to the National Wild and Scenic Rivers System, the USDI–USDA Final Revised Guidelines for Eligibility, Classification and Management of River Areas, and BLM Manual Section 1623.41A2d.

SUMMARY: In December, 1991 the Resource Management Plan (RMP) was finalized for the San Luis Resource Area of Colorado. Assessment of potential additions to the National Wild and Scenic River System was included in this planning effort. A total of 32 streams or segments of streams were analyzed and a 41 mile segment of the Rio Grande River in Colorado met the eligibility criteria. This segment of the river is ''free-flowing'' and has ''outstandingly remarkable values,'' therefore, this stretch needs adequate interim protection until a final decision is reached.

The 41-mile segment of the Rio Grande River, which is the last 41 miles of this river within Colorado, has been tentatively classified as follows: the upper 33 miles meets the ''Scenic'' classification criteria, and the lower 8 miles meets the ''Wild'' classification criteria. These tentative classifications are based on conditions of the river corridor as they existed at the time of the study.

Management activities and authorized uses will not be allowed to adversely affect the eligibility or classification of this river. Management prescriptions for this river corridor should provide for protection in three ways:

1. The free-flowing characteristics of the river cannot be modified, to the extent that BLM is authorized under law to control stream impoundments and diversions.
2. Outstandingly remarkable values will be protected, and to the extent practicable, enhanced.
3. Management and development of the river corridor cannot be modified to the degree that eligibility or classification is changed.

A study report was prepared and included in the appendix to the proposed resource management plan/final environmental impact study and documents the application of the Eligibility/Classification/Suitability Criteria.

The study report was included as an integral part of the RMP process documentation. The determination within the RMP was a preliminary administrative recommendation for designation or non-designation depending on the suitability analysis. The recommendation will receive further review and possible modification by the Director of the BLM, the Secretary of the Interior and the President of the United States. Final decisions have been reserved by the U.S. Congress.

DATES: Interim protective management on public lands along this 41-mile river corridor will exist for a period not exceeding 5 years from the date of this notice or until such time as a final decision has been made, whichever occurs first.

ADDRESSES: Interested parties may obtain more information by writing to the District Manager, Canon City District, 3170 East Main St., Canon City, CO 81212 or the Area Manager, San Luis Resource Area, 1921 State Ave., Alamosa, CO 81101.

FOR FURTHER INFORMATION CONTACT: Area Manager at (719) 589–4975.

Donnie R. Sparks,

District Manager.

[FR Doc. 96–4093 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–JB–M

Minerals Management Service

Public Hearings on the Draft Environmental Impact Statement for the Proposed Oil and Gas Leasing Program for 1997 to 2002

AGENCY: Minerals Management Service, DOI.

ACTION: Notice of dates and locations of public hearings on the draft environmental impact statement for the proposed Outer Continental Shelf Oil and Gas Leasing Program for 1997 to 2002.

On February 9, 1996, the Minerals Management Service announced in the Federal Register (Notice 61 FR 28) the availability of the draft Environmental Impact Statement (EIS) for the ''Proposed Outer Continental Shelf Oil and Gas Leasing Program for 1997 to 2002.'' The notice indicated that the dates, times, and locations of public hearings on the draft EIS would be announced at a later date. This notice provides that information.

The purpose of these hearings is to receive specific comments on the adequacy of the draft EIS and to provide the Secretary of the Interior with additional information from both public and private sectors to help evaluate fully the potential environmental effects of the proposed program.

The public hearings are scheduled for the following dates and times at the following locations:

March 21, 1996

Borough Assembly Chambers, Barrow, Alaska, 7:00 p.m., Contact: Robin Cacy—(907) 271–6070 or 1–800–764–2627

A teleconference will be held with the villages of Pt. Hope, Point Lay, Wainwright, Kaktovik, and Nuiqsut simultaneously with the Barrow Hearing.

March 26, 1996

Wyndham Warwick Hotel, 5701 Main Street, Houston, Texas, 7:00 to 9:00 p.m., Contact: Janet Diaz—(504) 736–2540

March 27, 1996

MMS Gulf of Mexico Regional Office, 1201 Elmwood Park Blvd., Rm. 115, New Orleans, Louisiana, 1:00 to 3:00 p.m., Contact: Janet Diaz—(504) 736–2540

March 28, 1996

Adam's Mark Hotel, 64 South Water Street, Mobile, Alabama, 7:00 to 10:00 p.m., Contact: Janet Diaz—(504) 736–2540

March 28, 1996

City Council Chambers, Homer Alaska, 7:00 p.m., Contact: Robin Cacy—(907) 271–6070 or 1–800–764–2627

April 3, 1996

Yakutat High School Auditorium, Yakutat, Alaska, 7:00 p.m., Contact: Robin Cacy—(907) 271–6070 or 1–800–764–2627

April 9, 1996

MMS Alaska Region Conference Room, 949 East 36th Avenue, Anchorage, Alaska, 12:00 noon, Contact: Robin Cacy—(907) 271–6070 or 1–800–764–2627.

A teleconference will be held with the communities of Cordova Kenai/Soldotna, Ninilchik, Port Graham/Nanwalek, and Seldovia simultaneously with the Anchorage Hearing.

April 11, 1996

City Hall, Kivalina, Alaska, 1:00 p.m., Contact: Robin Cacy—(907) 271–6070 or 1–800–764–2627.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearings are requested to contact the person listed above for the particular location at least 5 days prior to the hearings. A hearing officer will be in charge at each hearing site. Time limitations may make it necessary to limit the length of each oral presentation to 10 minutes or less. An oral statement may be supplemented, however, by a more complete statement which should be submitted to the hearing officer at the time of the oral presentation. After the presentation of oral statements by those who have preregistered, if time is still available during the period of time listed for the hearings, other individuals will be given an opportunity to be heard. Each hearing will begin at the specified time and will recess when all speakers have had an opportunity to testify. If there are no additional speakers, the hearing will adjourn immediately after the recess.

Written comments on the draft EIS, including comments from individuals unable to present oral statements or to attend the hearings, will be accepted until May 9, 1996. All written comments should be mailed to Director, Minerals Management Service, 381 Elden Street, MS–4320, Herndon, Virginia 22070–4817, Attention: Richard Wildermann. Hand deliveries to the Department of the Interior may be made to Room 4227 Main Interior Building, 1849 C Street, NW., Washington, D.C. 20240. Envelopes or packages should be marked ''1997–2002 Oil and Gas Program draft EIS.''

After the public hearing testimony and written comments on the draft EIS have been reviewed and analyzed, a final EIS will be prepared. The comment period for the draft EIS closes May 9, 1996.

Dated: February 20, 1996.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 96–4102 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–MR–P

De Minimis Amount for Recoupments on Federal Offshore Mineral Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of amount.

SUMMARY: This notice establishes the amount below which a royalty payor is not required to follow the statutory recoupment procedures. The Minerals Management Service (MMS) issued regulations governing recoupment of overpayments on Federal offshore mineral leases. Those regulations provide that MMS will publish a notice establishing de minimis amounts where it is not cost effective to process the recoupment request.

FOR FURTHER INFORMATION CONTACT: Randall Drake, Financial Compliance Branch, Compliance Verification Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3670, Denver, Colorado, 80225–0165, telephone number (303) 231–3139, fax number (303) 231–3372.

SUPPLEMENTARY INFORMATION: The Royalty Management Program of the Minerals Management Service (MMS) established regulations at 30 CFR Part 230 (59 FR 38365, July 28, 1994,

effective August 29, 1994) implementing Section 10 of the Outer Continental Shelf Lands Act, 43 U.S.C. § 1339.

Section 10 requires that requests for refunds or credits of excess payments on Federal offshore leases be authorized only if (1) a request for refund or credit is filed within 2 years after the making of the payment, and (2) 30 days expire after both Houses of Congress are notified of the refund request, 43 U.S.C. § 1339.

In the regulations, MMS identified certain transactions not subject to Section 10. Under one of those exceptions, the regulations at 30 CFR § 230.461(h) permit payors to file credit adjustments for de minimis amounts without filing requests for refunds with MMS. Those rules provide that MMS periodically will publish in the Federal Register what the de minimis threshold is. By Federal Register notice (60 FR 20504) dated April 26, 1995, the threshold was established at $250. Based on the cost experience for fiscal year 1995, MMS is increasing the de minimis threshold to $2,500. From recent experience, this would reduce the number of refund requests MMS processes from 1900 to 900 annually. It also should be recognized that the $2,500 de minimis threshold is applicable only to OCS leases which produce large volumes of oil and gas relative to onshore leases.

Under these procedures, payors may make credit adjustments for $2,500 or less for each Outer Continental Shelf (OCS) lease and report month without filing a request with MMS. A credit adjustment for a lease within a unit may exceed $2,500 of credits during 1 report month, provided the net credit adjustment for that month considering all positive and negative adjustments for leases in the unit is less than $2,500. For example, if leases A and B are part of a unit, a payor may submit a credit adjustment of $10,000 for lease A and a payment of $8,000 for lease B within the same report month. Since the two leases within the unit net to a credit of $2,000, the payor is within the de minimis amount. As provided by the regulations, the overpayment recoupments must be made within 2 years of the date MMS received the payment.

Dated: February 15, 1996.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 96–3949 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–MR–P

Electronic Data Interchange in the Royalty Management Program

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of an EDI presentation.

SUMMARY: The Minerals Management Service (MMS) is giving an Electronic Data Interchange (EDI) presentation in Houston, Texas, on March 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Y. Matthews, Systems Management Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165 MS 3140, Denver, Colorado, 80225–0165, telephone numbers (800) 619–4593, (303) 275–7036, fax number (303) 275–7099 or e-mail Barbara Matthews@smtp.mms.gov.

DATES: The EDI presentation is Thursday, March 21, 1996.

LOCATION: Hyatt Regency Houston, 1200 Louisiana Street, Houston, Texas, 77002, Phone Number: 713–654–1234.

SUPPLEMENTARY INFORMATION: MMS is offering an EDI presentation at no cost to companies and interested parties that intend to implement or pilot EDI with MMS. The EDI presentation will be held in conjunction with the American Petroleum Institute (API), Petroleum Industry Data Exchange (PIDX) REGS Work Group meeting in Houston, Texas. The API PIDX REGS Work Group meeting is scheduled for March 19–21, 1996.

Instructors are MMS employees of the Royalty Management Program, System Management Division.

AGENDA: Morning Session 9:00 a.m.–11:30 a.m. Subject: MMS EDI activities, capabilities, current status and implementation planning and schedules. Afternoon Session 1:00 p.m.–4:00 p.m. Subject: EDI technical issues related to mapping and electronic exchange of regulatory data, and funds transmittal with MMS via EDI.

All EDI Presentation attendees will be provided copies of the current MMS EDI Implementation Guides.

If you are planning to attend this EDI Presentation, please leave a message for Barbara Matthews at the telephone and FAX numbers in the information contact section of this notice no later than March 13, 1996.

Dated: February 16, 1996.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 96–4112 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Indian Memorial Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a scheduled meeting of the Little Bighorn Battlefield National Monument Advisory Committee (a.k.a. Indian Memorial Advisory Committee). Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: March 19–21, 1996, from 10:00 a.m.–5:00 p.m. on 03/19/96, 8:00 a.m.–5:00 p.m. on 03/20/96, and 8:00 a.m.–12:00 p.m. on 03/21/96.

ADDRESSES: Doubletree Club Hotel Denver West, 137 Union Blvd., Lakewood, Colorado 80228. (303) 969–9900.

AGENDA: Introduction/opening remarks, administrivia, minutes from last meeting, discuss follow-up actions from last meeting, review of design competition language/draft text of competition document, set design competition timetable, discuss fund-raising strategy and promotional materials. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with: Superintendent, Little Bighorn Battlefield National Monument, P.O. Box 39, Crow Agency, Montana 59022, telephone (406) 638–2621. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the Superintendent of Little Bighorn Battlefield National Monument.

SUPPLEMENTARY INFORMATION: The Advisory Committee was established under Title II of the Act of December 10, 1991, for the purpose of advising the Secretary on the site selection for a memorial in honor and recognition of the Indians who fought to preserve their land and culture at the Battle of Little Bighorn, on the conduct of a national design competition for the memorial, and ''* * * to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.''

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Sutteer, Chief, Office of American Indian Trust Responsibilities, Intermountain Field Area Office,

National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225–0287, (303) 969–2511.

Dated: February 15, 1996.

Gerard Baker,

Designated Federal Officer, Little Bighorn Battlefield National Monument, National Park Service.

[FR Doc. 96–4163 Filed 2–22–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed partial consent decree in *United States* v. *John Morrell & Company,* Civil Action No. 96 4011 was lodged on January 5, 1996 with the United States District Court for the District of South Dakota. The proposed partial consent decree provides injunctive relief for violations of the Clean Water Act (the Act), 33 U.S.C. 1251 *et seq.* These violations stem from Morrell's inadequate reporting and recordkeeping practices and Morrell's exceedances of its National Pollutant Discharge Elimination System (''NPDES'') permit contrary to the requirements of Section 308(a)(A) of the Act, 33 U.S.C. 1318(a)(A). The settlement requires Morrell to comply with the act and its permit limitations for twelve consecutive months, complete a pollution prevention and waste minimization audit, and hire and retain qualified personnel to operate the waste water treatment plant.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *John Morrell & Company,* Civil Action No. 96 4011, DOJ Ref. #*90–5–1–1–3973.*

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Denver Field Office, 999 18th Street, North Tower Suite 945, Denver, Colorado, 80202 and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $11.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 96–4089 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 7, 1996, a proposed Consent Decree in *United States* v. *Penta Wood Products, Inc.,* Civil Action No. 96–C–0112C, was lodged with the United States District Court for the Western District of Wisconsin. This consent decree represents a settlement of claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606, 9607, against Penta Wood Products, Inc. (Penta Wood) for past response costs incurred by the United States for removal actions at the Penta Wood facility and for Penta Wood's failure to comply with an administrative order issued to it pursuant to Section 106 of CERCLA, 42 U.S.C. 9606.

Under this settlement, Penta Wood will pay the United States $37,400. In addition, Penta Wood will make further payments in the event that the company obtains additional funds through its good faith efforts to collect outstanding accounts receivable and/or sell certain pieces of equipment owned by the company. Finally, Penta Wood is required to transfer full ownership of a wastewater treatment unit to EPA, which EPA has been using in its efforts to clean up the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Penta Wood Products, Inc.,* D.J. Ref. 90–11–3–1369.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Wisconsin, 660 West Washington Ave., Suite 200, Madison, WI 53701–1585, and at Region 5, Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, IL 60604, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $9.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–4096 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of a Modification of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a Consent Decree in *United States* v. *Sweat,* et al., Docket No. 2:94–1673 (D.S.C.), was lodged with the United States District Court for the District of South Carolina on February 7, 1996.

The United States brought this action against the Estate of Richard Sweat, Sr. and Sweat's Dirt Hauling, Inc. The complaint alleges that Richard Sweat, Sr. and Sweat's Dirt Hauling, Inc. engaged in the unpermitted filling, clearing, and excavation of between 30 and 50 acres of wetlands along the Ashley River near Summerville, South Carolina, in violation of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311, 1344. The United States intends to enter into a Consent Decree to resolve the liability for those violations. The Consent Decree (1) prohibits further section 404 violations by the defendants, and (2) provides for a restrictive covenant precluding development of certain wetland areas formerly owned by Richard Sweat, Sr. In return, the United States agrees that the provisions of the Consent Decree constitute a full settlement of the violations alleged in the complaint.

The Department of Justice will receive, until thirty (30) days from the date of this notice, written comments relating to the proposed Consent Decree. Comments should be addressed to the United States Department of Justice, Assistant Attorney General, Environment and Natural Resources Division, 10th Street and Pennsylvania Avenue, NW, Washington, DC 20530, to the attention of Ronald M. Spritzer, Senior Attorney, Environmental Defense Section, and should refer to *United*

States v. *Sweat*, et al., Docket No. 2:94–1673 (D.S.C.), and DJ Reference No. 90–5–1–1–4133.

The proposed Consent Decree may be examined at the Clerks's Office, United States District Court for the District of South Carolina, Hollings Judicial Center, 81 Broad Street, Charleston, South Carolina 29401, during regular business hours, or a copy may be requested from Ronald M. Spritzer at (202) 514–3977.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 96–4090 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Bethlehem Steel Corporation; Research Institute of Industrial Science and Technology; and Pohang Iron and Steel Co., Ltd.

Notice is hereby given that, on August 30, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the consortium filed notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the cooperative research and development venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Bethlehem Steel Corporation, Bethlehem, PA; Research Institute of Industrial Science and Technology, Pohang, KOREA; and Pohang Iron & Steel Co., Ltd., Pohang, KOREA. The general areas of planned activity by the venture are research and development projects in the field of basic iron and steelmaking technologies and processes.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4086 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Cigarette Ignition Propensity Joint Venture

Notice is hereby given that, on May 4, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Cigarette Ignition Propensity Joint Venture (''the Joint Venture'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. The notifications were filed for the purpose of maintaining the application of the Act to the Joint Venture. Specifically, the American Tobacco Company has merged into the Brown Williamson Tobacco Corporation, and is no longer a member of the Joint Venture. In addition, the Joint Venture has adopted an Amendment to its initial Joint Research and Development Agreement; that Amendment extends the existence of the Joint Venture until September 30, 1996.

No other changes have been made in either the membership or planned activity of the group research project. The Joint Venture intends to file additional written notifications disclosing all changes in membership.

On January 7, 1991, the Joint Venture filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on February 4, 1991 (56 FR 4301).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4084 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Vehicle Electronics

Notice is hereby given that, on July 24, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the Consortium for Vehicle Electronics, has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Chrysler Corporation, Highland Park, MI; AVEX Electronics, Inc., Huntsville, AL; AlliedSignal Corporation, Morristown, NJ; Delco Electronics Corporation, Kokomo, IN; Auburn University, Auburn University, AL; and AMP–AKZO Company, Greenville, SC.

The purpose of the Consortium is the development of material and process technologies to support robust, low-cost, packaging technologies for electronics.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4078 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Inter Company Collaboration for AIDS Drug Development

Notice is hereby given that, on May 18, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Inter Company Collaboration for AIDS Drug Development (''The Collaboration'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission reflecting changes in membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the new members of the Collaboration are: Gilead Sciences, Inc., Foster City, CA; Ciba-Geigy Limited, Basle, Switzerland; and the Upjohn Company, Kalamazoo, MI.

No other changes have been made in either the membership or planned activities of the Collaboration. Membership in the Collaboration remains open, and the Collaboration intends to file additional written notifications disclosing all changes in membership.

On May 27, 1993, the Collaboration filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on July 6, 1993 (58 FR 36223).

The last notification was filed with the Department on April 19, 1994. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on May 25, 1994 (59 FR 27033).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4087 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Joint Industry Program

Notice is hereby given that, on October 25, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute (SwRI) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objective of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the venture which shall be known as the Joint Industry Program are: CXR Company, Ltd., Hiroshima, JAPAN; Electric Power Research Institute, Palo Alto, CA: TEAM, Inc., Alvin, TX: Texaco, Inc., Port Arthur, TX; and Tokyo Gas Company, Ltd., Tokyo, JAPAN. General planned activities are to develop a cost effective nondestructive evaluation technique whose capabilities include the nonintrusive inspection of the entire cross section of pipe and to develop a field-deployable production model magnetostrictive sensor for inspecting and detecting corrosion in insulated piping systems without removal of insulation.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4085 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Plantstep, Inc.

Notice is hereby given that, on October 31, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PlantSTEP, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identity of the new member of PlantSTEP, Inc., is EA Systems, Inc., Alameda, CA.

No changes have been made in the planned activities of PlantSTEP, Inc. Membership remains open, and the members intend to file additional written notifications disclosing all changes in membership.

On March 10, 1995, PlantSTEP, Inc., filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on July 25, 1995 (60 FR 38059).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4079 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Fuel Filtration Cooperative Research Program

Notice is hereby given that, on May 4, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute (''SwRI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of a party to its group research project entitled ''Fuel Filtration Cooperative Research Program''. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SwRI advised that Cummins Engine Company, Inc., Columbus, IN (effective March 13, 1995) has become a party to the group research project.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SwRI intends to file additional written notifications disclosing all changes in membership.

On October 5, 1994, SwRI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on December 30, 1994 (59 FR 67733–34).

The last notification was filed with the Department on February 10, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on April 24, 1995 (60 FR 20120).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4088 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Universal Instruments Corporation

Notice is hereby given that, on July 20, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Universal Instruments Corporation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The following are new members: Acuson, Inc., Mountainview, CA; AEG Schneider Automation, Andover, MA; Digital Equipment Corporation, Maynard, MA; and International Business Machines, Endicott, NY.

No other changes have been made in either the membership or the planned activity of the group research project. Membership in the venture remains open, and the parties intend to file additional written notifications disclosing all changes in the membership or planned activities.

On January 16, 1995, Universal Instruments Corporation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on April 20, 1995 (60 FR 19779).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4083 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Wilfred Baker Engineering, Inc.: Petroleum/Chemical Processing Joint Agreement

Notice is hereby given that, on July 24, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Wilfred Baker Engineering, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Occidental Chemical

Corporation, Dallas, TX has joined the joint venture.

No other changes have been made in either the membership or planned activities of the venture.

On March 14, 1995, Wilfred Baker Engineering, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on May 11, 1995 (60 FR 25252).

The last notification was filed with the Department on June 22, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on December 18, 1995 (60 FR 65069).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–4082 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–01–M

Immigration and Naturalization Service

[INS No. 1725R–96]

Notice of Change of Location of Citizens' Advisory Panel Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Change of meeting location.

SUMMARY: The Immigration and Naturalization Service (Service) in accordance with the Federal Advisory Committee Act [5 U.S.C. App. 2] and 41 CFR 101–6.1001–101–6.1035 (1992), has established a Citizens' Advisory Panel (CAP) to provide the Department of Justice with recommendations on ways to reduce the number of complaints of abuse made against employees of the Service, and to minimize or eliminate the causes for those complaints. This notice announces the CAP's forthcoming meeting and the agenda for the meeting.

DATES: February 26–27, 1996 at 8:00 a.m.

ADDRESSES: Chester Arthur Building, 425 I Street, NW., Washington, DC 20001, Sixth Floor Conference Room.

FOR FURTHER INFORMATION CONTACT: Susan B. Wilt, CAP Designated Federal Official (DFO), Immigration and Naturalization Service, Room 3260, Chester Arthur Building, 425 I Street NW., Washington, DC 20536, Telephone (202) 616–7072.

SUPPLEMENTARY INFORMATION: Pursuant to the charging language of the Senate Appropriations Committee Report 102–331 on the FY 1993 Budget for the Immigration and Naturalization Service, Department of Justice, the Service established a Citizens' Advisory Panel for the purpose of providing recommendations to the Attorney General on ways to reduce the number of complaints of abuse made against employees of the Service and, most importantly, to minimize or eliminate the causes for those complaints. The CAP is authorized by the Attorney General to (1) accept and review civilian complaints made against Service employees, and (2) review the systems and procedures used by the Service for responding to such complaints. (February 11, 1994 at 59 FR 6658)

Summary of Agenda

The principal purpose of the meeting is to set forth recommendations on the Immigration and Naturalization Service's complaint process, education and the development of training, the current training curriculum, and training policies and procedures for Service employees.

Public Participation

The CAP meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the CAP DFO at least 2 days prior to the meeting by contacting the DFO at (202) 514–2373. Any hearing-challenged individuals wishing to attend please contact the DFO by February 20, 1996 so services can be arranged.

Any member of the public may file a written statement with the CAP DFO before the meeting. Materials submitted at the meeting should be submitted in 20 copies. Members of the public will not be permitted to present oral statements at the meeting.

Minutes of the meeting will be available on request from the CAP DFO.

Dated: February 15, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–3972 Filed 2–22–96; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–31,635]

Distribution and Auto Service, Incorporated; Seattle, WA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Program Manager of the Office of Trade Adjustment Assistance for workers at Distribution and Auto Service, Incorporated, Seattle, Washington. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–31,635; Distribution and Auto Service, Inc. Seattle, Washington (February 9, 1996)

Signed at Washington, D.C. this 12th day of February, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–4150 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,835]

Energy Fuels Nuclear, Inc. Denver, CO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 29, 1996 in response to a worker petition which was filed on behalf of workers at Energy Fuels Nuclear, Inc.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–31,836, A, B & C). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 9th day of February 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–4156 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations

will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than March 4, 1996.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than March 4, 1996.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of February, 1996.

Russell Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted On 02/05/96]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
31,838	General Mills Inc. (Wkrs)	Golden Valley, MN	01/05/96	Redemption of Coupons.
31,839	Champion Products (Comp)	Scottsboro, AL	01/11/96	Sweatshirts and Sweatpants.
31,840	Tektronix, Inc (Wkrs)	Beaverton, OR	01/09/96	T.V. and Telescopes, Test Tubes.
31,841	New River Furniture (Wkrs)	Galax, VA	12/13/95	Upholstered Furniture.
31,842	DDJ Manufacturing (Comp)	Madera, PA	01/09/96	Ladies' Skirts, Slacks, Shorts.
31,843	Pauline Handbags (Wkrs)	New York, NY	01/10/96	Ladies' Handbags.
31,844	Ertl Company (The) (UAW)	Dyersville, IA	01/12/96	Molled Toys.
31,845	G-Tee (Wkrs)	Cullman, AL	01/09/96	Knit Sportswear—T-Shirts.
31,846	Maybelle Manufacturing (Comp)	Gulfport, MS	01/08/96	Ladies' Sportswear.
31,847	Burton Golf, Inc (BBF)	Jasper, AL	01/10/96	Golf Bags.
31,848	La-Del Manufacturing (Wkrs)	Lawrenceburg, TN	01/02/96	Ladies' Sportswear.
31,849	Tultex Corp (Wkrs)	Marion, NC	01/04/96	Jersey Shorts, Fleece Sweatshirts.
31,850	Crown Cork & Seal Co. (IAM)	Philadelphia, PA	01/04/96	Sanitary and aerosol cans.
31,851	Ditto Apparel of Calif (Comp)	Colfax, LA	01/23/96	Ladies' and Juniors Jeans.
31,852	Anne Rashel Sportswear (Wkrs)	Albany, KY	01/26/96	Ladies' Sportswear and Dresses.
31,853	Mikes Blocks (Comp)	Forks, WA	01/17/96	Cedar Shakes and Shingles.
31,854	Tri-Lakes, Ltd (Comp)	Houston, MS	01/15/96	Jeans, Shirts.
31,855	Kiddie Kloes, Inc (Wkrs)	Lansford, PA	01/04/96	Girl's Dresses and Sportswear.
31,856	Central Penn Sewing (Comp)	Bloomsburg, PA	01/18/96	Industrial Sewing Machines.
31,857	Douglas County, Inc (Comp)	Winchester, OR	01/12/96	Framing Lumber.
31,858	Square D Company (Comp)	Lexington, KY	01/17/96	Safety Switches.
31,859	Standard Textile Contract (Comp)	Knoxville, TN	01/19/96	Henley Shirts and Sweatshirts.
31,860	UCAR Carbon Co., Inc (IUOE)	Columbia, TN	01/15/96	Graphite Electrodes and Connector Pins.
31,861	W.E. Stephens Mfg (Comp)	Pulaski, TN	01/19/96	Ladies' Denim Jeans.
31,862	Healthtex, Inc (Comp)	Warrenton, GA	01/18/96	Children's Sportswear.
31,863	WDC Holdings, Inc (USWA)	Attleboro Falls, MA	01/16/96	Metal Mesh Handbags.
31,864	Adrian Manufacturing (Comp)	El Paso, TX	01/05/96	Children's wear.
31,865	Monticello Mfg/Oxford (Wkrs)	Monticello, GA	01/08/96	Men's and Ladies' Slacks and Shorts.
31,866	Hughes/JVC Technology (Wkrs)	Carlsbad, CA	12/15/95	Image Light Amplifier.
31,867	Leggoons, Inc (Comp)	Vandallia, MO	01/09/96	Sports and Leisure Wear.
31,868	Robertshaw Controls Co (Wkrs)	Long Beach, CA	01/11/96	Gas Heat Control Valves.
31,869	MK Rail (Wkrs)	Mountaintop, PA	01/24/96	Locomotives.
31,870	American Olean Tile Co (Wkrs)	Lansdale, PA	01/24/96	Ceramic Wall Tile.
31,871	Acco USA (IBT)	Hinsdale, IL	01/18/96	Office Products.
31,872	Lewistown Specialty Yarns (Comp)	Lewistown, PA	01/22/96	Polyester Yarn.
31,873	Briggs Industries Inc (Comp)	Robinson, IL	01/12/96	Bathroom Bowls, Tanks, Sinks.
31,874	SeaCraft Instruments (Wkrs)	Batavia, NY	01/23/96	Circuit Boards.
31,875	Rivera Mfg (Wkrs)	Pontotoc, MS	01/25/96	Men's and Boy's Shirts.
31,876	Ca-Ce-Len Mfg, Inc (Comp)	Granger, TX	01/18/96	Garments.
31,877	Red Kap Industries (Wkrs)	Amory, MS	01/26/96	Work Uniforms.
31,878	Klear Knit of Statesville (Comp)	Statesville, NC	01/19/96	Knitted Men's Outerwear.
31,879	Rayloc (Wkrs)	Atlanta, GA	01/09/96	Water Pumps and Brake Shoes.
31,880	K-mart Fashion Dist. (ILGWU)	North Bergen, NJ	01/15/96	Admin, Dist. of Store Merchandise.
31,881	Herman Kay Co., Inc (UNITE)	Secaucus, NJ	01/22/96	Ladies' Coats.
31,882	American Contract Sewing (Wkrs)	Eufaula, OK	01/02/96	Children's Sportswear.
31,883	Dalow Industries (Wkrs)	Long Island Cty, NY	01/15/96	Jewelry.
31,884	Niagara Falls Business (Wrks)	Niagara Falls, NY	01/05/96	Printing Business Forms.
31,885	Warner's (Wkrs)	Sylvania, GA	01/03/96	Ladies' Intimate Apparel.
31,886	Anchor Glass Container (GMPAW)	Houston, TX	01/19/96	Containers.
31,887	Healthtex, Inc (Comp)	Luverne, AL	01/18/96	Children's Sportswear.

[FR Doc. 96–4149 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,322]

Magnetek, Main St. Plant and the Former Employees of the Main St. Plant Temporarily Employed at the Universal Drive Plant, Owosso, MI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on November 30, 1994, applicable to all workers of Magnetek, Main St. Plant, located in Owosso, Michigan. The notice was published in the Federal Register on December 16, 1994 (59 FR 65077).

At the request of the company, the Department reviewed the certification for workers of the subject firm. Magnetek has two locations in Owosso, Main St. Plant and Universal Drive. The workers of the Universal Drive location have not been certified as eligible to apply for TAA program benefits. Information provided by the company shows that when the Main Street plant closed, some of the Main St. plant workers were asked to temporarily continue their employment at the Universal Drive location until the phase out of the main St. operations was completed. Upon completion of the Main St. phase out, the former Main St. workers were separated from employment at the Universal Drive location. Based on these new findings, the Department is amending the certification to cover the workers at Magnetek's Main St. plant that were temporarily employed at the Universal Drive plant.

The intent of the Department's certification is to include all workers of Magnetek who were adversely affected by increased imports.

The amended notice applicable to TA–W–30,322 is hereby issued as follows:

All workers of Magnetek, Main St. Plant, and the former workers of the Main St. Plant that were temporarily employed at the Universal Drive Plant who became totally or partially separated from employment on or after August 26, 1993, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of February 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–4159 Filed 2–22–96; 8:45 am]

[TA–W–31,704]

Parker & Parsley Petroleum USA, Incorporated; Midland, Texas and Operating at Various Locations in the Following States: TA–W–31,704A Texas (Except Midland), TA–W–31,704B Pennsylvania, TA–W–31,704D Wyoming, TA–W–31,704C North Dakota, TA–W–31,704E Oklahoma; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on February 2, 1996, applicable to all workers of Parker & Parsley Petroleum USA, Incorporated located in Midland, Texas. The notice will soon be published in the Federal Register.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers of Parker & Parsley Petroleum are engaged in employment related to the production of crude oil and natural gas. New information provided by the company shows that worker separations have occurred at the subject firm's operations at other locations in Texas, and in the States of Pennsylvania, North Dakota, Wyoming and Oklahoma. Based on this new information, the Department is amending the certification to cover workers of Parker & Parsley Petroleum USA, Incorporated at those locations.

The intent of the Department's certification is to include all workers of Parker & Parsley who were adversely affected by increased imports.

The amended notice applicable to TA–W–31,704 is hereby issued as follows:

All workers of Parker & Parsley Petroleum USA, Incorporated, Midland, Texas (TA–W–31,704); and operating at various locations in Texas, except Midland (TA–W–31,704A) Pennsylvania (TA–W–31,704B); North Dakota (TA–W–31,704C); Wyoming (TA–W–31,704D); and Oklahoma (TA–W–31,704E) who became totally or partially separated from employment on or after June 30, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of February, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–4151 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–30–M

[TA-W–31,896]

Rivera Manufacturing, Pontotoc, MS; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 12, 1996 in response to a worker petition which was filed on February 12, 1996 on behalf of workers at Rivera Manufacturing, Pontotoc, Mississippi.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA-W–31,875). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 12th day of February, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–4158 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00718]

Paxport Mills, Incorporated, Tacoma, WA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on December 8, 1995 in response to a petition filed by the company on behalf of workers at Paxport Mills, Incorporated located in Tacoma, Washington. The workers produced red cedar fencing.

In a letter dated February 2, 1996, the petitioner requested that the petition for NAFTA–TAA be withdrawn because the workers had already been certified under the timber program of another government program. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 13th day of February 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–4157 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and State:

Volume IV

Michigan
MI950047 (Feb. 23, 1996)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

New York
NY950034 (Feb. 10, 1995)

Volume II

None

Volume III

Alabama
AL950034 (Feb. 10, 1995)
Florida
FL950009 (Feb. 10, 1995)
Georgia
GA950053 (Feb. 10, 1995)

Volume IV

Michigan
MI950001 (Feb. 10, 1995)
MI950005 (Feb. 10, 1995)
MI950012 (Nov. 03, 1995)
MI950030 (Feb. 10, 1995)
MI950031 (Feb. 10, 1995)
MI950062 (Dec. 15, 1995)

Volume V

None

Volume VI

Alaska
AK950001 (Feb. 10, 1995)
AK950002 (Feb. 10, 1995)
California
CA950032 (Feb. 10, 1995)
Idaho
ID950001 (Feb. 10, 1995)
ID950002 (Feb. 10, 1995)
Oregon
OR950001 (Feb. 10, 1995)
OR950004 (Feb. 10, 1995)
OR950017 (Dec. 15, 1995)
Washington
WA950001 (Feb. 10, 1995)
WA950002 (Feb. 10, 1995)
WA950005 (Feb. 10, 1995)
WA950007 (Feb. 10, 1995)
WA950008 (Feb. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the county.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions

may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 16th day of February 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–3964 Filed 2–22–96; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental 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 Bioengineering and Environmental Systems (No. 1189).

Date and Time: March 15, 1996; 8:30 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Gilbert B. Devey, Program Director, Biomedical Engineering and Research to Aid Persons with Disabilities, Division of Bioengineering and Environmental Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1318.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate 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. 96–3987 Filed 2–22–96; 8:45 am]

BILLING CODE 7555–01–M

Committee on Equal Opportunities in Science and Engineering; 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: Committee on Equal Opportunities in Science and Engineering (#1173).

Date and Time: March 13, 14, 15, 1996; 9:00 to 5:00 Wednesday and Thursday and 9:00 to Noon on Friday.

Place: Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: Sue Kemnitzer, Executive Secretary, Room 585, NSF, 4201 Wilson Blvd., Arlington, Va. 22230. Phone (703) 306–1382.

Minutes: May be obtained from the contact person at the above address.

Purpose of Meeting: To advise NSF on policies and activities of the Foundation to encourage full participation of women, minorities, and persons with disabilities currently underrepresented in scientific, engineering, professional, and technical fields and to advise NSF concerning implementation of the provisions of the Science and Engineering Equal Opportunities Act.

Agenda: To discuss national policy issues, including the importance of science and engineering to the national interest; overview of the areas of Social, Behavioral, and Economic Sciences; the Computer and Information Science and Engineering; and the Education and Human Resources; and update from the affirmative action task force.

Dated: February 20, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4103 Filed 2–22–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 7–9, 1996, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the Federal Register on Monday, November 27, 1995 (60 FR 58393).

Thursday, March 7, 1996

8:30 A.M.–8:45 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 A.M.–10:00 A.M.: Regulatory Guidance Documents Related to Digital Instrumentation and Control Systems (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed Regulatory Guides, Standard Review Plan Sections, and Branch Technical Positions related to digital instrumentation and control systems.

Representatives of the nuclear industry will participate, as appropriate.

10:15 A.M.–11:45 A.M.: Reactor Vessel Annealing (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Department of Energy (DOE) regarding the details of the DOE pilot projects for annealing reactor vessels.

Representatives of the nuclear industry will participate, as appropriate.

11:45 A.M.–12:15 P.M.: Adequacy of Individual Plant Examinations (IPEs) (Open)—The Committee will continue its discussion with representatives of the NRC staff regarding the IPE review process and findings.

Representatives of the nuclear industry will participate, as appropriate.

1:15 P.M.–2:45 P.M.: Applicability of RELAP5/MOD3 Code for the AP600 Design (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and its consultants regarding the staff program to evaluate the applicability of the RELAP5/MOD3 Code to perform accident/transient analyses of the AP600 design.

A portion of this session may be closed to discuss Westinghouse proprietary information applicable to this matter.

2:45 P.M.–3:45 P.M.: Fire Protection Issues (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and its consultants regarding a PRA model associated with the risk of fires during a self-induced station blackout and scoping analyses to evaluate the effectiveness of degraded-fire barriers in mitigating the consequences of a fully developed fire.

Representatives of the nuclear industry will participate, as appropriate.

4:00 P.M.–4:45 P.M.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS

business, and organizational and personnel matters relating to the ACRS staff.

A portion of this session may be closed to discuss the qualification of candidates nominated for appointment to the ACRS, organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

4:45 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting as well as proposed reports on Resolution of Multiple System Responses Program (MSRP) issues, and on Conformance of Operating Plants to NRC Safety Goals.

Friday, March 8, 1996

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 A.M.–9:45 A.M.: Probabilistic Risk Assessment (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and its consultants regarding the PRA framework document, its relationship to pilot applications, and the use of PRA in the regulatory decision-making process.

Representatives of the nuclear industry will participate, as appropriate.

9:45 A.M.–10:15 A.M.: Resolution of Generic Safety Issue 78, Monitoring of Fatigue Transient Limits for the Reactor Coolant System (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the measures taken to correct an error in the PRAISE Code, which was used to verify the results of a parametric study on risk associated with fatigue failure of primary coolant pressure boundary components.

10:30 A.M.–11:00 A.M.: Future ACRS Activities (Open)—The Committee will discuss recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

11:00 A.M.–11:15 A.M.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports. These responses are expected to be received from the EDO before the meeting.

11:15 A.M.–12:15 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting as well as proposed report on Resolution of the Multiple System Responses Program (MSRP) issues, and on Conformance of Operating Plants to NRC Safety Goals.

1:15 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting as well as the proposed reports on other matters noted above.

Saturday, March 9, 1996

8:30 A.M.–12:00 Noon: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting as well as the proposed reports on other matters noted above.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on September 27, 1995 (60 FR 49925). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during the open portions of the meeting, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Sam Duraiswamy, Chief, Nuclear Reactors Branch, at least five days before the meeting, if possible, 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 Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief of the Nuclear Reactors Branch prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Chief of the Nuclear Reactors Branch if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Public Law 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), to discuss Westinghouse proprietary information per 5 U.S.C. 552b(c)(4), and to discuss matters the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

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. Sam Duraiswamy, Chief, Nuclear Reactors Branch (telephone 301/415–7364), between 7:30 A.M. and 4:15 P.M. EST.

ACRS 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 16, 1996.

John C. Hoyle,

Acting Advisory Committee Management Officer.

[FR Doc. 96–4058 Filed 2–22–96; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Financial Disclosure Statement: OMB 3220–0127

Under Section 10 of the Railroad Retirement Act and Section 2(d) of the Railroad Unemployment Insurance Act, the RRB may recover overpayments of

annuities, pensions, death benefits, unemployment benefits, and sickness benefits that were made erroneously. An overpayment may be waived if the beneficiary was not at fault in causing the overpayment and recovery would cause financial hardship. The regulations for the recovery and waiver of erroneous payments are contained in 20 CFR parts 255 and 340.

The RRB utilizes Form G–423, Financial Disclosure Statement, to obtain information about the overpaid beneficiary's income, debts, and expenses if that person indicates that (s)he cannot make restitution for the overpayment. The information is used to determine if the overpayment should be waived as wholly or partially uncollectible. If waiver is denied, the information is used to determine the size and frequency of installment payments. The beneficiary is made aware of the overpayment by letter and is offered a variety of methods for recovery. One response is requested of each respondent. Completion is voluntary.

The RRB proposes to revise Form G–423 to include a request for information which would identify tangible and intangible property previously held by the beneficiary whose ownership was transferred to other parties in the last two years. Minor editorial changes are also being proposed to the Paperwork Reduction/Privacy Act notices utilized with Form G–423.

Estimate of Annual Respondent Burden

The estimated annual respondent burden is as follows:

Form No.(s)	Annual re-sponses	Time (min)	Burden (hrs)
G–423 ...	2,100	85	2,975

ADDITIONAL INFORMATION OR COMMENTS: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 96–4108 Filed 2–22–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26472]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

February 16, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 11, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Cinergy Corp. (70–8521)

Cinergy Corp., a registered holding company (''Cinergy''), 139 East Fourth Street, Cincinnati, Ohio 45202, has filed a post-effective amendment to its declaration previously filed under sections 6(a), 7, 32 and 33 of the Act and rule 53 thereunder.

By order dated January 11, 1995 (HCAR No. 26215) (''January 1995 Order''), the Commission authorized Cinergy to issue and sell from time to time through January 31, 1997, in an aggregate principal amount at any one time outstanding not to exceed $375 million (''Aggregate Debt Limitation''), and within certain parameters set out in the Commission's order and Cinergy's declaration as amended, (1) unsecured short-term promissory notes to banks and other financial institutions, (2) commercial paper to commercial paper dealers and financial institutions, and (3) unsecured demand promissory notes to banks evidencing Cinergy's reimbursement obligation in respect of letters of credit issued by such banks on Cinergy's behalf (such bank borrowings, commercial paper sales and letter of credit transactions being collectively referred to as ''Short-Term Financings'').

By order dated September 21, 1995 (HCAR No. 26376) (''September 1995 Order''), the Commission also authorized Cinergy and Investments to invest the proceeds of the Short-Term Financings in certain special purpose subsidiaries (''Intermediate Subsidiaries''). Under the terms of that order, the Intermediate Subsidiaries were authorized exclusively to acquire and hold, directly or indirectly, securities of, and/or provide services to, exempt wholesale generators (''EWGs'') and foreign utility companies (''FUCOs''). The September 1995 Order also provided that the aggregate outstanding principal amount of such investments would not at any time exceed $115 million (the ''Investment Limitation''). The September 1995 Order further provided that any such investment would be made only if Cinergy's ''aggregate investment'' in all EWGs, FUCOs and Intermediate Subsidiaries, after giving effect to such investment, would not exceed 50% of Cinergy's ''consolidated retained earnings,'' as each are defined in rule 53(a) under the Act (''50% Limit'').

The Commission issued a notice on February 1, 1996 (HCAR No. 26467) of a post-effective amendment (''Amendment'') to the application-declaration approved in the September 1995 Order. In that amendment, Cinergy and Investments seek, among other things to amend the Investment Limitation and make investments in Intermediate Subsidiaries subject only to the 50% Limit.

Cinergy now requests a supplemental order limited to modifying the January 1995 Order in the following respects. First, Cinergy proposes that the expiration date of the authorization period be extended from January 31, 1997 to December 31, 1999. Second, Cinergy requests authority to engage in Short-Term Financing Transactions in an aggregate principal amount at any time outstanding not to exceed $1 billion.

Third, Cinergy requests authority to apply proceeds of Short-Term Financing Transactions, up to the full amount of the proposed increased Aggregate Debt Limitation noted above, to make direct and indirect investments in EWGs and FUCOs as well as in Intermediate Subsidiaries. Any such investment would be subject to the 50% Limit.

MCN Corporation (70–8731)

MCN Corporation (''MCN''), located at 500 Griswold Street, Detroit Michigan 48226, a Michigan public utility holding company exempt under section 3(a)(1) pursuant to rule 2 from all provisions of the Act except section 9(a)(2), has filed an application under sections 9(a)(2) and 10 of the Act.

MCN currently owns all of the issued and outstanding common stock of two public utility companies as defined in the Act: Michigan Consolidated Gas Company (''MichCon'') and Citizens Gas Fuel Company (''Citizens''), both of which are organized and operate virtually exclusively in the state of Michigan.[1] MichCon is subject to regulation by the Michigan Public Service Commission (''Michigan PSC'') with regard to rates and other corporate matters and Citizens is subject to regulation by the City of Adrian, Michigan with respect to rates and by the Michigan PSC with regard to other corporate matters.[2]

MCN requests authorization to acquire a 1% general partnership interest and a 46.5% limited partnership interest in Southern Missouri Gas Company, L.P. (''SMGC''), a Missouri limited partnership (the ''Partnership'') which will construct, own and operate a gas pipeline and distribution system (the ''System'') in southern Missouri.[3] MCN states that it will make a capital contribution of up to $10.6 million[4] in return for its acquisition of a 47.5% aggregate interest in SMGC (the ''Acquisition''). MCN will also provide credit support to the Partnership during construction of the System.[5] The remaining interests in SMGC will be owned by Tartan Management Company of Missouri, L.C. or its successors (''Tartan'') which will acquire a 1% general partnership interest and a 4% limited partnership interest, and Torch Energy Marketing, Inc., a Delaware corporation, (''Torch''), or its successors, which will acquire a 47.5% limited partnership interest. MCN states that Tartan will make a capital contribution of 15 natural gas service franchises held in its name[6] and Torch will make a capital contribution of up to $10.6 million in return for their aggregate 52.5% in interests.[7]

Upon consummation of the Acquisition, SMGC will be a public utility subsidiary of MCN organized and operating exclusively in Missouri and subject to regulation by the Missouri Public Service Commission with regard to rates and other corporate matters. MCN anticipates that, when fully developed and providing service to all 15 franchised communities, the SMGC System will have over 300 miles of trunk pipeline and distribution piping serving over 10,000 customers in Missouri.

The Southern Company (70–8789)

The Southern Company (''Southern''), 270 Peachtree Street, N.W., Atlanta, Georgia 30303, a registered holding company, has filed a declaration under sections 6(a), 7, 32 and 33 of the Act and rules 42, 53 and 54 thereunder.

Southern proposes to issue and sell short-term and term-loan notes (''Notes'') and commercial paper from time to time prior to April 1, 2001, in an aggregate principal amount at any time outstanding not to exceed $2 billion.[8]

[1] MichCon is engaged in the distribution, transmission and storage of natural gas to approximately 1.1 million customers in Michigan and Citizens provides natural gas distribution services to the City of Adrian, Michigan. MichCon and Citizens provide retail gas distribution services primarily to residential and small volume commercial customers and transportation services to large volume commercial and industrial customers. MichCon also provides intrastate transportation services to other gas utilities, gas marketers and producers.

[2] MCN states that formal approval by the Michigan PSC of the proposed acquisition described below is not required under Michigan law but notes that the staff of the Michigan PSC has stated in a letter that it does not object to the acquisition.

[3] The System is currently under construction and owned by Tartan Energy Company of Missouri, L.C., a Missouri limited liability company (''TEC''), which holds fifteen local franchises for providing natural gas service issued by the Missouri Public Service Commission (''MPSC''). These licenses were originally held by TEC's predecessor, Tartan Energy Company, L.C., (''Tartan's Predecessor Company'') which was merged with and into TEC in accordance with an order of the MPSC dated September 29, 1995. Prior to the merger, Tartan's Predecessor Company obtained an order (the ''MPSC April Order'') from the MPSC authorizing an initial $39 million of expenditures to develop the System to serve approximately 9,000 customers in ten of the franchised communities. Construction of the System to seven of the communities (''Phase One Construction'') began in March 1995 and is expected to cost $35 million. The MPSC also issued an order dated September 13, 1995 (the ''MPSC September Order'') authorizing expansion of the System to serve the five additional franchised communities. Construction of the System for these five communities and one of the original ten communities (''Phase Two Construction'') is scheduled to begin in the spring of 1996 and is expected to cost $8 million. MCN states that it is unable to predict when construction of the System for the final two franchised communities (''Phase Three Construction'') will begin since it is contingent on planned highway construction which will be undertaken by unaffiliated third parties in the area where the Partnership intends to build the System for these two communities. Applicant states that, while the Partnership intends to construct the full System, it is possible that the highway construction may make it uneconomical to complete construction to the final two communities. Applicant currently estimates that the Phase Three Construction would cost $3 million, and, in any event, would not exceed $10 million.

The MPSC April Order authorizes a maximum of $24 million in debt financing (plus interest during construction), with the financing being recourse to the System only. It also requires that at least $15 million of construction funding be in the form of equity contributions from the project partners. The order calls for at least an initial $8 million equity contribution by the project partners, followed by expenditure of up to $24 million in debt financing and at least $7 million in equity funding. It also specifies that the System must maintain a 40% equity ratio. Applicant states that MCN and Torch will equalize their equity contributions to the Partnership to $8 million each in apportioning equity by the end of 1996. The MPSC September Order permits additional debt financing for the additional construction, and, like the MPSC April Order, requires that the System maintain a 40% equity ratio. The additional equity necessary to complete the Phase Two Construction while maintaining a 40% equity ratio is estimated to be $1.2 million and will be contributed equally by MCN and Torch. Applicant estimates that an additional equity contribution of between $600,000 and $2 million from each of MCN and Torch would be required to complete the Phase Three Construction while maintaining a 40% equity ratio.

Applicant states that ownership of the System and its assets, along with the franchises held by TEC, will be transferred from TEC to the Partnership prior to consummation of the proposed acquisition described herein and that, upon such transfer, the terms of the MPSC April Order will be applicable to the Partnership. Ultimately, through a series of transactions involving the creation and dissolution of Tartan Limited Partnership of Missouri as an ''Interim Entity,'' TEC will be merged with and into the Partnership, leaving the Partnership as the surviving entity, and the franchises currently held by TEC will be transferred to Tartan.

[4] MCN states that the funds for its capital contribution will come from funds allocated to MCN's capital expenditure program for the appropriate fiscal year.

[5] Specifically, in order to facilitate the initial debt financing of the Partnership, MCN has agreed to cause the Partnership to maintain a positive net worth and has agreed to provide the Partnership with funds (either as equity or a loan) if the Partnership is unable to make timely payments under its credit facility. MCN states that it does not expect that any payments will be required under this credit support arrangement, but notes that Torch has agreed to contribute to MCN 50% of any payments made by MCN thereunder.

[6] See footnote 3, above.

[7] The terms of a partnership agreement among MCN, Tartan and Torch will provide that the limited partners will take no part in the management or control of SMGC's business and the general partners will have exclusive management and control of the business of the Partnership in accordance with the provisions of the Missouri Uniform Limited Partnership Act. Tartan will serve as operator of the SMGC System in accordance with the terms and conditions set forth in a construction and management agreement. Tartan has filed a Form U–3A–2 with the Commission to claim an exemption under section 3(a)(1) from all provisions of the Act except section 9(a)(2). Torch has submitted a no-action letter request to the Division of Investment Management asking the Division to state that it will not recommend enforcement action under the Act upon Torch's acquisition of a 47.5% limited partner interest in the SMGC Partnership.

[8] Southern is currently authorized to issue and sell Notes and commercial paper in an aggregate principal amount at any one time outstanding of up to $1 billion, from time to time prior to April 1, 2000. Holding Co. Act Release Nos. 26004 (Mar. 15, 1994) and 26346 (Aug. 1, 1995). These orders would be superceded by the authorization requested in this proceeding.

Borrowings would be made from one or more banks or other lending institutions and would be evidenced by Notes, dated as of the date of borrowing (or, in the case of a grid Note, as of the date of the initial borrowing), that would mature not more than seven years from the date of issue. The interest rate would be at the lender's prevailing rate offered to corporate borrowers of similar quality, which would not exceed the prime rate; the London Interbank Offered Rate plus up to ¾ of 1%; the lender's certificate of deposit rate plus up to 1%; or a rate, not in excess of the prime rate, established by bids obtained from lenders. Southern may pay commitment fees not exceeding ½ of 1% of the unused portion of a lender's commitment, and may be required to maintain compensating balances with some lenders in lieu of fees. Notes may not be prepayable, or may be prepayable with payment of premiums not in excess of the stated interest rate on the Note.

Commercial paper would be sold directly by Southern to or through dealers, and would be issued in the form of promissory notes having varying maturities not in excess of nine months. Commercial paper would not be prepayable prior to maturity. The discount or interest rate per annum on commercial paper would not be in excess of the rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity sold by issuers to commercial paper dealers. Southern may pay a commission not in excess of ⅛ of 1% to dealers selling the commercial paper as principal. Dealers may reoffer commercial paper at a discount rate of up to ⅛ of 1% per annum less than the prevailing discount rate to the issuer (or an equivalent rate if sold on an interest-bearing basis).

The net proceeds of the issuance of Notes and commercial paper would be used by Southern (a) to invest in subsidiaries in accordance with authorizations obtained in separate proceedings and/or in accordance with applicable exemptions, and (b) to make additional investments, directly or indirectly, in one or more exempt wholesale generators (''EWGs'') and foreign utility companies (''FUCOs''), as defined in sections 32 and 33 of the Act; provided that the sum of (i) the outstanding amount of proceeds of the sale of Notes and/or commercial paper at any time invested by Southern in EWGs and FUCOs, (ii) the net proceeds of sales of new common stock used for the purpose of making such investments,[9] and (iii) the principal amount of any securities of any EWGs or FUCOs in respect of which Southern has provided a guarantee,[10] when added to Southern's ''aggregate investment'' (as defined in rule 53) in all EWGs and FUCOs, shall not exceed, at any point in time, 50% of Southern's ''consolidated retained earnings'' (as defined in rule 53).[11] Southern states that the proposed increase in the amount of borrowings and commercial paper is required primarily to enable it to fund possible future investments in EWGs and FUCOs, subject to the above limitation as it may be modified.

Georgia Power Company (70–8795)

Georgia Power Company (''Georgia''), 333 Piedmont Avenue, N.E., Atlanta, Georgia 30308, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration under sections 6(a), 7 and 12(d) of the Act and rules 42, 44, and 54, thereunder.

Georgia proposes to issue and sell from time-to-time, prior to January 1, 2003, short-term and/or term-loan notes to lenders, commercial paper to or through dealers and/or issue non-negotiable promissory notes to public entities for their revenue anticipation notes in an aggregate principal amount at any one time outstanding of up to $1.7 billion.

Georgia states that any proposed borrowings may be, and any such borrowings in excess of its charter limits on short-term unsecured debt would be, secured by a subordinated lien on certain assets of Georgia. In no circumstances will Georgia have unsecured borrowings outstanding at any one time that exceed applicable charter limitations.

Georgia proposes to borrow from certain banks or other lending institutions. The institutional borrowings will be evidenced by notes to be dated as of the date of such borrowings and to mature in not more than seven years after the date of issue, or by ''grid'' notes evidencing all outstanding borrowings from each lender to be dated as of the date of the initial borrowing and to mature not more than seven years after the date of issue. Georgia proposes that any note evidencing such borrowings may not be repayable, or that it may be prepaid with payment of a premium that is not in excess of the stated interest rate on the borrowing to be prepaid, which premium in the case of a note having a maturity of more than one year may thereafter decline to the date of the note's final maturity.

Borrowings will be at the lender's prevailing rate offered to corporate borrowers of similar quality. Such rates will not exceed the prime rate or: (1) LIBOR plus up to ¾ of 1%; (2) the lender's certificate of deposit rate plus up to 1%; or (3) a rate not to exceed the prime rate to be established by bids obtained from the lenders prior to a proposed borrowing. However, with respect to borrowings with a maturity in excess of one year, the rate will not exceed the yield for a comparable maturity Treasury note plus 1%. Compensation for the credit facilities may be provided by fees of up to ½ of 1% per annum of the amount of the facility. Compensating balances may be used in lieu of fees to compensate certain of the lenders.

Georgia also may effect short-term borrowings in connection with the financing of certain pollution control facilities through the issuance by public entities of their revenue bond anticipation notes. Under an agreement with each such public entity, the entity would effectively loan to Georgia the proceeds of the sale of such revenue bond anticipation notes, having a maturity of not more than one year after date of issue, and Georgia may issue its non-negotiable promissory note therefor. Such note would provide for payments to be made at times and in amounts which shall correspond to the payments with respect to the principal of, premium, if any, and interest, which shall not exceed the prime rate, on such revenue bond anticipation notes, whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or declaration or otherwise. Georgia requests that the Commission reserve jurisdiction over short-term borrowings for this purpose, pending completion of the record.

Georgia also proposes to issue and sell commercial paper to or through dealers from time-to-time prior to January 1, 2003. Such commercial paper will be in the form of promissory notes with varying maturities not to exceed nine months. The commercial paper notes will be issued in denominations of not less than $100,000 and will not by their terms be prepayable prior to maturity.

Pursuant to prior Commission orders dated March 31, 1992, November 30,

[9] These sales of common stock are authorized in Holding Co. Act Release Nos. 26349 (Aug. 3, 1995) and 26347 (Aug. 2, 1995).

[10] These guarantees are authorized in Holding Co. Act Release No. 26468 (Feb. 2, 1996).

[11] Southern has requested authorization in File No. 70–8725 to increase this limitation to 100% of its consolidated retained earnings. If granted, this increased limitation would apply to the financing authorization in this proceeding.

1993, February 16, 1994 and August 2, 1995 (HCAR Nos. 25507, 25932, 25989, and 26348, respectively), Georgia may effect short-term borrowings through April 1, 1996 (''Prior Authority''). Georgia proposes that the authorization sought in this matter would supersede and replace, with respect to Georgia, the Prior Authority effective immediately upon the date of the Commission's order.

The proceeds from the proposed borrowings will be used by Georgia for working capital purposes, including the financing in part of its construction program. None of the proceeds from any borrowing or from the sale of any of the notes will be used by Georgia, directly or indirectly, for the acquisition of any interest in an ''exempt wholesale generator'' or a ''foreign utility company'', as those terms are defined in sections 32 and 33 of the Act, respectively.

Mississippi Power Company (70–8797)

Mississippi Power Company (''Mississippi''), 2992 West Beach, Gulfport, Mississippi 39501, an electric utility wholly owned subsidiary company of The Southern Company, a registered holding company, has filed a declaration under sections 6(a), 7 and 12(d) of the Act and rules 42, 44, and 54 thereunder.

Mississippi proposes to issue and sell from time-to-time, prior to January 1, 2003, short-term and/or term-loan notes to lenders, commercial paper to or through dealers and/or issue non-negotiable promissory notes to public entities for their revenue anticipation notes in an aggregate principal amount at any one time outstanding of up to $350 million.

Mississippi states that any proposed borrowings may be, and any such borrowings in excess of its charter limits on short-term unsecured debt would be, secured by a subordinated lien on certain assets of Mississippi. In no circumstances will Mississippi have unsecured borrowings outstanding at any one time that exceed applicable charter limitations.

Mississippi proposes to borrow from certain banks or other lending institutions. The institutional borrowings will be evidenced by notes to be dated as of the date of such borrowings and to mature in not more than seven years after the date of issue, or by ''grid'' notes evidencing all outstanding borrowings from each lender to be dated as of the date of the initial borrowing and to mature not more than seven years after the date of issue. Mississippi proposes that any note evidencing such borrowings may not be prepayable, or that it may be prepaid with payment of a premium that is not in excess of the stated interest rate on the borrowing to be prepaid, which premium in the case of a note having a maturity of more than one year may thereafter decline to the date of the note's final maturity.

Borrowings will be at the lender's prevailing rate offered to corporate borrowers of similar quality. Such rates will not exceed the prime rate or: (1) LIBOR plus up to ¾ of 1%; (2) the lender's certificate of deposit rate plus up to 1%; or (3) a rate not to exceed the prime rate to be established by bids obtained from the lenders prior to a proposed borrowing. However, with respect to borrowings with a maturity in excess of one year, the rate will not exceed the yield for a comparable maturity Treasury note plus 1%. Compensation for the credit facilities may be provided by fees of up to ½ of 1% per annum of the amount of the facility. Compensating balances may be used in lieu of fees to compensate certain of the lenders.

Mississippi also may effect short-term borrowings in connection with the financing of certain pollution control facilities through the issuance by public entities of their revenue bond anticipation notes. Under an agreement with each public entity, the entity would effectively loan to Mississippi the proceeds of the sale of the revenue bond anticipation notes, having a maturity of not more than one year after date of issue, and Mississippi may issue its non-negotiable promissory note therefor. The note would provide for payments to be made at times and in amounts which shall correspond to the payments with respect to the principal of, premium, if any, and interest, which shall not exceed the prime rate, on such revenue bond anticipation notes, whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or declaration or otherwise. Mississippi requests that the Commission reserve jurisdiction over short-term borrowings for this purpose, pending completion of the record.

Mississippi also proposes to issue and sell commercial paper to or through dealers from time-to-time prior to January 1, 2003. Such commercial paper will be in the form of promissory notes with varying maturities not to exceed nine months. The commercial paper notes will be issued in denominations of not less than $50,000 and will not by their terms be prepayable prior to maturity.

Pursuant to prior Commission orders dated March 31, 1992, November 30, 1993, February 16, 1994 and August 2, 1995 (HCAR Nos. 25507, 25932, 25989, and 26348, respectively), Mississippi may effect short-term borrowings through April 1, 1996 (''Prior Authority''). Mississippi proposes that the authorization sought in this matter would supersede and replace, with respect to Mississippi, the Prior Authority effective immediately upon the date of the Commission's order.

The proceeds from the proposed borrowings will be used by Mississippi for working capital purposes, including the financing in part of its construction program. None of the proceeds from any borrowing or from the sale of any of the notes will be used by Mississippi, directly or indirectly, for the acquisition of any interest in an ''exempt wholesale generator'' or a ''foreign utility company,'' as those terms are defined in sections 32 and 33 of the Act, respectively.

Savannah Electric and Power Company (70–8799)

Savannah Electric and Power Company (''Savannah''), 600 East Bay Street, Savannah, Georgia 31401, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration under sections 6(a), 7 and 12(d) of the Act and rules 42, 44, and 54 thereunder.

Savannah proposes to issue and sell from time-to-time, prior to January 1, 2003, short-term and/or term-loan notes to lenders, commercial paper to or through dealers and/or issue nonnegotiable promissory notes to public entities for their revenue anticipation notes in an aggregate principal amount at any one time outstanding of up to $90 million.

Savannah states that any proposed borrowings may be, and any such borrowings in excess of its charter limits on short-term unsecured debt would be, secured by a subordinated lien on certain assets of Savannah. In no circumstances will Savannah have unsecured borrowings outstanding at any one time that exceed applicable charter limitations.

Savannah proposes to borrow from certain banks or other lending institutions. Such institutional borrowings will be evidenced by notes to be dated as of the date of such borrowings and to mature in not more than seven years after the date of issue, or by ''grid'' notes evidencing all outstanding borrowings from each lender to be dated as of the date of the initial borrowing and to mature not more than seven years after the date of issue. Savannah proposes that any note

evidencing such borrowings may not be prepayable, or that it may be prepaid with payment of a premium that is not in excess of the stated interest rate on the borrowing to be prepaid, which premium in the case of a note having a maturity of more than one year may thereafter decline to the date of the note's final maturity.

Borrowings will be at the lender's prevailing rate offered to corporate borrowers of similar quality. The rates will not exceed the prime rate or: (1) LIBOR plus up to ¾ of 1%; (2) the lender's certificate of deposit rate plus up to 1%; or (3) a rate not to exceed the prime rate to be established by bids obtained from the lenders prior to a proposed borrowing. However, with respect to borrowings with a maturity in excess of one year, the rate will not exceed the yield for a comparable maturity Treasury note plus 1%. Compensation for the credit facilities may be provided by fees of up to ½ of 1% per annum of the unused amount of the facility.

Savannah also may effect short-term borrowings hereunder in connection with the financing of certain pollution control facilities through the issuance by public entities of their revenue bond anticipation notes. Under an agreement with each public entity, the entity would effectively loan to Savannah the proceeds of the sale of such revenue bond anticipation notes, having a maturity of not more than one year after date of issue, and Savannah may issue its non-negotiable promissory note therefor. The note would provide for payments to be made at times and in amounts which shall correspond to the payments with respect to the principal of, premium, if any, and interest, which shall not exceed the prime rate, on such revenue bond anticipation notes, whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or declaration or otherwise. Savannah requests that the Commission reserve jurisdiction over short-term borrowings for this purpose, pending completion of the record.

Savannah also proposes to issue and sell commercial paper to or through dealers from time-to-time prior to January 1, 2003. The commercial paper will be in the form of promissory notes with varying maturities not to exceed nine months. The commercial paper notes will be issued in denominations of not less than $30,000 and will not by their terms be prepayable prior to maturity.

Pursuant to prior Commission orders dated March 31, 1992, November 30, 1993, February 16, 1994 and August 2, 1995 (HCAR Nos. 25507, 25932, 25989, and 26348, respectively), Savannah may effect short-term borrowings through April 1, 1996 (''Prior Authority''). Savannah proposes that the authorization sought in this matter would supersede and replace, with respect to Savannah, the Prior Authority effective immediately upon the date of the Commission's order.

The proceeds from the proposed borrowings will be used by Savannah for working capital purposes, including the financing in part of its construction program. None of the proceeds from any borrowing or from the sale of any of the notes will be used by Savannah, directly or indirectly, for the acquisition of any interest in an ''exempt wholesale generator'' or a ''foreign utility company,'' as those terms are defined in sections 32 and 33 of the Act, respectively.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4124 Filed 2–22–96; 8:45 am]

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[Release No. 34–36852; File No. SR–Amex–95–38]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Transactions in Currency Warrants by Registered Options Traders

February 15, 1996.

On September 29, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide that proprietary transactions executed on the Amex in currency warrants shall be governed by, and effected in accordance with, Amex Rule 958 (Options Transactions of Registered Traders).

Notice of the proposed rule change was published for comment and appeared in the Federal Register on December 7, 1995.[3] No comments were received on the proposal. This order approves the proposal.

[1] 15 U.S.C. § 78s(b)(1) (1988 & Supp. V 1993).

[2] 17 CFR § 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 36535 (Nov. 30, 1995), 60 FR 62911.

I. Description of the Proposal

The Amex proposes to amend Commentary .12 to Rule 111 (Restrictions on Registered Traders), Commentary .14 to Rule 114 (Registered Equity Market Makers) and Commentary .10 to Rule 958 (Options Transactions of Registered Traders) to provide that proprietary transactions executed on the Amex in currency warrants shall be governed by, and effected in accordance with, Rule 958.

In 1992, the Exchange amended its rules to permit regular members to register as a Registered Trader under Rule 958[4] to engage in supplemental market making activity in stock index warrants and certain other non-options derivative products. The Exchange enacted these changes to conform its rules to those of other markets, and to provide additional liquidity to the market for the Exchange's Portfolio Depositary Receipts and LOR SuperUnits. Due to the limited purpose of the 1992 rule changes, the Exchange did not seek at that time to extend this treatment to the trading of listed currency warrants by Registered Traders.

At present, the only traders (other than the assigned specialist) permitted to trade currency warrants on the Amex are Registered Equity Market Makers (''REMMs'') under the Exchange's equity trading rules, pursuant to the provisions of Rule 114 (which includes applicable provisions of Rule 111). Under the proposed rule changes, regular members wishing to engage in supplemental market making activity in currency warrants could register as a Registered Trader under Rule 958 and be assigned the particular currency warrant requested (''assigned security''). Once registered under Rule 958, a ROT may trade the assigned security of his own account pursuant to the provisions of that Rule.

In contrast to REMMs trading pursuant to Rules 111 and 114, Rule 958 imposes continuous affirmative market making obligations upon Registered Traders.[5] In particular, Rule 958(b) requires that Registered Trader transactions constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair

[4] *See* Securities Exchange Act Release No. 30768 (June 2, 1992). A Registered Trader under Rule 958 is also referred to as a Registered Options Trade (''ROT'').

[5] Moreover, as with options and stock index warrants, the Exchange believes it is inappropriate to apply the stabilization requirements applicable to REMMs to market maker transactions in currency warrants (*see* Amex Rule 950, which excludes the application of Rules 111 and 114 to transactions in options).

and orderly market and that no Registered Trader should enter into transactions or make bids or offers that are inconsistent with such a course of dealings.[6] In recognition of this, such market makers are designated as specialists on the Exchange for all purposes under the Act (*See* Rule 958, Commentary .01), and are entitled to good faith market maker margin with respect to transactions effected on the Amex trading floor in these assigned securities.[7] The Exchange anticipates that application of Rule 958 requirements to supplemental Exchange market making by its members in currency warrants will encourage additional competition, thereby enhancing liquidity in such securities, and also eliminate an anomalous regulatory disparity between currency and stock index warrant trading.

II. 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, the requirements of Section 6(b)(5).[8] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers, and dealers. Because the proposed rule change would impose specialist obligations on Registered Traders as specialists for the purpose of trading currency warrants, the Commission also believes that the proposal is consistent with Section 11(b) and Rule 11b–1 under the Act, which provide that the rules of a national securities exchange may permit members to be registered as specialists, subject to the requirement of maintaining fair and orderly markets in their specialty securities.

The Commission notes that the proposed rule change will conform the treatment of currency warrants to that of stock index warrants and other non-options derivative products. As a result, Registered Traders that trade currency warrants on the Amex under Rule 958 will assume continuous affirmative and negative market making obligations and be treated as specialists under the Act, including for margin purposes. This allows the extension and application of good faith margin treatment for such transactions, thereby helping to attract more market makers and liquidity in currency warrants. Furthermore, the stabilization requirements applicable to REMMs will not apply to a Registered Trader's transactions in currency warrants. Because of the duty imposed on Registered Traders that all such transactions must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, the Commission believes it is appropriate not to apply these provisions to Registered Traders. In this respect, the Commission notes that Amex Rule 127, Minimum Fractional Changes, will continue to apply to transactions in currency warrants as will Rule 958(c)(i), which addresses bid-ask differentials.

In summary, the Commission believes that the market making obligations of an ROT together with the extension of good faith margin could help to increase the depth and liquidity of the Amex currency warrant market.

It therefore is ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–Amex–95–38) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4121 Filed 2–22–96; 8:45 am]

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[6] *See* also Rule 958(c) which, among other things, imposes additional requirements when a ROT is in the trading crowd to make competitive bids and offers as reasonably necessary to contribute to the maintenance of a fair and orderly market.

[7] Market maker margin for certain off-floor initiated transactions may also be available. *See* Commentary .01 to Rule 958.

[8] 15 U.S.C. § 78f(b)(5) (1982).

[9] 15 U.S.C. § 78s(b)(2) (1988).

[10] 17 CFR § 200.30–3(a)(12) (1994).

[Release No. 34–36851; File No. SR–CHX–96–05]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Acting as Agent for Members and Member Organizations

February 15, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 7, 1996, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article XXI, Rule 13 of the CHX's rules relating to the CHX acting as agent for certain persons.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In Securities Exchange Act Release No. 36684 (January 5, 1996), 61 FR 1195 (January 17, 1996) (File No. SR–CHX–95–27), the Commission approved a proposed rule change by the Exchange relating to its decision to withdraw from the clearance and settlement and securities depository businesses conducted by its subsidiaries, among other things. In Securities Exchange Act Release No. 36723 (January 16, 1996), 61 FR 1803 (January 23, 1996) (File No. SR–CHX–95–29), the Commission approved a proposed rule change by the Exchange making certain changes to its rules that were necessitated by its withdrawal from those businesses. One change related to the adoption of a new Article XXI, Rule 13 that permits the Exchange to act as agent on behalf of specialists, market makers, and floor brokers.[1] However, it has become apparent that the Exchange needs the flexibility to be able to provide this service to qualified non-floor members that are members of a Qualified Clearing Agency (as that term is defined in the

[1] Specifically, Article XXI, Rule 13 authorizes the Exchange to enter into agreements with specialists, market makers, or floor brokers to perform various functions on behalf of and as agent for them. Such functions may include making deposits or withdrawals from a bank account, borrowing securities, providing and keeping reports and records, and performing special cashiering functions, among other things.

CHX rules).[2] Thus, the purpose of the proposed rule change is to expand the scope of this agency service.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act[3] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) the Exchange has provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date, it has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(e)(6) thereunder.[5]

A proposed rule change filed under Rule 19b–4(e)(6) does not become operative prior to thirty days after the date of filing or such shorter time as the Commission may designate if such action is consistent with the protection of investors and the public interest. In conjunction with the Exchange's recent withdrawal from the securities clearance and depository businesses, the Commission approved new CHX Article XXI, Rule 13, which permits the CHX to act as agent on behalf of specialists, market makers, and floor brokers. As it subsequently has become apparent to the Exchange that the CHX needs the flexibility to be able to act as agent on behalf of non-floor members that are members of a Qualified Clearing Agency, the CHX requests that the Commission accelerate the implementation of the proposed rule change so that it may take effect prior to the thirty days specified under Rule 19b–4(e)(6)(iii).[6] The Commission finds that the proposed rule change is consistent with the protection of investors and the public interest and therefore has determined to make the proposed rule change operative as of the date of this order.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 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, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–96–05 and should be submitted by March 15, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4122 Filed 2–22–96; 8:45 am]

BILLING CODE 8010–01–M

[2] *See* CHX Article XXI, Rule 4, Interpretation and Policy .03.

[3] 15 U.S.C. 78f(b)(5).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(e)(6).

[6] 17 CFR 240.19b–4(e)(6)(iii).

[Release No. 34–36856; File Nos. SR–MCC–96–01 and SR–MSTC–96–01]

Self-Regulatory Organizations; Midwest Clearing Corporation; Midwest Securities Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Changes Relating to the Termination Dates for Services Provided by Midwest Clearing Corporation and Midwest Securities Trust Company

February 16, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 29, 1996, the Midwest Clearing Corporation (''MCC'') and the Midwest Securities Trust Company (''MSTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes (File Nos. SR–MCC–96–01 and SR–MSTC–96–01) as described in Items I, II, and III below, which items have been prepared primarily by MCC and MSTC. On February 8, 1996, MCC and MSTC filed amendments to the proposed rule changes to make technical corrections not affecting the substance of the proposals.[2] The Commission is publishing this notice to solicit comments from interested persons.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

MCC and MSTC propose to notify their participants of the transition dates selected for the final termination of MCC's and MSTC's services.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, MCC and MSTC included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statement may be examined at the places specified in Item IV below. MCC and MSTC have prepared summaries, set forth in section (A), (B) and (C) below, of the most significant aspects of such statements.[3]

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Letters from George T. Simon, Foley & Lardner [counsel to MCC/MSTC], to Jerry Carpenter, Senior Attorney, Division of Market Regulation, Commission (January 26, 1996).

[3] The Commission has modified the text of the summaries prepared by MCC and MSTC.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

On January 5, 1996, the Commission approved proposed rule changes filed by MCC, MSTC, and Chicago Stock Exchange, Incorporated (''CHX'') regarding a decision by MCC, MSTC, and CHX to terminate as of January 15, 1996, securities clearing, depository, and other services offered by CHX, MCC, MSTC, and the Securities Trust Company of New Jersey, a CHX subsidiary, in conjunction with an agreement with the National Securities Clearing Corporation and The Depository Trust Company.[4]

MCC and MSTC propose to issue an Administrative Bulletin listing the termination dates for various MCC and MSTC services.[5] The bulletin advises MCC and MSTC participants that they should have alternative clearing and/or depository arrangments in advance of MCC/MSTC's last service date and that participant action taken after the last day for the MCC/MSTC service will result in rejected and/or reclaimed instructions. In addition, the bulletin notes that MCC and MSTC will continue to perform limited security processing functions until all participant positions have been eliminated. Furthermore, the bulletin advises that MCC and MSTC recognize that certain firms may have a small number of safekeeping positions remaining at MSTC and that MCC/MSTC intend to work with each firm on a case-by-case basis to convert or exit the positions.

MCC and MSTC believe that the proposed rule changes are consistent with Section 17A of the Act and the rules and regulations thereunder because they will facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organizations' Statement on Burden on Competition

MCC and MSTC do not believe the proposed rule changes will impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

Written comments on the proposals have not been solicited or received.

III. Date of the Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3)(A)(i)[6] of the Act and pursuant to Rule 19b–4(e)(1)[7] promulgated thereunder because each proposal constitutes a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of MCC and MSTC. At any time within sixty days of the filing of such rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of MCC. All submissions should refer to the file numbers SR–MCC–96–01 and SR–MSTC–96–01 and should be submitted by March 15, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4125 Filed 2–22–96; 8:45 am]

BILLING CODE 8010–01–M

[4] Securities Exchange Act Release No. 36684 (January 5, 1996), 61 FR 1195, [File Nos. SR–MCC–95–04 and SR–MSTC–95–10] (order approving proposed rule changes).

[5] The Administrative Bulletin is attached as Exhibit A to MCC's and MSTC's respective proposed rule changes and is available in the Commission's Public Reference Room or through MCC or MSTC.

[6] 15 U.S.C. 78s(b)(3)(A)(i) (1988).

[7] 17 CFR 240.19b–4(e)(1) (1995).

[8] 17 CFR 200.30–3(a)(12) (1995).

[Release No. 34–36857; File No. SR–MSRB–96–1]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Interpretation of Rule G–37 on Political Contributions and Prohibitions on Municipal Securities Business

February 16, 1996.

On January 16, 1996,[1] the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder. The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing herewith a notice of interpretation concerning rule G–37[2] on political contributions and prohibitions on municipal securities business (hereafter referred to as ''the proposed rule change'').[3] The Board has requested accelerated approval of the proposed rule change because the clarifications provided in the proposed rule change are needed to eliminate uncertainty over the specific application of rule G–37 to certain situations.

[1] On February 14, 1996, the MSRB filed Amendment No. 1 with the Commission. Amendment No. 1 withdraws question-and-answer number 3, as well as certain language in the filing pertaining thereto. *See* Letter from Jill C. Finder, Assistant General Counsel, MSRB, to Katherine A. England, Assistant Director, Division of Market Regulation, SEC (February 14, 1996) (''February 14 Letter'').

[2] *MSRB Manual.* General Rules, rule G–37 (CCH) ¶3681.

[3] The Board published the interpretation as originally submitted in the January 1996 MSRB Reports (Vol. 16, no. 1, pp. 31–34). The interpretation is also available for inspection and copying at the Commission's public reference room and at the Board.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item III below. The Board has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On April 7, 1994, the Commission approved rule G–37, concerning political contributions and prohibitions on municipal securities business.[4] Since that time, the Board has received inquiries concerning the application of the rule. In order to assist the municipal securities industry and, in particular, brokers, dealers and municipal securities dealers in understanding and complying with the provisions of the rule, the Board has published five prior notices of interpretation which set forth, in question-and-answer (''Q&A'') format, general guidance on rule G–37.[5]

In July 1995, the Board published a Q&A notice in *MSRB Reports* which addressed the issue of when a municipal finance professional would be ''entitled to vote'' for an issuer official candidate, and, thus be able to make a *de minimis* contribution without causing a two-year ban on municipal securities business with that issuer.[6] The Board stated that a municipal finance professional is entitled to vote for an official of an issuer if the issuer official is on the ballot in the locality in which the municipal finance professional may vote. Since publication of this ''entitled to vote'' interpretation, the Board has received comments from dealers concerning the burden this interpretation has placed on their compliance departments. Upon further review, the Board has decided to withdraw this interpretation and to issue a new interpretation. Accordingly, a municipal finance professional is ''entitled to vote'' for an issuer official if the municipal finance professional's principal residence is in the locality in which the issuer official seeks election. In such instances, a municipal finance professional is able to make a *de minimis* contribution without resulting in a ban on municipal securities business. For example, if an issuer official is a governor running for re-election, then anyone residing in that state may make a *de minimis* contribution to the official without causing a ban on municipal securities business with that issuer. In the example of an issuer official running for President, anyone in the country may contribute the *de minimis* amount to the official's Presidential campaign. By focusing on the municipal finance professional's principal residence for determining permissible *de minimis* contributions, this interpretation should allow any interested municipal finance professional to participate in the political process where he or she lives without resulting in a ban on municipal securities business.

In prior filings with the Commission, the Board stated that it will continue to monitor the application of rule G–37, and, from time to time, will publish additional notices of interpretations, as necessary.[7] Recently, the Board has received several inquiries concerning the applicability of rule G–37 when a person makes a contribution to an issuer official on behalf of others. This situation includes, but is not limited to, the following examples:

1. A municipal finance professional signs a check drawn on a joint account and sends it as a contribution to an issuer official, along with a writing which states that the contribution is being made, in whole or in part, on behalf of the other holder of the joint account (who is not a municipal finance professional).

2. Both holders of a joint account, one of whom is a municipal finance professional, sign a check and send it as a contribution to an issuer official.

The Board is of the view that, in these and similar situations, if a municipal finance professional has his or her name associated with a contribution, then this creates, at the very least, the appearance that the contribution is being given by the municipal finance professional. Accordingly, the Board believes that, for purposes of rule G–37, it is appropriate to attribute such a contribution to the municipal finance professional. If the contribution exceeds, or does not qualify for, the $250 *de minimis* exception set forth in rule G–37(b), then the two-year ban on municipal securities business will be triggered.

In addition to questions concerning making contributions to issuer officials on behalf of other persons, the Board has received other questions and comments concerning (i) making contributions to a candidate who later loses the election; (ii) reporting requirements for holding companies; and (iii) making payments to a national political party for its non-federal account. In light of these questions, the Board has determined that it is necessary to provide further guidance to the municipal industry. Accordingly, the Board is publishing a sixth set of questions and answers.[8]

The Board believes the proposed rule change is consistent with section 15B(b)(2)(C) of the Securities Exchange Act of 1934 (''Act''), which provides that the Board's rules shall:

> Be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, since it would apply equally to all brokers, dealers, and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not publish or solicit comments on the proposed rule change. However, the Board has received five letters addressing some of the issues contained in the proposed rule change. Letters were received from the following:

Chemical Securities Inc. (''Chemical'')
J.C. Bradford & Co. (''JC Bradford'')
Morgan Keegan & Company, Inc. (''Morgan Keegan'')
Raymond James & Associates, Inc. (''Raymond James'')

[4] *See* Securities Exchange Act Release No. 33868 (April 7, 1994); 59 FR 17621 (April 13, 1994). The rule applies to contributions made on and after April 25, 1994.

[5] *See MSRB Reports,* Vol. 14, No. 3 (June 1994) at 11–16; Vol. 14, No. 4 (August 1994) at 27–31; Vol. 14, No. 5 (December 1994) at 8; Vol. 15, No. 1 (April 1995) at 21; and Vol. 15, No. 2 (July 1995) at 3–4. *See also MSRB Manual, supra* n.2, at ¶3681.

[6] *MSRB Reports,* Vol. 15, No. 2 (July 1995) at 3–4.

[7] *See, e.g.,* Securities Exchange Act Release No. 35879 (June 21, 1995), 60 FR 33447 (June 28, 1995) (Notice of Filing and Immediate Effectiveness of SR–MSRB–95–11).

[8] *See* February 14 Letter.

Wolf, Robert R. (''Mr. Wolf'')

As noted previously, in the Q&A notice published in July 1995, the Board provided clarification of its *de minimis* exception with regard to determining when a municipal finance professional is ''entitled to vote'' for an issuer official. In general, the Board stated that a municipal finance professional is entitled to vote for an issuer official (incumbent or candidate) after determining that the issuer official's name has been placed ''on the ballot'' for the primary or general election of the locality in which the municipal finance professional may vote. If the incumbent or candidate is not ''on the ballot,'' then any contribution given to that issuer official by a municipal finance professional would trigger the rule's two-year ban on municipal securities business.

All of the commentators expressed concern over this ''entitled to vote'' interpretation. In general, the commentators believe that it creates confusion and will make compliance with the rule more burdensome. Chemical notes that ''the process of running for office begins well in advance of a person actually having their name placed 'on the ballot' and that, under the Board's current interpretation, municipal finance professionals would be precluded from contributing 'early money' to campaign efforts.'' Chemical further notes that in some jurisdictions ''a candidate's name is not placed 'on the ballot' until very late in the election process—sometimes days before the election.'' Chemical argues that because the procedures for placing a candidate on the ballot vary from jurisdiction to jurisdiction, compliance with the ''on the ballot'' standard will not be uniform. Therefore, Chemical suggests that the appropriate standard should be ''whether the official is a candidate for an office for which the MFP is eligible to vote.''

JC Bradford also is concerned about the Board's ''entitled to vote'' interpretation, particularly as it applies to an issuer official's campaign for the U.S. Presidency. JC Bradford states that the interpretation ''has the practical effect of prohibiting any contribution from a municipal finance professional until such time as . . . [the issuer official] has qualified for the Presidential primary ballot in the state of residence of the municipal finance professional. At the moment . . . [the issuer official] qualifies for the ballot, a de minimis contribution, impermissible to that point, suddenly becomes permissible. . . . [This] is both arbitrary and capricious.''

Morgan Keegan and Raymond James both state that the interpretation has made their compliance efforts significantly more difficult. Mr. Wolf, a registered representative with Morgan Keegan, notes that because of the peculiarities of certain state laws vis-a-vis the Board's interpretation, he is effectively prohibited from making a *de minimis* contribution until after an election. Mr. Wolf argues that ''this cannot be the way the rule is intended to operate. . . .''

Board's Response

In light of the concerns expressed by these and other commentators, and upon further review, the Board has decided to withdraw its previous ''entitled to vote'' interpretation and to issue a new interpretation. Accordingly, a municipal finance professional is ''entitled to vote'' for an issuer official if the municipal finance professional's principal residence is in the locality in which the issuer official seeks election. In such instances, a municipal finance professional may make a *de minimis* contribution without triggering the ban on municipal securities business. For example, if an issuer official is a governor running for re-election, then anyone residing in that state may make a *de minimis* contribution to the official without causing a ban on municipal securities business with that issuer. In the example of an issuer official running for President, anyone in the country may contribute the *de minimis* amount to the official's Presidential campaign. The focus on the principal residence of municipal finance professionals for *de minimus* contributions should allow interested municipal finance professionals to participate in the political process where they live.

If the Board discovers that dealers or municipal finance professionals are soliciting municipal finance professionals to make *de minimis* contributions for Presidential elections, in contravention of rule G–37(c), then the Board may consider additional rulemaking in this area.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–96–1 and should be submitted by March 15, 1996.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Board has requested that the Commission find good cause, pursuant to Section 19(b)(2) of the Act, for approving the proposed rule change prior to the 30th day after publication in the Federal Register. The Commission has reviewed the MSRB's proposed rule change and believes, for the reasons set forth below, that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Board. Specifically, the Commission believes the proposal is consistent with Section 15B(b)(2)(C) of the Act,[9] which provides in pertinent part that, the rules of the Board shall be designed to remove impediments to and perfect the mechanism of a free and open market in municipal securities; and not be designed to permit unfair discrimination between customers, issuers, municipal securities brokers or municipal securities dealers.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act, for approving the proposed rule change prior to the 30th day after publication in the Federal Register. The clarifications provided by the proposed rule change are needed to eliminate uncertainty over the specific application of rule G–37, particularly with respect to the previous interpretation of ''entitled to vote.'' These clarifications are intended to reduce compliance burdens and costs relating to the previous interpretation. The Commission believes that accelerated approval of the proposed rule change will help to clarify applicable guidelines for those who wish to participate in the political process through financial means. The issues addressed in the questions and answers will assist dealers in understanding the requirements of rule G–37, and will thereby facilitate compliance with the rule.

[9] 15 U.S.C. 78*o*–4.

Based on the foregoing, the Commission deems it appropriate to approve the proposed rule change on an accelerated basis, pursuant to Section 15B of the Act and the rules and regulations thereunder.[10]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change SR–MSRB–96–01 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4123 Filed 2–22–96; 8:45 am]

BILLING CODE 8010–01–M

[10] *Id.*

[11] 15 U.S.C. 78s(b)(2).

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed amendments to sentencing guidelines and commentary. Request for public comment. Notice of hearing.

SUMMARY: The Commission is considering promulgating certain amendments to the sentencing guidelines and commentary. This notice sets forth the proposed amendments and a synopsis of the issues addressed by the amendments as well as additional issues for comment. The Commission seeks comment on the proposed amendments, alternative proposed amendments, and any other aspect of the sentencing guidelines, policy statements, and commentary. The Commission may submit amendments to the Congress not later than May 1, 1996.

DATES: The Commission has scheduled a public hearing on the proposed amendments set forth in this notice and on the money laundering proposals set forth in the notice dated January 2, 1996, (see 61 F.R. 79–83). Testimony at the public hearing shall be limited to only those amendments. The public hearing is scheduled for March 11, 1996, at 1:00 p.m. at the Education Center (concourse level), South Lobby, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, NE., Washington, DC 20002–8002.

A person who desires to testify at the public hearing should notify Michael Courlander, Public Information Specialist, at (202) 273–4590 not later than February 27, 1996.

Written testimony for the hearing should be received by the Commission not later than March 6, 1996. Comment on the amendments and issues set forth in this notice (relating to penalties for child pornography and sex crime offenses) also may be submitted after the public hearing, but not later than March 29, 1996, in order to be considered by the Commission in the promulgation of amendments and in the possible submission of those amendments to the Congress by May 1, 1996.

ADDRESSES: Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, Washington, DC 20002–8002, Attention: Public Information.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Information Specialist, Telephone: (202) 273–4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal sentencing courts pursuant to 28 U.S.C. § 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. § 994(o). If guideline amendments are promulgated, those amendments are submitted to Congress not later than the first day of May pursuant to 28 U.S.C. § 994(p).

The proposed amendments are presented in this notice in one of two formats. First, some of the amendments are proposed as specific revisions to a guideline or commentary. Bracketed text within a proposed amendment indicates alternative proposals; for example, a proposed enhancement of [3][4][5] levels means a proposed enhancement of either three, four, or five levels. The Commission invites comment and suggestions for appropriate policy choices where bracketed text is indicated. Second, the Commission has highlighted certain issues for comment and invites suggestions for specific amendment language.

As set forth more fully in its notice dated September 22, 1995, (see 60 FR 49316–17), the Commission currently is engaged in a comprehensive guideline assessment and simplification effort. This project is expected to be a two-year initiative that may produce amendments in the 1996–97 amendment cycle for submission to Congress not later than May 1, 1997. During this initial year of the project, the Commission generally plans to promulgate no guideline amendments, except as may be necessary to implement legislation enacted by Congress. The amendments presented in this notice are proposed in order to implement congressional directives in the Sex Crimes Against Children Prevention Act of 1995. (For additional amendments proposed in response to enacted legislation, see the notice dated January 2, 1996, 61 FR 79–83).

Authority. 28 U.S.C. § 994(a), (o), (p), (x).

Richard P. Conaboy,

Chairman.

Child Sex Offenses

Chapter Two, Part G (Offenses Involving Prostitution, Sexual Exploitation of Minors, and Obscenity)

1. Synopsis of Proposed Amendments: The Sex Crimes Against Children Prevention Act of 1995 contains several directives to the Commission to amend the current guidelines relating to the sexual exploitation of minors. The amendment set forth below implements sections 2 and 3 of the Act. Those sections direct the Commission to increase by at least two levels the base offense level in the current guidelines for offenses involving the sexual exploitation of minors under sections 2251 and 2252 of title 18, United States Code, and for offenses under sections 2251(c)(1)(A) and 2252(a) of such title if a computer was used to transmit certain notices or advertisements of visual depictions involving minors engaged in sexually explicit conduct or to transport or ship those visual depictions.

In addition to implementing the congressional directives, the amendment set forth below includes a proposal to clarify that if an adjustment under § 2G2.1(b)(2) applies because of the nature of the defendant's relationship with the minor involved in the offense, § 3B1.3 does not apply based on an abuse of a position of trust; § 3B1.3 may nevertheless apply based on the use of a special skill.

(A) Proposed Amendment: Section 2G2.1(a) is amended by striking ''25'' and inserting ''[27][28][29]''.

The Commentary to § 2G2.1 captioned ''Statutory Provisions'' is amended by striking ''§ 2251(a), (b), (c)(1)(B)'' and inserting ''§§ 2251(a), (b), (c)(1)(B), 2258(a), (b)''.

The Commentary to § 2G2.1 captioned ''Application Notes'' is amended in Note 3 by inserting ''based on an abuse of a position of trust'' after ''Use of Special Skill)''.

Section 2G2.2(a) is amended by striking ''15'' and inserting ''[17][18][19]''.

Section 2G2.2(b) is amended by adding at the end the following new subdivision:

''(5) If a computer was used to transmit the notice or advertisement of the material or to transport or ship the material, increase by [2][3][4] levels.''.

The Commentary to § 2G2.2 captioned ''Statutory Provisions'' is amended by inserting '', 2258(a), (b)'' after ''2252(a)(1)–(3)''.

Section 2G2.4(a) is amended by striking ''13'' and inserting ''[15][16][17]''.

Section 2G2.4(b) is amended by adding at the end the following new subdivision:

''(3) If the defendant's possession of the material resulted from the defendant's use of a computer, increase by [2][3][4] levels.''.

(B) Additional Issues for Comment: The Commission invites comment on whether § 2G2.1 should be amended to add an enhancement to the offense level for the use of a computer comparable to the enhancement for the use of a computer directed to be added to §§ 2G2.2 and 2G2.4 by the Sex Crimes Against Children Prevention Act of 1995. Such an amendment to § 2G2.1 would, for example, apply to the use of a computer to solicit the participation of minors in sexually explicit conduct.

In addition, the Commission invites comment on whether the guidelines in Chapter Two, Part G, Subpart Two should be amended to add an application note for each such guideline comparable to the application note included in each of the guidelines of Chapter Two, Part A, Subpart Three (Criminal Sexual Abuse) which indicates that an upward departure may be warranted if the defendant's criminal history includes a prior sentence for conduct that is similar to the instant offense.

2. Synopsis of Proposed Amendments: The proposed amendments set forth below as Option 1 and Option 2 implement the directive contained in section 4 of the Sex Crimes Against Children Prevention Act of 1995. That section directs the Commission to increase by at least three levels the base offense level for offenses involving the transportation of minors with intent to engage in criminal sexual activity under section 2423(a) of title 18, United States Code.

In an effort to further the Commission's goal of simplifying the operation of the guidelines, Option 2 also consolidates §§ 2G1.1 (Transportation for the Purpose of Prostitution or Prohibited Sexual Conduct) and 2G1.2 (Transportation of a Minor for the Purpose of Prostitution or Prohibited Sexual Conduct). As proposed under Option 2, the base offense level for offenses covered by § 2G1.2 is decreased from the current level of 16 to a proposed level of 14 in order to effectuate the consolidation of §§ 2G1.2 and 2G1.1 (which currently has a base offense level of 14). However, Option 2 does not reduce the overall offense level for offenses covered by § 2G1.2 because the specific offense characteristic related to the age of the victim is proposed to be increased by two levels to compensate for the reduction in the base offense level. That specific offense characteristic would then be increased by another three, four, or five levels to implement the directive contained in section 4 of the Sex Crimes Against Children Prevention Act of 1995. Additionally under Option 2, the specific offense characteristics and cross references that now apply only to § 2G1.2 are added to § 2G1.1.

In addition, Option 1 and Option 2 both clarify that if an adjustment under § 2G1.2(b)(4) applies because of the nature of the defendant's relationship with the minor involved in the offense, § 3B1.3 does not apply based on an abuse of a position of trust; § 3B1.3 may nevertheless apply based on the use of a special skill.

(A) Proposed Amendment—Option 1: Section 2G1.2(a) is amended by striking ''16'' and inserting ''[19][20][21]''.

The Commentary to section 2G1.2 captioned ''Statutory Provisions'' is amended by striking ''2423'' and inserting ''2423(a)''.

The Commentary to section 2G1.2 captioned ''Application Notes'' is amended in Note 6 by inserting ''based on an abuse of a position of trust'' after ''Use of Special Skill)''.

(B) Proposed Amendment—Option 2 (Consolidation of §§ 2G1.1 and 2G1.2): Subpart One of Part G of Chapter Two is amended by striking §§ 2G1.1 and 2G1.2 and inserting the following:

''§ 2G1.1. Transportation for the Purpose of Prostitution or Prohibited Sexual Conduct.

''(a) Base Offense Level: 14.

''(b) Specific Offense Characteristics.

''(1) If the offense involved the use of physical force, or coercion by threats or drugs or in any manner, increase by 4 levels.

''(2) If the offense involved the transportation of a person who (A) has not attained the age of twelve years, increase by [9][10][11] levels; (B) has attained the age of twelve years but has not attained the age of sixteen years, increase by [7][8][9] levels; or (C) has attained the age of sixteen years but has not attained the age of eighteen years, increase by [5][6][7] levels.

''(3) If subsection (b)(2) applies, and the defendant was a parent, relative, or legal guardian of the minor, or if the minor was otherwise in the custody, care, or supervisory control of the defendant, increase by 2 levels.

''(c) Cross References.

''(1) If the offense involved causing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, apply § 2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production).

''(2) If the offense involved criminal sexual abuse, attempted criminal sexual abuse, or assault with intent to commit criminal sexual abuse, apply § 2A3.1 (Criminal Sexual Abuse; Attempt or Assault with the Intent to Commit Criminal Sexual Abuse).

''(3) If the offense did not involve transportation for the purpose of prostitution, and neither subsection (c)(1) nor (c)(2) is applicable, use the offense guideline applicable to the underlying prohibited sexual conduct. If no offense guideline is applicable to the prohibited sexual conduct, apply § 2X5.1 (Other Offenses).

''(d) Special Instructions.

''(1) If the offense involved the transportation of more than one person, Chapter Three, Part D (Multiple Counts) shall be applied as if the transportation of each person had been contained in a separate count of conviction.

''(2) For the purposes of this guideline, 'transportation' includes (A) transporting a person for the purpose of prostitution or prohibited sexual conduct, and (B) persuading, inducing, enticing, or coercing a person to travel for the purpose of prostitution or prohibited sexual conduct.

''Commentary

''Statutory Provisions: 8 U.S.C. § 1328; 18 U.S.C. §§ 2421, 2422, 2423(a).

''Application Notes:

''1. 'Sexually explicit conduct', as used in this guideline, has the meaning set forth in 18 U.S.C. § 2256.

''2. The enhancement for physical force, or coercion, anticipates no bodily injury. If bodily injury results, an upward departure may be warranted. See Chapter Five, Part K (Departures).

''3. 'Coercion', as used in this guideline, includes any form of conduct that negates the voluntariness of the behavior of the person transported. This factor would apply, for example, where the ability of the person being

transported to appraise or control conduct was substantially impaired by drugs or alcohol. In the case of transportation involving an adult, rather than a minor, this characteristic generally will not apply where the alcohol or drug was voluntarily taken.

''4. For the purposes of § 3B1.1 (Aggravating Role), the persons transported are considered participants only if they assisted in the unlawful transportation of others.

''5. For the purposes of Chapter Three, Part D (Multiple Counts), each person transported is to be treated as a separate victim. Consequently, multiple counts involving the transportation of different persons are not to be grouped together under § 3D1.2 (Groups of Closely-Related Counts). Special instruction (c)(1) directs that if the relevant conduct of an offense of conviction includes more than one person being transported, whether specifically cited in the count of conviction or not, each such person shall be treated as if contained in a separate count of conviction.

''6. Subsection (b)(3) is intended to have broad application and includes offenses involving a minor entrusted to the defendant, whether temporarily or permanently. For example, teachers, day care providers, baby-sitters, or other temporary caretakers are among those who would be subject to this enhancement. In determining whether to apply this adjustment, the court should look to the actual relationship that existed between the defendant and the child and not simply to the legal status of the defendant-child relationship.

''7. If the adjustment in subsection (b)(3) applies, do not apply § 3B1.3 (Abuse of Position of Trust or Use of Special Skill) based on an abuse of a position of trust.

''8. The cross reference in subsection (c)(1) is to be construed broadly to include all instances where the offense involved employing, using, persuading, inducing, enticing, coercing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

''9. The cross reference at subsection (c)(3) addresses the unusual case in which the offense did not involve transportation for the purpose of prostitution and neither subsection (c)(1) nor (c)(2) is applicable. In such case, the guideline for the underlying prohibited sexual conduct is to be used, e.g., § 2A3.2 (Criminal Sexual Abuse of a Minor (Statutory Rape) or Attempt to Commit Such Acts) or § 2A3.4 (Abusive Sexual Contact or Attempt to Commit Abusive Sexual Contact). If there is no offense guideline for the underlying prohibited sexual conduct, § 2X5.1 (Other Offenses) is to be used.''.

(C) Additional Issue for Comment: The Commission invites comment on whether, as an alternative to the proposed amendments set forth above as Option 1 and Option 2, the Commission should apply the enhanced offense level required by the congressional directive only if the defendant is convicted of 18 U.S.C. 2243(a). Note that section 4 of the Sex Crimes Against Children Prevention Act of 1995 directs the Commission to increase by at least three levels the base offense level for an offense under 18 U.S.C. 2243(a). As proposed for comment under Option 1, the enhanced base offense level (increasing the current level of 16 to a proposed level of 19, 20, or 21) would apply to all offenses to which § 2G1.2 currently applies, not just offenses under 18 U.S.C. 2243(a). Similarly, as proposed for comment under Option 2, the enhanced specific offense characteristic related to the age of the victim (increasing the current levels by three, four, or five levels, in addition to the two-level increase for that specific offense characteristic proposed to be made under Option 2 as a result of the consolidation of §§ 2G1.2 and 2G1.1) would apply to all offenses to which § 2G1.2 currently applies.

[FR Doc. 96–4050 Filed 2–22–96; 8:45 am]

BILLING CODE 2210–40–P

DEPARTMENT OF STATE

[Public Notice No. 2338]

Shipping Coordinating Committee, Marine Environment Protection Committee and Associated Bodies; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Wednesday, March 27, 1996, in Room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593. The purpose of the meeting is to prepare for discussions regarding the new Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) addressing the control of air pollution from ships. These discussions will take place during the Thirty-eighth session of the Marine Environment Protection Committee of the International Maritime Organization (IMO) scheduled for July 01–10, 1996, at IMO Headquarters in London, England.

Among other things, items of particular interest are: application of the new Annex; criteria and procedures for the establishment of special areas to reduce sulphur oxide emissions; survey and certification issues; reduction of nitrogen oxide emissions from marine engines; shipboard incinerators; ozone depleting substances; fuel oil quality; and volatile organic compound emissions during loading operations. The U.S. Safety of Life at Sea (SOLAS) Working Group supports the U.S. Representative to the IMO Committee in developing the U.S. position on those issues raised at the IMO Committee meetings. Because of the impact on domestic regulations through development of these international agreements, the U.S. SOLAS Working Group serves as an excellent forum for the public to express their ideas. All members of the maritime community are encouraged to send representatives to participate in the development of U.S. positions on those issues affecting your maritime industry and remain abreast of all activities ongoing with the IMO.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Wayne Lundy, U.S. Coast Guard Headquarters, Commandant (G–MMS), 2100 Second Street, S.W., Washington, DC 20593–0001 or by calling: (202) 267–2206.

Dated: February 14, 1996.

Charles A Mast,

Chairman, Shipping Coordinating Committee.

[FR Doc. 96–4074 Filed 2–22–96; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice No. 2335]

U.S. International Telecommunication Advisory Committee (ITAC); Renewal

The Department of State has renewed the Charter of the United States International Telecommunication Advisory Committee (ITAC). This advisory committee will continue to obtain the views and advice of American experts and interested parties with respect to a broad range of technical, operational and administrative questions in the telecommunications and information sector. ITAC's focus is on U.S. participation in the work of international treaty organizations, primarily the International Telecommunication Union (ITU) and the OAS Inter-American Telecommunication Commission (CITEL).

The committee's principal work, which is to develop, coordinate and recommend contributions to and positions for international meetings and conferences, has been a major factor in ensuring effective U.S. preparations for the relevant international activities. The Under Secretary for Management has determined that the committee is necessary and in the public interest.

Membership in the ITAC is unlimited and may include representatives of all parties interested in the telecommunications and information fields or in the work of ITAC, including U.S. Government agencies, recognized operating agencies, service providers, manufacturers, users, associations, academia, and the public in general. The committee will follow the procedures prescribed by the Federal Advisory Committee Act (FACA). Meetings will be open to the public unless a determination is made in accordance with section 10(d) of the FACA, 5 U.S.C. §§ 552b(c)(1) and (4), that a meeting or a portion of the meeting should be closed to the public. Notice of each meeting will be provided in the Federal Register at least 15 days prior to the meeting date.

For further information, please call: Richard E. Shrum, ITAC Chairman and Director, Office of Multilateral Affairs, International Communications and Information Policy, (202) 647–0050; fax (202) 647–7407.

Dated: February 13, 1996.

Vonya B. McCann,

U.S. Coordinator, Communications and Information Policy.

[FR Doc. 96–4072 Filed 2–22–96; 8:45 am]

BILLING CODE 4710–45–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 96–2–28; Dockets OST–95–586 and 95–585]

Applications of Sun Pacific International, Inc., for Issuance of Certificate Authority; Notice of Order to Show Cause

AGENCY: Department of Transportation.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order (1) finding Sun Pacific International, Inc., fit, willing, and able, and (2) awarding it certificates of public convenience and necessity to engage in interstate and foreign charter passenger air transportation.

DATES: Persons wishing to file objections should do so no later than February 26, 1996.

ADDRESSES: Objections and answers to objections should be filed in Dockets OST–95–585 and 95–586 and addressed to the Documentary Services Division (C–55, Room PL–401), U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Lawyer, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590, (202) 366–1064.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–4081 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Highway Administration

Environmental Impact Statement; Erie County, New York

AGENCY: Federal Highway Administration, New York State Department of Transportation.

ACTION: Notice of Intent.

SUMMARY: The action to be evaluated by this Environmental Impact Statement is the rehabilitation or reconstruction of the Peace Bridge U.S. Plaza and Connecting Roadways to improve circulation and increase capacity for the processing of commercial and passenger vehicles at the international border with Canada.

FOR FURTHER INFORMATION CONTACT: Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, (518) 431–4127; or Robert J. Russell, Regional Director, New York State Department of Transportation, Region 5, 125 Main Street, Buffalo, New York 14203, (716) 847–3238; or Clifford T. Elwood, Capital Projects Manager, Buffalo and Fort Erie Public Bridge Authority, Peace Bridge Plaza, Buffalo, New York 14213–2494, (716) 884–6752.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the Buffalo and Fort Erie Public Bridge Authority (BFEPBA) and the New York State Department of Transportation (NYSDOT), will evaluate various Plaza alternatives which consider building placement, vehicle circulation patterns, and improved ingress and egress. Each option calls for a major renovation of the 17-acre international toll plaza including toll booths, administration buildings and primary and secondary inspection operations performed by the U.S. Customs Service and the Immigration and Naturalization Service. Alternatives include potential expansion of the existing Plaza to accommodate space requirements for primary and secondary vehicle inspection, vehicle circulation and processing. Connecting roadway alternatives consider improved ingress and egress patterns to the Plaza to facilitate improved on-site circulation, closure of Moore and Baird Drives within the Historic Front Park, and improved connections between I–190, local roadways, and the Peace Bridge Plaza. The environmental, socio-economic, and engineering viability implications of each alternative will be examined. The no action alternative will also be analyzed as a base line for gauging the impacts of the Plaza and roadway reconfiguration alternatives.

Input from federal, State, local governments, local agencies, private organizations, and the community will be solicited during the development of the Environmental Impact Statement (EIS). A public scoping meeting and a formal public hearing will be scheduled. Public notice will be given to identify the time and place for the meeting and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, questions, and suggestions are invited from all interested parties. They should be directed to the BFEPBA, NYSDOT or FHWA at the address provided above.

Issued on February 13, 1996.

Stanley Gee,

Assistant Division Administrator, Federal Highway Administration, Albany, New York.

[FR Doc. 96–4073 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement: Otero County, New Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be

prepared for a proposed highway project in Otero County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Bird, Environmental Planning Engineer, Federal Highway Administration, P.O. Box 25246, Denver, Colorado 80225, telephone 303–969–5909.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Lincoln National Forest and the New Mexico State Highway and Transportation Department, will prepare an environmental impact statement (EIS) on a proposal to improve New Mexico Forest Highway (FH) 45, Sacramento River Road. The portion to be improved extends 13.1 miles from Sunspot to Timberon in Otero County, New Mexico. The FHWA is the lead agency. The USDA-Forest Service, Lincoln National Forest, will assist the FHWA in the preparation of the environmental impact statement.

Improvements are being considered to provide a safe, all-weather facility for the existing and projected traffic demand. Alternatives under consideration include (1) taking no action, (2) the improvement of the existing facility to appropriate American Association of State Highway and Transportation Officials (AASHTO) design criteria, and (3) other alternatives that may be developed during environmental process.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens. A public scoping meeting and a public hearing will be held in the project area. Information on the time and place of public meetings and hearings will be provided in the local news media and by letter to individuals and agencies that have expressed interest in the proposal. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 6, 1996.

Dated: February 15, 1996.

Larry C. Smith,

Division Engineer, FHWA, Denver, Colorado.

[FR Doc. 96–4092 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–22–M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, D.O.T.

ACTION: List of Applications for modification of exemptions or application to become a party to an exemption; Correction.

SUMMARY: Notice of Application No. 10933–P Laidlaw Environmental Services, Inc. should have appeared at page 1985 of the February 13, 1996 Federal Register.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

[FR Doc. 96–4080 Filed 2–22–96; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Financial Management Service

Privacy Act of 1974; Computer Matching Program

AGENCY: Financial Management Service, Treasury.

ACTION: Notice.

SUMMARY: Pursuant to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of a Financial Management Service (FMS) program of computer matches.

EFFECTIVE DATE: March 25, 1996.

ADDRESS: Comments or inquiries may be submitted to the Debt Management Services, Financial Management Service, 401 14th Street, SW, Room 151, Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT: Gerry Isenberg, Financial Program Specialist, Debt Management Services, (202) 874–6660.

SUPPLEMENTARY INFORMATION: FMS is the central disbursing source for the Federal Government and currently receives recurring and non-recurring payment certification records from departments and agencies of the Government. FMS has a ''system of records'' (as defined in the Privacy Act of 1974) for specific recurring benefit payments entitled, ''Payment Issue Records for Regular Recurring Benefit Payments'' identified as Treasury/FMS .002.

FMS has been designated by the Office of Management and Budget as the lead agency in credit management and debt collection for the Federal Government.

Centralized administrative offset was specifically recommended by the President's Council on Integrity and Efficiency in a report dated March 22, 1995. The Treasury Offset Program takes advantage of FMS' dual roles as the primary disbursing agency for the Federal Government, and the lead agency for debt collection within the Government. The Treasury Offset Program is one of the key elements in the Department of the Treasury's reinvention initiative to improve collection of non-tax debts owed to the United States.

NAME OF SOURCE AGENCY:

Financial Management Service.

NAME OF RECIPIENT AGENCY:

Financial Management Service.

BEGINNING AND COMPLETION DATES:

This program of computer matches will commence not earlier than the fortieth day after copies of the Computer Matching Agreement are provided to the Congress and OMB unless comments dictate otherwise. The program of computer matches will conclude at the end of the eighteenth month after the beginning date.

PURPOSE:

The purpose of this program of computer matches is to identify payments made to civil service annuitants which are subject to offset to reduce outstanding delinquent debts owed to the Federal Government, and to offset such payments where appropriate.

AUTHORITY:

Authority for this program of computer matches is granted under 31 U.S.C. 3716.

CATEGORIES OF INDIVIDUALS COVERED:

Individuals receiving benefits in the form of regular recurring payments authorized by the Office of Personnel Management, individuals who are indebted to the United States and whose debts may be collected by offset in accordance with 31 U.S.C. 3716.

CATEGORIES OF RECORDS COVERED:

Included in this program of computer matches is information concerning the

debtor contained in the Debt Collection Operations System (Treasury/FMS .014) including name, taxpayer identification number, the amount of the indebtedness, the name and address of the agency who is principally responsible for collecting the debt, and the name, phone number and address of an agency contact. Information contained in Payment Issue Records for Regular Recurring Benefit Payments (Treasury/FMS .002) which shall be included in this program of computer matches shall be limited to information concerning individuals receiving civil service annuities and shall include name, taxpayer identification number, mailing address, and the amount of payment.

Dated: February 14, 1996.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

[FR Doc. 96–4109 Filed 2–22–96; 8:45 am]

Billing Code: 4810–35–F

Office of the Comptroller of the Currency

[Docket No. 96–04]

Independent Regulatory Appeals Process

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is publishing in final form its guidelines that permit national banks to appeal certain OCC decisions and actions. These appeals guidelines are required by the Riegle Community Development and Regulatory Improvement Act of 1994. These final guidelines supersede the OCC prior appeals policy as set forth in Banking Circular No. 272.

EFFECTIVE DATE: February 23, 1996.

FOR FURTHER INFORMATION CONTACT: Heidi Thomas, Legislative Counsel, Legislative and Regulatory Activities Division, 202–874–5090, or Carol Connelly, Office of the Chief National Bank Examiner, 202–874–5350, Office of the Comptroller of the Currency, 250 E Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

A. Background

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103–325 (12 U.S.C. 4806) (Act), which was signed into law on September 23, 1994, requires the OCC, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Reserve Board (Federal banking agencies), and the National Credit Union Administration to establish an independent internal appellate process. This process must be available to review material supervisory determinations made at insured depository institutions or credit unions that the agency supervises.

Specifically, the Act defines ''independent appellate process'' in section 309(f)(2) (12 U.S.C. 4806(f)(2)) as a review by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review.

In addition, the Act defines ''material supervisory determinations'' in section 309(f)(1) (12 U.S.C. 4806(f)(1)) to include determinations relating to (1) examination ratings, (2) the adequacy of loan loss reserve provisions, and (3) loan classifications on loans that are significant to an institution. This definition expressly excludes a determination to appoint a conservator or receiver for an insured depository institution or a decision to take prompt corrective action pursuant to section 38 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1831o). Section 309(g) of the Act (12 U.S.C. 4806(g)) expressly provides that the Act's requirement to establish an appeals process does not affect the authority of the Federal banking agencies to take enforcement or supervisory actions against an institution.

Finally, section 309(b) of the Act (12 U.S.C. 4906(b)) requires that the Federal banking agencies hear and decide appeals expeditiously and ensure that appropriate safeguards exist for protecting the appellant from retaliation by Federal banking agency examiners.

On December 22, 1994, the OCC published in the Federal Register for notice and comment proposed guidelines for this appellate process (59 FR 66067), as required by section 309(c) of the Act (12 U.S.C. 4806(c)). These procedures modified and clarified the OCC's existing national bank appeals procedures, described in Banking Circular No. 272 (June 11, 1993), to make them consistent with the requirements of the Act.

Pursuant to this notice and request for comments, the OCC received three comment letters from interested parties. These comment letters generally supported the OCC's proposed guidelines and concluded that they satisfied the requirements of the Act. However, the commenters suggested some changes, several of which the OCC has addressed in the final guidelines.

B. Comments

1. Examiner Retaliation

To prevent examiner retaliation, the proposed guidelines required the OCC Ombudsman to contact the appellant bank to inquire whether it believes that OCC examiners have taken actions against it in retaliation for its appeal. The Ombudsman must contact the bank within: (1) six months after the date the Ombudsman, Deputy Administrator, or Deputy Comptroller issues a final written response to an appeal; and (2) six months after the date of completion of the first examination following an appeal. In addition, national banks that believe they are the subject of retaliation because of their appeal may, at any time, seek redress with the Ombudsman.

The commenters agreed that these procedures provide appropriate safeguards to protect the appellant bank from retaliation by agency examiners, as required by the Act. However, the commenters suggested that the guidelines also should state specifically that examiner retaliation is unacceptable and unprofessional and should provide for disciplinary sanctions or otherwise describe what ''appropriate action'' may ensue if the Ombudsman determines that retaliation has occurred. In addition, one commenter suggested permitting the Ombudsman to exclude from the next examination any personnel involved in the appealed decision.

The OCC strongly agrees that any form of examiner retaliation is unacceptable and unprofessional. The OCC also agrees that, in some cases, it may be appropriate to exclude from the next examination of the bank personnel involved in the appealed decision. Therefore, the final guidelines provide that the Ombudsmen may recommend to the Comptroller that the next examination of a national bank not include personnel involved in a decision appealed by that bank. The Comptroller will make the final decision on exclusion.

The proposed guidelines required the Ombudsman, upon determining that retaliation has occurred, to forward the complaint to the District Administrator, Deputy Comptroller, or Inspector General for appropriate action. The final guidelines require the Ombudsman to forward these complaints to the Senior Deputy Comptroller for Bank Supervision Operations or the Inspector General. The OCC believes that retaliation complaints are better handled by senior staff in the Washington Office than in the District Office where the retaliation is alleged.

In addition, the final guidelines more specifically refer to ''disciplinary'' action consistent with OCC policies and procedures. The OCC believes, however, that further description of particular disciplinary actions is outside the scope of these guidelines.

2. Scope of Appeal

Except as otherwise provided, the proposed guidelines permitted national banks to seek review of all agency decisions and actions, including material supervisory determinations. Section 309(f)(1) of the Act (12 U.S.C. 4806(f)(1)) defines ''material supervisory decisions'' as determinations relating to examination ratings, the adequacy of loan loss reserve provisions, and loan classifications on loans that are significant to an institution.

The proposed guidelines did not allow a national bank to seek review of an agency decision or action involving the appointment of a receiver or conservator, or a decision that is enforcement-related, including a decision to take prompt corrective action pursuant to section 38 of the FDI Act (12 U.S.C. 1831o). The proposed guidelines also expressly excluded preliminary examination conclusions communicated to the national bank prior to the issuance of either a Final Report of Examination or other written communication from the OCC. The OCC believes that, until these preliminary conclusions become final, they are not ''material supervisory determinations'' for purposes of the appellate procedures.

The commenters stated that, in general, the scope of appealable matters under the proposed guidelines is appropriate and reasonable. However, one commenter requested the OCC to clarify that national banks may appeal informal enforcement actions under the guidelines. The OCC believes, however, that distinguishing between formal and informal enforcement actions or decisions could be counterproductive, and could improperly influence what would otherwise be OCC supervisory judgements concerning the appropriate enforcement action in a particular case. Currently, the OCC excludes informal enforcement decisions and actions from appeals pursuant to Banking Circular 272. This exclusion has proved to be workable and the OCC believes that it is appropriate. Therefore, both formal and informal enforcement actions will continue to be excluded from the scope of appealable matters available under the final guidelines.

Some commenters also requested that the OCC not tie the definition of significant loan classification to a set percentage of the portfolio classified. The commenters also opposed a definition that is more narrow or more restrictive than that used by any other agency in implementing their guidelines. These comments do not apply to the OCC's proposed guidelines, which permit appeals of all types of loan classifications. The OCC agrees that the definition should not be narrowed and therefore will continue to permit appeals of all types of loan classifications.

3. Timing of Appeal

The proposed guidelines required the District Administrator, the Deputy Comptroller, and the Ombudsman, absent any extenuating circumstances, to issue a written response within 45 calendar days of the filing of an appeal. In addition, the Ombudsman must issue a written response to a second-tier appeal, an appeal by a national bank of an appeal decision made by a District Administrator or Deputy Comptroller, within 30 calendar days of the filing of that second-tier appeal. These time periods are longer that those specified in Banking Circular 272. Based on its current experience with the appeals process, the OCC found that some additional time is necessary to hear and decide appeals.

Commenters, in general, agreed that the new time periods meet the Act's requirement that appeals be heard and decided expeditiously. However, two of the commenters suggested that the OCC increase the amount of time in which a national bank may file a second-tier appeal. The proposed guidelines required that a national bank file a second-tier appeal within 15 calendar days of receiving a decision from the District Administrator or Deputy Comptroller. The commenters stated that, due to intervening business, vacations, or holidays, a national bank may not be able to determine whether to file a second appeal within this time period. The OCC agrees that providing additional time for filing second-tier appeals is reasonable. Therefore, the final guidelines provide that a national bank may file a second-tier appeal within 30 calendar days after receiving the decision from the District Administrator or Deputy Comptroller.

C. Other Modifications to Proposed Guidelines

The OCC has made the following additional modifications to the proposed guidelines:

1. Liaison Activity

To comply with section 309(d)(2) of the Act (12 U.S.C. 4806(d)(2)), the OCC has modified the proposed guidelines to specifically state that, in addition to hearing and deciding appeals, the Ombudsman is available to act as a liaison between the OCC and any affected person with respect to any problem that party may have in dealing with the OCC resulting from its regulatory activities. In so doing, the Ombudsman will ensure that safeguards exist to encourage persons to come forward and to preserve their confidentiality. In practice, the Ombudsman informally acts as a liaison. This modification to the final guidelines formalizes this activity and notifies other interested persons of the availability of the Ombudsman for that purpose.

2. Recommendations of Policy Changes

The final guidelines state that the Ombudsman may report weaknesses in OCC policy to the Comptroller, and may make recommendations regarding changes in OCC policy.

3. Reference to Banking Bulletin OCC 96–18

In order to clarify that other OCC appeals processes are available for national banks, the final guidelines include a statement advising national banks that they may obtain a separate OCC Bulletin, OCC 96–18, that consolidates all OCC appeals processes that national banks may follow to appeal agency decisions and actions. Specifically, this OCC Bulletin consolidates these final appeals guidelines, the Shared National Credit Appeals Process, and a new process for appealing fair lending-related decisions. The final guidelines specifically reference the availability of this separate fair lending appeals process.

4. Stay of Decisions and Actions Pending an Appeal

The proposed guidelines provided that, as a general rule, the filing of an appeal serves to stay all agency decisions and actions until the appeal is resolved. The final guidelines specifically provide that this stay does not allow a corporate matter subject to an appeal to be approved simply by the passage of time. In addition, the final guidelines provide that an appropriate OCC official, in addition to the Ombudsman, may put the disputed agency decision into effect while the appeal is still pending.

5. Appeals on Behalf of Individuals

To ensure that appealable OCC actions and decisions relating to an individual as opposed to a national bank are not excluded from the appeals

process, the final guidelines specify that in the case of an appealable matter relating specifically to an individual, such as section 914 of FIRREA or Change in Bank Control Act notices, a national bank may file an appeal on behalf of that individual.

6. Scope of Appealable Matters

To further define the scope of those OCC decisions that are subject to the appeals process, the final guidelines state that formal and informal rulemakings pursuant to the Administrative Procedure Act (5 U.S.C. 500 *et seq.*) and requests for agency records or information under, and submissions of information to the OCC that are governed by, the Freedom of Information Act (5 U.S.C. 552 or 12 CFR Part 4) are not appealable matters. These matters are governed by separate statutory and regulatory procedural requirements and are not included in the scope of matters appealable to the Ombudsman.

The final guidelines also emphasize that, although preliminary examination conclusions are not appealable, a national bank is encouraged to discuss any concerns or disagreements regarding these conclusions with its examiner-in-charge or its supervisory office.

7. Appeal of Decisions on Corporate Applications

Because appeals of corporate decisions are now made though the National Bank Appeals Process, the final guidelines delete all references to the appeal of corporate decisions as a separate appeals process. In addition, the final guidelines provide that banks that choose not to file their appeal of corporate application decisions directly with the Ombudsman must file with the Deputy Comptroller for Bank Organization and Structure (BOS), rather than with the District Deputy Comptroller, District Administrator or Deputy Comptroller for Multinational Banking or Special Supervision, as in other cases.

8. Recusal of Ombudsman

The proposed guidelines provided that in cases where the Ombudsman should be recused from reviewing the decision under appeal, the Ombudsman must transfer the appeal to the Senior Deputy Comptroller for Bank Supervision Policy. The final guidelines instead provide that, in such cases, the appeal must be transferred to a senior official designated by the Comptroller. The OCC has made this change to ensure that, in all cases, the appeal will be heard by a neutral reviewer.

D. Effect of Final Guidelines

This notice supersedes the current OCC appeals policy as set forth in Banking Circular No. 272. These final guidelines, however, do not supersede any other existing appeals procedures available under current law. All of the OCC's currently available regulatory appeals processes for national banks, including these final guidelines, are consolidated in OCC Bulletin 96–18, available through the OCC's Communications Division, 250 E. Street, SW., Washington DC 20219–0001; phone—(202) 874–4700, fax—(202) 874–5263.

The following is the text of the OCC's Appeals Process for National Banks:

National Bank Appeals Process

I. Policy

The OCC is responsible for fostering the safety and soundness of the national banking system, monitoring, and enforcing national banks' compliance with laws and regulations, and encouraging competitiveness, integrity, and stability of financial services provided by the national banking system. In fulfilling this mission, it is the OCC's policy to maintain open and ongoing communication with both the institutions it supervises and other affected persons, and to foster the fair and equitable administration of the supervisory process.

If a disagreement arises during the supervisory process, the OCC will attempt to resolve the dispute fairly and expeditiously in an informal, amicable manner. If disagreements cannot be resolved through informal discussions, national banks and Federal branches and agencies of foreign banks (collectively referred to as ''national banks'' for purposes of these guidelines) are encouraged, and the examiner involved in the dispute should specifically encourage the national bank, to seek a further review of the OCC decisions or actions in dispute.

These guidelines establish a process through which a national bank can seek such a review. A critical element in this appeals process is the OCC Ombudsman. The Ombudsman is outside the bank supervision area and reports directly to the Comptroller of the Currency. With the prior consent of the Comptroller, the Ombudsman may supersede any appealable agency decision or action during the resolution of an appealable matter. The Ombudsman also may report weaknesses in OCC policy to the Comptroller, and may make recommendations regarding changes in OCC policy.

The procedures established in these guidelines provide national banks a fair and expeditious review of agency decisions and actions while ensuring that no one is disadvantaged by filing an appeal. If a national bank has a question as to whether it should make use of this appeal authority, it should contact the Ombudsman.

In addition, the Ombudsman is available to act as a liaison between the OCC and any affected person with respect to any problem such person may have in dealing with the OCC resulting from its regulatory activities.

Interested parties should direct all communications with the Ombudsman to the following address: Office of the Ombudsman, 1000 Louisiana Street, Suite 950, Houston, Texas 77002–5008; phone—(713) 650–0475, fax—(713) 650–6248.

II. Procedures

A. Filing An Appeal

A national bank may seek review of appealable matters by filing an appeal with either its immediate supervisory office or with the OCC's Ombudsman.[1] The choice of where to file is a matter within the sole discretion of the bank, except as indicated below. All appealable matters can be received in either location. However, in cases where the District Administrator or Deputy Comptroller directly or indirectly participated in making the decision under review or directly or indirectly reports to the agency official who made the decision under review, the District Administrator or Deputy Comptroller must transfer the appeal to the Ombudsman. In addition, in cases where the Ombudsman should be recused from reviewing the decision under appeal, the Ombudsman shall transfer the appeal to a senior official designated by the Comptroller. The procedures for filing an appeal under the two options are outlined below.[2]

[1] In the case of an appealable matter specifically relating to an individual as opposed to a national bank, such as section 914 of FIRREA or Change in Bank Control Act notices, a national bank may file an appeal on behalf of that individual.

[2] The process by which national banks may appeal OCC decisions to make a referral to the Department of Justice (DOJ) or a notification to the Department of Housing and Urban Development (HUD) regarding fair lending-related matters is described separately in OCC Bulletin 96–18. In general, national banks may file an appeal to the Ombudsman for reconsideration of a fair lending decision within 15 calendar days of the date of the written notification from the Senior Deputy Comptroller for Bank Supervision-Operations of the OCC's intention to make a referral to DOJ or a notification to HUD.

1. Supervisory Office Appeals

If a disagreement concerning an OCC supervisory decision or action cannot be resolved informally, a national bank may file an appeal with its immediate supervisory office. Except as indicated below, a community bank or a regional bank seeking appeal under this option should file the appeal with the District Administrator or Deputy Comptroller of the OCC District in which the bank is headquartered. A bank in the Multinational Banking or Special Supervision programs using this option should file an appeal with the Deputy Comptroller for the program in the Washington Office. A national bank seeking appeal of a corporate application decision under this option shall file its appeal with the Deputy Comptroller for Bank Organization and Structure (BOS) in the Washington, DC office. In cases where the District Administrator or Deputy Comptroller directly or indirectly participated in making the decision under review or directly or indirectly reports to the agency official who made the decision under review, the District Administrator or Deputy Comptroller must transfer the appeal to the Ombudsman after advising the appellant.

An appellant national bank must submit information in writing fully describing the matter in dispute and setting forth its basis for requesting an appeal. Upon receipt of an appeal, the appropriate District Administrator or Deputy Comptroller, or a designee who has not directly or indirectly participated in making the decision in dispute and is not directly or indirectly responsible to the agency official who made the decision under review, will contact the OCC employee(s) involved in the matter under appeal. The OCC employee(s) shall submit written or oral information concerning the basis of the appeal. If requested by a senior official of the national bank filing the appeal, the appropriate District Administrator or Deputy Comptroller shall arrange a meeting or a telephone call to more fully discuss the appeal and related issues.

In the absence of any extenuating circumstances, the appropriate District Administrator or Deputy Comptroller shall issue a written response within 45 calendar days of the filing of the appeal. Immediately after the response is issued, the District Administrator or Deputy Comptroller shall forward to the Ombudsman a copy of all relevant material considered in the preparation of the response, including any written submission by the bank.

If the national bank disagrees with the response from the District Administrator or Deputy Comptroller, a senior official of the bank may further appeal the matter to the Ombudsman. The bank shall file written notice of this second-tier appeal within 30 calendar days of receiving the response from the appropriate District Administrator or Deputy Comptroller.

After receipt of a second-tier appeal, the Ombudsman shall review any material considered by the appropriate District Administrator or Deputy Comptroller in the preparation of the initial response. The Ombudsman shall contact the national bank to ensure that the OCC is in possession of all relevant material. If requested by either OCC management involved in the dispute or a senior official of the national bank filing the appeal, the Ombudsman shall arrange a meeting or a telephone call to more fully discuss the appeal and related issues. In the absence of any extenuating circumstances, the Ombudsman shall issue a written response to the second-tier appeal within 30 calendar days of the filing of that appeal.

2. Appeals to the Ombudsman

When a disagreement concerning an OCC supervisory decision or action cannot be resolved informally and a national bank chooses not to file an appeal with its immediate supervisory office, the national bank may file an appeal directly with the Ombudsman. In a case where the Ombudsman should be recused from reviewing the decision under appeal, the Ombudsman shall transfer the appeal to a senior official designated by the Comptroller. In such a case, the procedures outlined below apply.

A national bank filing an appeal with the Ombudsman must submit information in writing fully describing the matter in dispute. After receipt of an appeal, the Ombudsman shall contact the OCC management official involved in the dispute. That management official shall submit written material and relevant OCC documents pertaining to the basis of the appeal within 10 calendar days of the notice from the Ombudsman. The Ombudsman shall contact the national bank to ensure that the OCC is in possession of all relevant materials. If requested by either OCC management involved in the dispute or a senior official of the national bank filing the appeal, the Ombudsman shall arrange a meeting or a telephone call to more fully discuss the appeal and any related issues. In the absence of any extenuating circumstances, the Ombudsman shall issue a written response to the appeal within 45 calendar days of the filing of the appeal by the national bank.

B. Follow-Up by Ombudsman

After the Ombudsman, Deputy Administrator, or Deputy Comptroller renders a decision on an appeal, the Ombudsman shall contact the appellant bank to inquire whether the bank believes OCC examiners have taken actions against the bank in retaliation for its appeal. The Ombudsman shall make these contacts (1) six months after the date the Ombudsman, Deputy Administrator or Deputy Comptroller issues a final written response to an appeal, and (2) six months after the date of completion of the first examination of the appellant bank following its appeal. Of course, a national bank may contact the Ombudsman at any time during or after the appeal if the bank reasonably believes that an OCC examiner is taking action against it in retaliation for its appeal.

Upon identifying or learning of any possible retaliatory action, the Ombudsman shall investigate the complaint. In the absence of any extenuating circumstances, the Ombudsman must complete investigations within 30 days. If the Ombudsman determines that retaliation has occurred, the Ombudsman shall forward the complaint to the Senior Deputy Comptroller for Bank Supervision Operations or Inspector General for appropriate action, including disciplinary action consistent with OCC policies and procedures.

In addition, the Ombudsman may recommend to the Comptroller that the next examination of a national bank exclude personnel involved in a decision appealed by that bank. The Comptroller shall make the final decision on any exclusion.

C. Appealable Matters

Except as otherwise provided, a national bank may seek a review of any agency decision or action, including a material supervisory determination. Examples of material supervisory determinations include determinations relating to:

- Examination ratings;
- The adequacy of loan loss reserve provisions; and
- Loan classifications on loans that are significant to an institution.

A national bank may not appeal to the Ombudsman or its immediate OCC supervisory office:

- Appointments of receivers and conservators;
- Preliminary examination conclusions communicated to the national bank prior to the issuance of

either a final Report of Examination or other written communication from the OCC;[3]

- Enforcement-related actions or decisions, including decisions to take prompt corrective action pursuant to section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o);
- Formal and informal rulemakings pursuant to the Administrative Procedure Act, 5 U.S.C. 500 *et seq.;* and
- Requests for agency records or information under, and submissions of information to the OCC that are governed by, the Freedom of Information Act, 5 U.S.C. 552 or 12 CFR Part 4.

An enforcement-related action or decision commences, and therefore becomes unappealable, when the national bank receives notice from the OCC indicating its intention to pursue available remedies under applicable statutes or published enforcement-related policies of the OCC. Such policies include OCC's Policy for Corrective Action (PPM 5310–3)(REV), Civil Money Penalty Policy (PPM 5000–7)(REV), and Securities Enforcement Policy (PPM 5310–5). These policies are available on request from the OCC's Communications Division, 250 E. Street, SW., Washington DC 20219–0001; phone—(202) 874–4700, fax—(202) 874–5263. For purposes of these guidelines only, remarks in a Report of Examination do not constitute notice of intent to pursue enforcement remedies.

III. Effect of Filing An Appeal

As a general rule, the filing of an appeal concerning an appealable matter with either the national bank's immediate supervisory office or with the Ombudsman serves to stay all agency decisions and actions until the appeal is resolved. A stay does not allow a corporate matter subject to an appeal to be approved simply by the passage of time. In the appropriate circumstances, however, the Ombudsman or the appropriate OCC official may put the disputed agency decision or action into effect while the appeal is still pending.

IV. Other OCC Appeals Processes

The appeals process established by these guidelines does not supersede any other existing appeals procedures available under current law. Matters that are subject to an OCC appeals process designed specifically for the issue in dispute, such as review of Shared National Credit findings and fair lending-related decisions, are appealable to the Ombudsman when the OCC decision is final under the specifically designed appeals procedures.

These final appeals guidelines, the process to appeal Shared National Credit decisions, and the appeals process for fair lending-related decisions are consolidated in OCC Bulletin 96–18, available through the OCC's Communications Division, 250 E. Street, SW., Washington DC 20219–0001; phone—(202) 874–4700, fax—(202) 874–5263.

V. Liaison Activity of Ombudsman

In addition to hearing and deciding appeals brought by national banks, the Ombudsman is available to act as a liaison between the OCC and any affected person with respect to any problem or question the party may have in dealing with the OCC resulting from the OCC's regulatory activities.[4] The Ombudsman will either provide the requested information or direct the person to the appropriate point of contact. In so doing, the Ombudsman will ensure that safeguards exist to encourage persons to come forward and to preserve the confidentiality of those seeking information or identifying a concern.

Dated: February 15, 1996.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 96–4023 Filed 2–22–96; 8:45 am]

BILLING CODE 4810–33–P

[3] A national bank is encouraged to discuss any concerns or disagreements regarding preliminary examination conclusions with its examiner-in-charge or its supervisory office.

[4] Interested parties may also contact the OCC's Customer Assistance Unit, located in the OCC's Washington office, to report any problems or concerns they may have regarding national banks. The Unit's telephone number is 800–613–6743. In addition, interested persons may also comment on proposed OCC rulemakings published in the Federal Register for notice and comment by filing written comments with the OCC, as described in the rulemaking.

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Percentage to Determine Net Value

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This notice provides information to participants in the Department of Veterans Affairs (VA) Loan Guaranty Program concerning the percentage to be used in determining whether the Secretary will accept conveyance of a foreclosed property. The new percentage is 15.11 percent.

EFFECTIVE DATE: The new percentage is effective January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard A. Levy, Assistant Director for Loan and Property Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 273–7344.

SUPPLEMENTARY INFORMATION: VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, et seq. The formulas for determining whether VA will offer the lender an election to convey the property to VA are set forth at 38 CFR 36.4320. A key component of this is the ''net value'' of the property to the Government, as defined in 38 CFR 36.4301. Essentially, ''net value'' is the fair market value of the property, minus the total of the costs the Secretary estimates would be incurred by VA resulting from the acquisition and disposition of the property for property taxes, assessments, liens, property maintenance, administration, and resale. Each year VA reviews the average operating expenses incurred for properties acquired under 38 CFR 36.4320 which were sold during the preceding three fiscal years and the average administrative cost to the Government associated with the property management activity. Administrative cost is based on the average holding time for properties sold during the preceding fiscal year. Property improvement expenses are estimated on an individual case basis at the time the net value is estimated. VA also includes in the net value calculation an amount equal to the gain or loss experienced by VA on the resale of acquired properties during the prior fiscal year. VA annually updates the net value percentage and publishes a notice of the new percentage in the Federal Register. For Fiscal Year 1995, the percentage was 11.18 percent. For Fiscal Year 1996, the percentage will be 15.11 percent, based upon the operating expenses incurred, exclusive of estimated property improvement expenses which are accounted for separately in each case, for Fiscal Years 1993, 1994, and 1995, and property resale experience for Fiscal Year 1995. Accordingly, VA will subtract 15.11 percent from the fair market value of the property to be foreclosed in order to arrive at the ''net value'' of the property to VA. This new percentage will be used in ''net value'' calculations made by VA on and after January 22, 1996. This is the date the new percentage was issued to VA filed stations for use in these calculations.

Approved: February 12, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

[FR Doc. 96–4100 Filed 2–22–96; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 61, No. 37
Friday, February 23, 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).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:05 a.m. on Tuesday, February 20, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), Director Eugene A. Ludwig (Comptroller of the Currency), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: February 20, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–4248 Filed 2–21–96; 11:51 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, February 27, 1996, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Report of actions approved by an officer of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum re: Quarterly Budget Variance Summary Report.

Discussion Agenda

Personnel matters.

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled ''Capital Maintenance,'' which would incorporate an incremental measure for market risk and provide additional guidance to institutions about how the multiplication factor used to calculate capital requirements for market risk under the internal models approach would be adjusted if *ex post* comparisons of internal model estimates with actual trading results indicate that the internal model does not produce satisfactory results.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 942–3132 (Voice); (202) 942–3111 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Jerry L. Langley, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: February 20, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–4249 Filed 2–21–96; 11:51 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:15 a.m., Wednesday, February 28, 1996, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 21, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–4272 Filed 2–21–96; 1:39 pm]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, February 28, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda:

Because of its routine nature, no discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed amendment to the outstanding proposal to revise the Federal Reserve Board's risk-based capital guidelines to incorporate a measure for market risk (proposed earlier for public comment; Docket No. R–0884).
2. Any items carried forward from a previously announced meeting.

Discussion Agenda.

Please Note That No Discussion Items Are Scheduled for This Meeting.

Note: If the items are moved from the Summary Agenda to the Discussion Agenda, discussion of the items will be recorded. Cassettes will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $5 per cassette by calling (202) 452–3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: February 21, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–4273 Filed 2–21–96; 1:39 pm]

BILLING CODE 6210–01–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–96–03]

TIME AND DATE: February 29, 1996 at 2:30 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–740 (Preliminary) (Sodium Azide from Japan)—briefing and vote.
5. Outstanding action jackets:
   1. CO69–95–001, Proposal on delegation of budget authority.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 21, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–4271 Filed 2–21–96; 1:39 pm]

BILLING CODE 7020–02–P

RAILROAD RETIREMENT BOARD

Notification of Item Added to Agenda

On February 20, 1996, the Board voted unanimously to add one item to its agenda for the February 21, 1996 Board Meeting:

(11) Occupational Disability Travel.

Dated: February 20, 1996.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–4241 Filed 2–21–96; 2:28 pm

BILLING CODE 7905–01–M

Corrections

Federal Register
Vol. 61, No. 37
Friday, February 23, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. PY-96-002]

Tentative Voluntary Poultry Grade Standards

Correction

In notice document 96–3350 beginning on page 5975 in the issue of Thursday, February 15, 1996 make the following correction:

On page 5975, in the third column, under **DATES**, in the third line ''1996'' should read ''1997''.

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

Foreign-Trades Zone Board

[Docket A(32b)-1-96]

Foreign-Trade Zone 87--Lake Charles, LA, Subzone 87A, Conoco, Inc.; Request for Modification of Restrictions (Oil Refinery Complex)

Correction

In notice document 96–1997 beginning on page 3669 in the issue of Thursday, February 1, 1996, make the following correction:

On page 3670, in the first column, in the last line, ''March 30, 1996'' should read ''March 4, 1996''.

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 9601-26016-6016-01; I.D. 012696C]

RIN 0648-XX41

General Provisions for Domestic Fisheries; Closes Block Island Sound to All Fishing

Correction

In rule document 96–2043 appearing on page 3602, in the issue of Thursday, February 1, 1996, make the following correction:

On page 3602, in the second column, under **SUPPLEMENTARY INFORMATION:**, in the second paragraph, in the fifth line, ''are may'' should read ''area will''.

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-020-7122-00-5499; AZA 28639]

Notice of Availability of Final Environmental Impact Statement (EIS), Proposed Tailings & Waste Rock Disposal Areas, Cyprus Bagdad Copper Corporation, Bagdad, Arizona

Correction

In notice document 95–2127 appearing on page 3942 in the issue of Friday, February 2, 1996, in the second column, the **DATES** section is corrected to read as follows:

DATES: Thirty (30) days after publication of the Notice of Availability in the Federal Register by the Environmental Protection Agency, the BLM will be issuing a Record of Decision. This will be followed by a 30-day appeal period.

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-19]

Terrence E. Murphy, M.D.; Revocation of Registration

Correction

In notice document 96–1559 beginning on page 2841, in the issue of Monday, January 29, 1996, make the following correction:

On page 2841, in the 3d column, in the 1st paragraph, in the 14th line, ''consistent'' should read ''inconsistent''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 108, 110, 111 and 112

[CGD 94-108]

RIN 2115-AF24

Electrical Engineering Requirements for Merchant Vessels

Correction

In proposed rule document 96–2149 beginning on page 4132, in the issue of Friday, February 2, 1996, make the following corrections:

1. On page 4139, in the second column, in the second paragraph, in the second line, ''§111.150-19,'' should read ''§111.105-19,''.

PART 108 [Corrected]

2. On page 4144, in the first column, under the part heading, after the first paragraph, the authority citation was omitted and should have appeared as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; 49 CFR 1.46.

§110.01-1 [Corrected]

3. On the same page, in the second column, in the section title, ''§110.01 General.'' should read ''§110.01-1 General.''

4. On the same page, in the same column, in §110.01-1 (b), in the third line, ''alternations'' should read ''alterations''.

§110.10-1 [Corrected]

5. On page 4146, in the third column, in §110.10-1, in the table, in the third

paragraph, in the entry entitled ''NEMA WC 30, Color Coding of Wires and Cables, 1976'', at the end of the entry the number ''11.70-3(a).'' should read ''111.70-3(a).''.

6. On the same page, in the same column, in the fourth paragraph, in the entry entitled ''NFPA 70, The National Electrical Code, 1996'', at the end of the entry, in the eighth line of the numbers listed, ''111.107(a)'' should read ''111.107-1(a)''.

§111.60-2 [Corrected]

7. On page 4153, in the first column, in §111.60-2, in the first paragraph, in the seventh line, ''cable's'' should read ''cables,''.

§111.60-4 [Corrected]

8. On the same page, in the second column, in §111.60-4 (b), in the third line, ''(0.33^2)'' should read ''(0.33 mm^2)''.

§111.60-23 [Corrected]

9. On the same page, in the 3d column, in §111.60-23 (a)(1), in the 12th line, ''pits,'' should read '' mud pits,''.

§111.105-17 [Corrected]

10. On page 4157, in the third column, in §111.105-17 (a), in the first line from the top, after the word ''all'' insert ''hazardous''.

§111.105-29 [Corrected]

11. On the same page, in the same column, in §111.105-29 (c), in the fifth line, ''§111.105-31(1).'' should read ''111.105-31(l).''.

§112.39-1 [Corrected]

12. On page 4160, in the first column, in the first line, paragraph ''115'' should read ''155''.

§112.43-3 [Corrected]

13. On the same page, in the same column, in the amendment to remove §112.43-3, ''11243-3'' should read ''112.43-3''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ANM-16]

Amendment of Class E Airspace; Ogden, UT

Correction

In rule document 96–850 beginning on page 1706 in the issue of Tuesday, January 23, 1996, make the following corrections:

§ 71.1 [Corrected]

On page 1707, in the 1st column, in § 71.1:

1. In the 13th line, ''C-'' should read ''V-''.

2. Lines 7 and 8 from the bottom should read ''101, southeast along V-101 to V-288, west along V-288 to V-484,''.

3. In the 2d line from the bottom, ''areas'' should read ''area''.

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5272–1]

RIN 2060–AD–94

National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries

Correction

In rule document 95–20252 beginning on page 43244 in the issue of Friday, August 18, 1995, make the following corrections:

§ 63.640 [Corrected]

1. On page 43261, in the third column, in § 63.640(h)(5)(iii), in the second and third lines, ''June 18, 2001'' should read ''February 18, 2001''.

§ 63.642 [Corrected]

2. On page 43267, in the first column, in § 63.642(g), the equation should read as follows:

$$E_A = 0.02\Sigma EPV_1 + \Sigma EPV_2 + 0.05\Sigma ES_1 + \Sigma ES_2 + \Sigma EGLR_{1C} + \Sigma EGLR_2 + (R)\Sigma EMV_1 + \Sigma EMV_2 + \Sigma EWW_{1C} + \Sigma EWW_2$$

§ 63.652 [Corrected]

3. On page 43283, in § 63.652(j)(1)(ii), the equation should read as follows:

$$\text{Percent reduction} = \frac{E_B - \dfrac{\left(E_{pp} \times P_B\right)}{P_{pp}}}{E_B} \times 100\%$$

BILLING CODE 1505–01–D

federal register

Friday
February 23, 1996

Part II

Department of the Treasury

31 CFR Part 103

Amendments to the Bank Secrecy Act; Regulations Regarding Tribal Gaming; Final Rule and application to Tribal Gaming; Final Rule and Application to Tribal Casinos; Notice

DEPARTMENT OF THE TREASURY

31 CFR PART 103

RIN 1506–AAO7

Amendments to the Bank Secrecy Act; Regulations Regarding Tribal Gaming

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Final rule.

SUMMARY: The Financial Crimes Enforcement Network (''FinCEN'') is amending the regulations implementing the Bank Secrecy Act to include casinos operated by or on behalf of Indian tribes within the definition of financial institution set forth in those regulations. The amendments extend the reporting and recordkeeping requirements and anti-money laundering safeguards of the Bank Secrecy Act to tribal casinos.

EFFECTIVE DATE: The final rule is effective August 1, 1996.

FOR FURTHER INFORMATION CONTACT: Leonard C. Senia, Senior Financial Enforcement Officer, Office of Regulatory Policy and Enforcement, FinCEN, (703) 905–3931, or Joseph M. Myers, Attorney-Advisor, Office of Legal Counsel, FinCEN, (703) 905–3590.

SUPPLEMENTARY INFORMATION:

Background

This final rule amends the regulations implementing the statute popularly known as the ''Bank Secrecy Act,'' Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330. The final rule: (i) amends the definition of ''casino'' in 31 CFR 103.11(n)(7)(i) to include explicitly casinos operating on Indian lands; (ii) amends the regulatory definitions of ''person'' and ''United States'' in 31 CFR 103.11(z) and 103.11(nn), respectively; (iii) adds definitions of the terms ''Indian Gaming Regulatory Act,'' ''State,'' and ''Territories and Insular Possessions'' in 31 CFR 103.11(rr), 103.11(ss), and 103.11(tt), respectively; and (iv) makes a conforming change to the recordkeeping and retention requirements of 31 CFR 103.36(b)(7) to reflect the regulatory system contemplated by the Indian Gaming Regulatory Act (IGRA). The amendments reflect the terms of section 409 of the Money Laundering Suppression Act of 1994 (the ''MLSA''), Title IV of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103–325.

FinCEN published a notice of proposed rulemaking (the ''Notice'') in the Federal Register on August 3, 1995 (60 FR 39665) proposing the amendments to the Bank Secrecy Act regulations that are the subject of this final rule. Only four comments were submitted in response to the Notice. These comments were submitted, respectively, by a staff attorney at the National Indian Gaming Commission, by the governments of two states within which tribal lands are located, and by one tribal casino.

The only substantive change made to the rule is the postponement of the rule's effective date until August 1, 1996. FinCEN believes that the delayed effective date will provide tribes and tribal casino management companies with a reasonable amount of time to implement operating and staff training programs for Bank Secrecy Act compliance. In this connection, FinCEN is publishing in today's Federal Register a notice of a tribal casino Bank Secrecy Act compliance conference to be held in April of this year.

Explanation of Provisions

A. Definition of ''Casino''

The definition of casino is amended to include explicitly casinos operating on Indian lands. Under this amendment, the term ''casino'' now includes any casino duly licensed or authorized to do business under the IGRA or other federal, state, or tribal law or arrangement affecting Indian lands.

The general need for and appropriateness of treatment of casinos as financial institutions for purposes of the Bank Secrecy Act have been accepted since the mid-1980s. The Department of the Treasury has made clear the need to prevent casinos, which offer to their customers a variety of financial services such as deposit or credit accounts, check cashing and currency exchange services, from being used as a vehicle for money laundering. The potential risk of money laundering in casinos on Indian lands is not any less than the risk of money laundering in state-licensed casinos. Thus, this final rule makes casinos operating on Indian lands subject to the full set of reporting and recordkeeping provisions, and anti-money laundering safeguards, of the Bank Secrecy Act to which other casinos in the United States are subject.

The amendments make it clear that the term ''casino'', as applied to tribal lands, includes not only tribal casinos created in conformity with IGRA. The term also includes casinos operating on Indian lands under a view that compliance with the Indian Gaming Regulatory Act is unnecessary or inconsistent with inherent tribal rights; such non-IGRA sanctioned tribal casinos are not exempted from the terms of the Bank Secrecy Act. In its comments, the State of California specifically noted its approval of this language in the amendments, and cited the fact that a significant number of casinos on Indian lands within its borders were operating Class III gaming without the tribal-state compact required by IGRA.

The other changes in the definition of casino are designed simply to list explicitly the three classes of government authorities that can authorize or license casinos subject to the Bank Secrecy Act. The changes are intended neither to expand nor contract the coverage of the Bank Secrecy Act to casinos operating under state authority or under the authority of various United States territories or possessions.

Recognizing the need to proceed thoughtfully in adopting the rules of the Bank Secrecy Act to the realities of the operation of casinos on Indian lands, the Notice specifically sought comment about whether any part of the Bank Secrecy Act applicable to casinos generally did not accurately reflect the way tribal casinos operate. Few comments were received on this issue; the comments that were received indicated that tribal casinos operate similarly to non-tribal casinos, and that both tribal and non-tribal casinos should be treated uniformly under the Bank Secrecy Act.

The State of California commented that the term ''casino'' should be defined to include Indian gaming establishments engaging in bingo, lotteries, and pari-mutuel wagering. As outlined in the Notice, the retention at this time of the term ''casino,'' rather than substitution in 31 CFR 103.11(n)(7)(i) of the broader authorizing language of 31 U.S.C. 5312(a)(2)(X), is intentional. The Department of the Treasury generally has sought to apply the Bank Secrecy Act to gaming establishments that provide both gaming and an array of financial services for their patrons. Activities such as bingo, lotteries, and pari-mutuel wagering, are not generally offered in casino-like settings and may create different problems for law enforcement, tax compliance, and anti-money laundering programs than do full-scale casino operations. Consequently, although the MLSA grants the Department of the Treasury authority to extend the Bank Secrecy Act to the full range of gaming establishments in the United States, FinCEN intends at this time to concentrate on taking the initial step of extending the existing Bank Secrecy Act structure to true casino-like establishments operating on Indian

lands. (Of course, a full-scale casino that happens to offer, *inter alia*, pari-mutuel wagering, for example, is included within the definition of ''casino'' with respect to all of its gaming activities.)

FinCEN also sought comment on how compliance by tribal casinos with the requirements of the Bank Secrecy Act could best be examined and enforced. Aside from a suggestion from the one tribal casino commenter that external auditors were best suited to examine for compliance with the Bank Secrecy Act, FinCEN received no other responses to this question. The Internal Revenue Service is generally responsible for auditing the Bank Secrecy Act compliance by casinos and has full authority to audit such compliance by tribal casinos.

FinCEN also received comments seeking: (i) clarification of the terms ''gross annual gaming revenue'' and ''gaming day'' in the casino definition; (ii) an increase in the $1 million threshold in the definition of casino; and (iii) reconsideration of certain casino recordkeeping and verification rules withdrawn on March 12, 1993. Because the scope of these comments goes beyond the scope of the Notice, these comments are not addressed in this final rule.

As outlined in the Notice, the uniform treatment of state-licensed and tribal casinos is a necessary prelude to the consideration of broader issues affecting the application of the BSA to the entire gaming industry. Those issues include whether clarifications should be made in the definition of casino as new types of gaming develop (or whether the term ''casino'' is sufficiently elastic to encompass such developments [1]), whether special rules should be formulated for small casinos, and how best to implement with respect to casinos the suspicious transaction reporting and anti-money laundering program rules authorized in the amendments made to the Bank Secrecy Act by the Annunzio-Wylie Anti-Money Laundering Act of 1992, Title XV of the Housing and Community Development Act of 1992, Pub. L. 102–550, and by the Money Laundering Suppression Act.

B. Conforming Changes in ''Meaning of Terms''

Changes are made to the definition of ''person'' and ''United States'' in 31 CFR 103.11 (z) and (nn), and definitions of the terms ''Indian Gaming Regulatory Act'', ''State'', and ''Territories and Insular Possessions'' are added to § 103.11 as new paragraphs (rr), (ss), and (tt), respectively. These definitions are added as required corollaries to the new casino definition.

C. Additions to Record Maintenance Requirements

Conforming language is added to the requirement of 31 CFR 103.36(b)(7) that casinos retain all records, documents, or manuals required to be maintained under state and local laws or regulations. The new language recognizes that a casino on tribal lands will retain certain documents because tribal rules or tribal-state compacts, rather than state regulation, require their retention. The amendment simply conforms the recordkeeping and retention requirements to this fact.

D. Effective Date

Compliance with the reporting and recordkeeping provisions, and anti-money laundering safeguards of the Bank Secrecy Act, will depend in large part on the operating and staff training programs put in place at tribal casinos. The amendments made by the final rule will become effective on August 1, 1996, to allow tribes and their management enterprises a reasonable amount of time to train their staff members and to establish programs designed to comply with the requirements of the Bank Secrecy Act. As noted above, FinCEN also is publishing in today's Federal Register a notice of a tribal casino compliance conference to be held in April of this year.

Special Analyses

It has been determined that this final rule (i) is not subject to the ''budgetary impact statement'' requirement of section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) and (ii) is not a significant regulatory action as defined in Executive Order 12866. It is not anticipated that this final rule will have an annual effect on the economy of $100 million or more. Nor will it affect adversely in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. The final rule is neither inconsistent with, nor does it interfere with, actions taken or planned by other agencies. Finally, the final rule raises no novel legal or policy issues.

Because this final rule affects only Indian gaming establishments with gross annual gaming revenues in excess of $1 million, it is hereby certified that this final rule is not likely to have a significant economic impact on a substantial number of small entities.

List of Subjects in 31 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Banks, banking, Currency, Foreign banking, Investigations, Law enforcement, Reporting and recordkeeping requirements, Taxes.

Adoption of Amendments to the Regulations

For the reasons set forth above in the preamble, 31 CFR Part 103 is amended as follows:

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

1. The authority citation for Part 103 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5330.

2. Section 103.11 as amended at 60 FR 228, 60 FR 44144, and 61 FR 4331 effective April 1, 1996, is further amended by revising paragraphs (n)(7)(i), (z), and (nn), and adding paragraphs (rr), (ss), and (tt) to read as follows:

§ 103.11 Meaning of terms.

* * * * *

(n) * * *

(7)(i) *Casino.* A casino or gambling casino that: Is duly licensed or authorized to do business as such in the United States, whether under the laws of a State or of a Territory or Insular Possession of the United States, or under the Indian Gaming Regulatory Act or other federal, state, or tribal law or arrangement affecting Indian lands (including, without limitation, a casino operating on the assumption or under the view that no such authorization is required for casino operation on Indian lands); and has gross annual gaming revenue in excess of $1 million. The term includes the principal headquarters and every domestic branch or place of business of the casino.

* * * * *

(z) *Person.* An individual, a corporation, a partnership, a trust or estate, a joint stock company, an

[1] For example, an establishment that claimed to be a gambling ''club'' rather than a casino because it simply offered customers an opportunity to gamble with one another, but that in practice funded certain customers so that other customers were in effect gambling against ''house'' money, and that offered its customers financial services of various kinds, could well be a casino under present law. If so, such a ''club'' would violate the Bank Secrecy Act now (that is, without the need for further regulatory changes) if it failed to report currency transactions in excess of $10,000, or allowed a customer to deposit funds in a player bank account without requiring customer identifying information.

association, a syndicate, joint venture, or other unincorporated organization or group, an Indian Tribe (as that term is defined in the Indian Gaming Regulatory Act), and all entities cognizable as legal personalities.

* * * * *

(nn) *United States.* The States of the United States, the District of Columbia, the Indian lands (as that term is defined in the Indian Gaming Regulatory Act), and the Territories and Insular Possessions of the United States.

* * * * *

(rr) *Indian Gaming Regulatory Act.* The Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. 2701–2721 and 18 U.S.C. 1166–68.

(ss) *State.* The States of the United States and, wherever necessary to carry out the provisions of this part, the District of Columbia.

(tt) *Territories and Insular Possessions.* The Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and all other territories and possessions of the United States other than the Indian lands and the District of Columbia.

§ 103.36 [Amended]

3. Section 103.36(b)(7) is amended by adding after the words ''state and local laws or regulations'' the words '', regulations of any governing Indian tribe or tribal government, or terms of (or any regulations issued under) any Tribal-State compacts entered into pursuant to the Indian Gaming Regulatory Act, with respect to the casino in question''.

Dated: February 14, 1996.

Stanley E. Morris,

Director, Financial Crimes Enforcement Network.

[FR Doc. 96–3888 Filed 2–22–96; 8:45 am]

BILLING CODE 4820–03–P

DEPARTMENT OF THE TREASURY

Bank Secrecy Act Application to Tribal Casinos

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice.

SUMMARY: The Financial Crimes Enforcement Network (''FinCEN'') is announcing its sponsorship, in Orlando, Florida, in April of this year, of a Bank Secrecy Act compliance conference for persons wishing to learn more about the application of Bank Secrecy Act regulations to tribal casinos later this year.

DATES: The conference will be held on April 4–5, 1996.

ADDRESSES: The conference will be held at the Holiday Inn, 6515 International Drive, Orlando, Florida 32819.

FOR FURTHER INFORMATION CONTACT: Leonard C. Senia, Senior Financial Enforcement Officer, Office of Regulatory Policy and Enforcement, FinCEN, (703) 905–3931.

SUPPLEMENTARY INFORMATION: Published elsewhere in today's Federal Register is the text of a final rule which subjects certain tribal casino operations to various regulatory requirements promulgated under the statute popularly known as the ''Bank Secrecy Act,'' Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330. The final rule will become effective on August 1, 1996.

In order to provide a timely forum at which these regulatory requirements can be explained in depth, FinCEN will sponsor a 1½ day compliance conference on April 4–5, 1996, in Orlando, Florida. Representatives from the National Indian Gaming Association, the National Indian Gaming Commission, the American Gaming Association, and various casino regulatory authorities will also participate. The speakers will address such subjects as the specific components of a Bank Secrecy Act compliance program for casinos, the development of effective internal controls, the need for on-going training of casino personnel, and methods to recognize and report potentially suspicious transactions.

There will be no charge for attendance at the conference. However, space is limited. Any individual interested in attending should submit a written request by March 8, 1996, indicating their name, address, and, if applicable, tribal casino affiliation. Requests may be mailed to Leonard Senia, U.S. Department of the Treasury, FinCEN, 2070 Chain Bridge Road, Suite 200, Vienna, Virginia 22182–2536, or submitted to Mr. Senia by telefax, at (703) 905–3690.

Dated: February 14, 1996.

Stanley E. Morris,

Director, Financial Crimes Enforcement Network.

[FR Doc. 96–3887 Filed 2–22–96; 8:45 am]

BILLING CODE 4820–03–P

federal register

Friday
February 23, 1996

Part III

Department of Housing and Urban Development

24 CFR Parts 510, 511, and 590

Streamlining of Affordable Housing Programs; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 510, 511, and 590

[Docket No. FR–3938–F–01]

RIN 2506–AB76

Streamlining of Affordable Housing Programs

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

ACTION: Final rule.

SUMMARY: This rule revises the regulations for certain affordable housing programs within the Office of Community Planning and Development to eliminate outdated provisions and to streamline and simplify the remaining provisions.

EFFECTIVE DATE: March 25, 1996.

FOR FURTHER INFORMATION CONTACT: Gordon McKay, Director, Office of Affordable Housing Programs, Room 7168, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Telephone: (202) 708–2685; TTY: 1–800–877–8339. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: President Clinton's memorandum of March 4, 1995, titled ''Regulatory Reinvention Initiative'' directed heads of Federal departments and agencies to review all existing regulations to eliminate those that are outdated and modify others to increase flexibility and reduce burden. As a part of HUD's overall effort to reduce regulatory burden and streamline the content of title 24 of the Code of Federal Regulations, this rule revises 24 CFR parts 510, 511, and 590 to eliminate outdated provisions and to streamline and simplify the remaining provisions.

Part 510—Section 312 Rehabilitation Loan Program

Part 510 is eliminated except for § 510.105(h). Authority to make loans under the Section 312 Rehabilitation Loan Program was repealed as of October 1, 1991. However, since there are still loan collection functions associated with the program, § 510.105(h) is retained and revised to refer to loan assumption, which it still governs. Section 510.105(h) is also revised to change ''Area Manager'' to ''Assistant Secretary for CPD,'' and to delete reference to local loan approval officers and to the statutory authority to approve loans because the collection functions are now administered centrally. The waiver provision in § 510.104 is being consolidated into the Department-wide waiver regulation being promulgated separately.

Part 511—Rental Rehabilitation Grant Program

Section 511.3, ''Technical Assistance,'' is eliminated because authority to make new grants under the program was repealed as of October 1, 1991, and no more technical assistance will be made available.

Section 511.5, ''Waivers,'' is being consolidated into the Department-wide waiver regulation being promulgated separately.

In § 511.10, paragraph (d) is eliminated to remove a minimum project cost. This amendment will facilitate the use of small amounts of leftover program funds. A conforming change is made to § 511.11(a). Paragraph (a) of § 511.11 is also revised to remove the inflexible repayment requirement for incomplete projects. The last two sentences of § 511.11(c)(2)(iii) are deleted for conforming reasons. Also, paragraph (g) of § 511.11 (which lists the programs with which program grant amounts may not be used) is removed because the programs listed are governed by federally-imposed rent regulatory agreements or requirements and use of program funds in conjunction with these programs is not statutorily prohibited.

Subpart D is eliminated, except for § 511.33(c). Sections 511.30, 511.31, and 511.34 relate to formula allocations, which are no longer being made. In § 511.33, the references to reallocations in paragraphs (a), (b), and (d) are no longer applicable, since there is no remaining authority to ''reallocate funds.'' Section 511.33(c) becomes a separate section regarding the deobligation of rental rehabilitation grant amounts. In § 511.33(c), the former first two sentences and the former fifth and sixth sentences are deleted because those provisions are now out of date and unnecessary. For similar reasons, in the former third (now second) sentence (requiring consultation with the grantee prior to deobligation), the reference to a reasonable start-up time for implementing a new program is deleted. In the former fourth (now first) sentence, the word ''will'' is changed to ''may'' and each of the time periods referred to therein is extended by one year, and clarifications are made. This assumes that the discretionary one-year extensions permitted by the former regulation were granted, and it authorizes, but no longer requires, HUD to deobligate uncommitted or unexpended grant funds after the extended time periods have expired. Finally, a new third sentence is added which authorizes the applicable HUD field office to direct a grantee to proceed to close-out its rental rehabilitation program and to deobligate remaining funds when the field office determines, after consultation with the grantee, that any remaining uncommitted funds cannot be committed within a reasonable time, only small amounts of funds remain, and any incomplete projects cannot be completed within a reasonable time. The net effect of these changes is to empower HUD field offices and grantees with the necessary authority and flexibility to close out rental rehabilitation programs on an orderly, but timely, basis.

The first three sentences of § 511.50 regarding a State's election to administer a State allocation are deleted because they are no longer needed; all such allocations have already been made.

For similar reasons, in § 511.51(a), the phrase ''that elects to administer its allocation in accordance with § 511.50'' and paragraph (d) (regarding State administration of rental rehabilitation grant program for cities receiving a formula allocation) are deleted.

Section 511.52, ''HUD-administered program,'' is eliminated because the authority to make new grants was repealed as of October 1, 1991. However, the rest of subpart F contains continuing, substantive requirements for States using grants obligated prior to repeal and, therefore, is retained.

Section 511.76(h)(2) is revised to allow grantees increased flexibility by permitting the use of program income for other affordable housing projects (which might include State or locally assisted projects) and does not limit them to using this program income for only RRP, HOME, HOPE, or CDBG activities.

Section 511.77(a) is revised to remove language regarding obligating funds for any fiscal year.

Section 511.80(a) is revised to eliminate the introductory reference to reallocations under § 511.33 because reallocations are no longer available under the program.

Section 511.81(b) is eliminated. The annual performance report is still required for grantees which are still actively expending funds, but the content of the report need not be specified in regulations.

Section 511.82(c)(2) is eliminated because conditioning the use of Rental Rehabilitation grant amounts from a succeeding fiscal year's allocation as a

corrective or remedial action is no longer possible.

Section 511.82(d) is revised to remove the first sentence referring to reallocation of grant amounts that become available from a succeeding fiscal year's allocation, because funds may not be reallocated to other grantees after October 1, 1991.

Part 590—Urban Homesteading Program

Section 590.1 is revised to reflect that authority to reimburse Federal agencies for transfer of additional properties to LUHAs under this part was repealed effective October 1, 1991.

Section 590.3, ''Waiver authority,'' is being consolidated into the Department-wide waiver regulation being promulgated separately.

Section 590.5 is revised to remove the definitions of ''Federally-owned property,'' ''FmHA,'' ''RTC,'' and ''VA,'' since no additional properties may be transferred from any source.

In § 590.7, paragraphs (a), (b), and (c) are revised to remove unnecessary provisions and to streamline and conform the remaining provisions.

The following sections are eliminated because the authority to transfer properties under the program was repealed as of October 1, 1991, and the sections are no longer necessary:

§ 590.9 ''Listing of Federally-owned properties''

§ 590.11 ''Applications''

§ 590.13 ''Standards for HUD review and approval of a local urban homesteading program''

§ 590.15 ''Urban homesteading program participation agreement''

§ 590.17 ''Transfer of HUD-owned property''

§ 590.18 ''Reimbursement to FmHA, VA and RTC''

§ 590.21 ''Reservation of funds''

Section 590.19, ''Use of Section 810 funds,'' is revised to eliminate the first two sentences which reference the use of Section 810 funds. With no Section 810 funds available, discussion of fund use is unnecessary.

In § 590.23, paragraphs (a) and (c) are revised, and paragraph (d) is removed, to streamline the provisions by removing unnecessary regulatory detail regarding close-out.

In § 590.29, paragraphs (a) and (c) are revised to streamline the language regarding the review of LUHA performance.

In § 590.31, paragraph (c) is deleted, since conditioning a future participation request is no longer possible.

Other Matters:

Environmental Review. This rulemaking does not have an environmental impact. This rulemaking simply amends existing regulations by streamlining and simplifying the provisions and does not alter the environmental effect of the regulations being amended. Findings of No Significant Impact with respect to the environment were made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) at the time of development of the implementing regulations. Those findings remain applicable to this rule and are available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

Regulatory Flexibility Act. The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities because this rule pertains to the administrative matter of streamlining and simplifying provisions in title 24 of the Code of Federal Regulations.

Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that this rule does not have ''federalism implications'' because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12606, The Family. The General Counsel, as the Designated Official under Executive Order 12606, *The Family,* has determined that this rule does not have potential significant impact on family formation, maintenance, and general well-being.

List of Subjects

24 CFR Part 510

Lead poisoning, Loan programs—housing and community development, Relocation assistance, Reporting and recordkeeping requirements, Social security, Urban renewal.

24 CFR Part 511

Administrative practice and procedure, Grant programs—housing and community development, Lead poisoning, Low and moderate income housing, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 590

Government property, Housing, Intergovernmental relations, Low and moderate income housing, Reporting and recordkeeping requirements, Urban renewal.

Accordingly, the Department amends title 24 of the Code of Federal Regulations, subtitle B, chapter V, parts 510, 511, and 590, as follows:

PART 510—SECTION 312 REHABILITATION PROGRAM

1. The authority for part 510 is revised to read as follows:

Authority: 42 U.S.C. 1452b and 3535(d).

PART 510—[AMENDED]

2. Part 510 is amended as follows:

a. All sections of part 510 are removed, except for § 510.105(h) (1), (2), and (3) which is redesignated as § 510.1 (a), (b), and (c), ''Multi-family property loans.''

§ 510.1 [Amended]

b. In newly redesignated § 510.1(a), the phrase ''Area Manager'' is removed and, in its place, the phrase ''Assistant Secretary for CPD'' is added; the phrase '', or the approving officer where a locality has local section 312 loan approval authority,'' is removed; and the phrase ''under section 312(a)(3) for approval'' is removed and, in its place, the phrase ''for assumption'' is added.

PART 511—RENTAL REHABILITATION GRANT PROGRAM

3. The authority for part 511 continues to read as follows:

Authority: 42 U.S.C. 1437o and 3535(d).

§§ 511.3 and 511.5 [Removed and Reserved]

4. Sections 511.3 and 511.5 are removed and reserved.

§ 511.10 [Amended]

5. In § 511.10, paragraph (d) is removed and reserved.

6. Section 511.11 is amended by removing the last two sentences of paragraph (c)(2)(iii), by removing and reserving paragraph (g), and by revising paragraph (a), to read as follows:

§ 511.11 Project requirements.

(a) *Rehabilitation.* To receive assistance under this part, a project must require rehabilitation, measured by whether the project before the assisted rehabilitation does not meet the rehabilitation standards under § 511.10(e). If a project is terminated before completion of rehabilitation (as defined in § 511.2), whether voluntarily

by the grantee or otherwise, amounts equal to the rental rehabilitation grant amounts already dispersed for the project under the C/MI System are not eligible project costs, whether or not the grantee has already expended such grant amounts to pay for project costs. If such amount is not repaid, the grantee may be subject to corrective and remedial actions under § 511.82.

* * * * *

§§ 511.30, 511.31, 511.34 [Removed and Reserved]

7. Sections 511.30, 511.31 and 511.34 are removed and reserved.

8. Section 511.33 is revised to read as follows:

§ 511.33 Deobligation of rental rehabilitation grant amounts.

(a) Before deobligating grant amounts, HUD will consult with the affected grantee and take into account factors such as timing of the grantee's program year; the timing of State distributions to State recipients, if applicable; the timing of expected project approvals for projects in the grantee's pipeline; climatic or other considerations affecting rehabilitation work schedules; and other relevant considerations. In addition to any remedial deobligation under § 511.82, HUD may deobligate any rental rehabilitation grant amounts that are not:

(1) Committed to specific local projects within 3 years of the date of obligation of the grant under § 511.21(d) (4 years in the case of a State that distributes rental rehabilitation grant amounts to State recipients); or

(2) Expended for eligible costs within 5 years of such date of obligation (6 years in the case of a State that distributes rental rehabilitation grant amounts to State recipients).

(b) After such consultation, the HUD field office may direct the grantee to proceed with program closeout and may deobligate remaining unexpended grant amounts if the field office determines that any uncommitted funds will not be committed within a reasonable time, only small amounts of funds remain unexpended, or completion of uncompleted projects appears infeasible within a reasonable time. None of the time periods referred to in this section are extended by any suspensions of project set-ups or other remedial action imposed by HUD under this part.

§ 511.50 [Amended]

9. In § 511.50, paragraph (a) is amended by removing the first three sentences.

§ 511.51 [Amended]

10. In § 511.51, paragraph (a) is amended by removing the phrase ''that elects to administer its allocation in accordance with § 511.50,'' and paragraph (d) is removed.

§ 511.52 [Removed and Reserved]

11. Section 511.52 is removed and reserved.

12. In § 511.76, paragraph (h)(2) is revised to read as follows:

§ 511.76 Program income.

* * * * *

(h) * * *

(2) Program income on hand at the time of program closeout or earned after program closeout may be contributed to HOME or HOPE program grantees as a cash matching contribution in accordance with applicable HOME or HOPE program rules, or may be used for activities that would be eligible under other affordable housing activities, as determined by the recipient.

13. In § 511.77, the introductory sentence is removed, and paragraph (a) is revised, to read as follows:

§ 511.77 Grant closeout.

(a) Each individual fiscal year rental rehabilitation grant will be closed out when all grant amounts for the grant to be closed out have been drawn down and expended for completed projects and/or administrative costs, or grant amounts not drawn down and expended have been deobligated by HUD.

* * * * *

§ 511.80 [Amended]

14. In § 511.80, paragraph (a) is amended by removing the phrase ''In addition to reviewing grantee performance for purposes of making reallocations under § 511.33,'' from the first sentence.

§ 511.81 [Amended]

15. In § 511.81, paragraph (b) is removed and reserved.

§ 511.82 [Amended]

16. In § 511.82, paragraph (c)(2) is removed and reserved, and the first sentence of paragraph (d) is removed.

PART 590—URBAN HOMESTEADING

17. The authority citation for part 590 continues to read as follows:

Authority: 12 U.S.C. 1706e; 42 U.S.C. 3535(d).

18. Section 590.1 is revised to read as follows:

§ 590.1 General.

This part applies to the completion of activities remaining under the Urban Homesteading Program authorized under section 810(b) of the Housing and Community Development Act of 1974 (12 U.S.C. 1706e). Authority to reimburse Federal agencies for transfer of additional properties to LUHAs under this part was repealed effective October 1, 1991.

§§ 590.3, 590.9, 590.11, 590.13, 590.15, 590.17, 590.18, and 590.21 [Removed and Reserved]

19. Sections 590.3, 590.9, 590.11, 590.13, 590.15, 590.17, 590.18, and 590.21 are removed and reserved, and the first and second sentences of § 590.19 are removed.

§ 590.5 [Amended]

20. Section 590.5 is amended by removing the definitions of ''Federally-owned property,'' ''FmHA,'' ''RTC,'' and ''VA.''

§ 590.7 [Amended]

21. Section 590.7 is amended as follows:

a. Paragraph (a) is removed and reserved;

b. Paragraph (b)(6) is amended by removing the last two sentences;

c. Paragraph (b)(8) is amended by removing the phrase ''consistent with the coordinated approach to neighborhood improvement'';

d. Paragraph (c)(1) is amended by removing the second sentence, and to remove the phrase ''as described in §§ 590.13–.15 of this part'' from the third sentence;

e. Paragraph (c)(2)(i) is amended by removing the phrase ''VA, FmHA and RTC as described in § 590.11(a)(7)'';

f. Paragraph (c)(2)(iii) is revised; and

g. Paragraphs (c)(3) and (c)(4) are removed, to read as follows:

§ 590.7 Program requirements.

* * * * *

(c) * * *

(2) * * *

(iii) Designate, and enter into a written agreement with, a qualified community organization (as defined in the Act) to act as LUHA in accordance with this part.

22. Section 590.23 is amended by revising paragraph (a), and by removing the last sentence of paragraph (c) and paragraph (d), to read as follows:

§ 590.23 Program close-out.

(a) *Initiation of close-out.* The LUHA shall institute close-out procedures, as prescribed by HUD.

* * * * *

23. In § 590.29, paragraph (a) introductory text, paragraph (a)(4), and paragraph (c) are revised to read as follows:

§ 590.29 HUD review of LUHA performance.

(a) HUD may review the performance of each active LUHA as necessary, as determined by HUD, to determine whether:

* * * * *

(4) The LUHA is making reasonable progress in moving properties through the stages of the homesteading process, including acquisition, homesteader selection, conditional conveyance, rehabilitation, and final conveyance.

* * * * *

(c) LUHAs shall supply data and make available records necessary for HUD's monitoring of the LUHA's local urban homesteading program.

§ 590.31 [Removed and Reserved]

24. In § 590.31, paragraph (c) is removed and reserved.

Dated: February 13, 1996.

Andrew M. Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 96–3962 Filed 2–22–96; 8:45 am]

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Vol. 61, No. 37

Friday, February 23, 1996

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FEDERAL REGISTER PAGES AND DATES, FEBRUARY

3539–3776 1
3777–4206 2
4207–4348 5
4349–4584 6
4585–4734 7
4735–4848 8
4849–5270 9
5271–5500 12
5501–5668 13
5669–5920 14
5921–6094 15
6095–6304 16
6305–6486 20
6487–6760 21
6761–6916 22
6917–7064 23

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR
Ch. III 3539

3 CFR

Proclamations:
6863 3777
6864 4347
6865 5269

Executive Orders:
12778 (Revoked by EO 12988) 4729
12866 (See EO 12988) 4729
12964 (Amended by EO 12987) 4205
12987 4205
12988 4729
12989 6091

Administrative Orders:
Memorandum:
February 5, 1996 5669
Presidential Determination:
No. 96–9 of January 22, 1996 4207

4 CFR

Proposed Rules:
21 6579

5 CFR
Ch. XXX 4349
530 3539
531 3539
532 ..... 5921, 5922
534 3539
550 3539
575 3539
581 3539
582 3539
630 3539
950 4585
1201 4585
4001 4349

Proposed Rules:
316 6324
335 6324
338 6324
532 4940

7 CFR
Ch. XLII 3779
6 6305
250 5271
300 5923
318 5923
905 3544
932 6306
944 3544
945 3546
966 5924
989 6307
1485 3548
1901 ..... 3779, 6309
1940 3779
1942 6309
1948 6761
1951 3779
2003 3779
2903 4209
4001 3787
4284 3779

Proposed Rules:
723 5316
920 3604
959 6328
980 4941
985 6329
999 3606
1464 5317
1755 4754
1944 4814
1980 3853
4279 3853
4287 3853

8 CFR

Proposed Rules:
212 4374
264 4374
274a 4378

9 CFR
91 6917
310 4849

Proposed Rules:
1 5524
2 5524
3 5524
94 6955

10 CFR
19 6762
30 6762
40 6762
50 6762
60 6762
61 6762
70 6762
72 6762
170 5064
171 5064
830 4209
835 4209

Proposed Rules:
Ch. I 6796
2 4378
19 6796
30 6796
35 4754
40 6796
50 ..... 5318, 6796
60 6796
61 6796
70 6796
72 ..... 3619, 6796
430 6798
834 6799
1021 6414
1035 3877
1036 3877

11 CFR
100 ..... 3549, 4302, 6095
102 4302
104 3549
105 3549
106 4302
108 6095
109 ..... 3549, 4302
110 4302
114 ..... 3549, 4302
9034 4849

9038 4849

Proposed Rules:

100 3621
110 3621
114 3621

12 CFR

7 4849
21 4332
31 4849
201 5926
208 4338
211 ....4338, 6918
225 4338
303 5926
346 5671
353 6095
359 5926
363 ....6100, 6487
701 ....3788, 4213
709 3788
741 3788
1401 4349

Proposed Rules:

211 6956
336 5956
701 4238
705 4238
741 4236

13 CFR

121 6412

14 CFR

21 ....5171, 6921
23 ....5130, 5138, 5151, 5171
25 5218
27 6921
39 ....3550, 3792, 3793, 5275, 5277, 5279, 5280, 5281, 5284, 5501, 5675, 6500, 6501, 6503, 6766, 6768, 6770, 6922, 6925, 6927, 6929, 6931, 6932, 6934, 6935, 6937
71 ....4587, 4870, 5503, 5504, 5934, 5935, 5937, 6771
91 ....5151, 5492
97 ....3552, 3795, 3796, 3797, 6106, 6108
121 6938
125 6938
135 ....5938, 6938

Proposed Rules:

Ch. I 4942
39 ....3882, 4756, 4943, 5326, 5329, 5331, 5334, 5524, 6579, 6581, 6583
71 ....4379, 4380, 4381, 5960, 5962
73 3884
121 6898
135 6898
217 5963
241 5963

15 CFR

771 ....3555, 5677
776 5677
799 ....3555, 5677, 6064

Proposed Rules:

4 6585
4a 6585
4b 6585
922 ....5335, 5969

16 CFR

22 3799
305 5679

Proposed Rules:

303 5340
305 6801
409 4382
436 5969

17 CFR

17 6310
200 5939

Proposed Rules:

400 4944
420 4944

18 CFR

1303 6110

Proposed Rules:

Ch. I 3799, 4596

19 CFR

4 3568
10 ....6110, 6772
18 6772
113 ....6110, 6772
132 3569
141 6110
144 6110
148 3569
181 6110

Proposed Rules:

132 6333
351 4826
353 4826
354 4826
355 4826

20 CFR

401 5939
404 5939
416 ....5939, 5943
422 5943
423 5943

Proposed Rules:

209 5970
404 4389

21 CFR

80 3571
175 6939
173 4871
189 4816
331 4822
510 ....4735, 5505
520 ....4874, 5505
522 ....4874, 5505
524 5505
558 ....4349, 4874

Proposed Rules:

101 ....3885, 5349
201 5912
312 6177
333 5918
369 5912
1220 4597

22 CFR

9b 3800
42 6111
51 6505
111 6505
112 6505
123 6111
126 6111
133 6505
1504 6506

Proposed Rules:

228 4240

24 CFR

Ch. XI 5198
Ch. XV 5198
0 5198
4 5198
5 ....5198, 5662
8 5198
12 5198
15 5198
16 5198
17 5198
27 5198
28 5198
30 5198
35 5198
40 5198
51 5198
52 5198
86 4875
91 5198
92 5198
100 5198
103 5198
104 5198
107 5198
109 5198
110 5198
111 5198
125 5198
135 5198
146 5198
200 5198
201 5198
203 5198
206 5198
213 5198
215 5198
219 5198
220 5198
221 5198
231 5198
232 5198
234 5198
235 5198
236 5198
237 5198
248 5198
260 5198
261 5198
265 5198
280 5198
290 ....4580, 5198
291 5198
510 7060
511 7060
511 5198
570 5198
572 5198
574 5198
576 5198
582 5198
583 5198
585 5198
590 ....5198, 7060
594 5198
597 5198
700 5198
750 5198
760 5198
791 5198
792 5198
799 5198
811 5198
812 5662
813 5198
850 5198
880 5198
881 5198
882 ....5198, 5850
883 5198
884 5198
885 5198
886 5198
887 5198
888 6690
889 5198
890 5198
899 5198
901 5198
904 5198
912 5662
913 5198
941 5198
942 5198
945 5198
950 5662
960 5198
961 5198
962 5198
963 5198
964 5198
965 5198
968 5198
982 5662
999 5198
3280 5198
3282 5198

Proposed Rules:

3500 6334

25 CFR

Proposed Rules:

Ch. VI 3623

26 CFR

1 ....4349, 4876
602 4876

28 CFR

2 4350
16 ....6316, 6317, 6318

Proposed Rules:

35 4389
540 5846

29 CFR

102 6940
1910 5507
1915 5507
1917 5507
1918 5507
1919 5507
1926 5507
1928 5507
2619 5945
2676 5945

Proposed Rules:

Ch. XIV 3624
103 4246
1904 4030
1952 4030

30 CFR

202 5448
206 ....3800, 5448
260 3800
756 6507
906 6509
948 6511
950 6537

Proposed Rules:

Ch. II 4390
203 6958
256 6958
260 6958
931 3625
943 3628

31 CFR

103 ....4326, 7054
351 5510
357 6113
370 6113
595 3805

32 CFR

220 6540
290 ....4885, 5510
311 3813
321 3814
835 4351
838 4351
843 4351
848 4352

Proposed Rules:

339 6588
838 4390

33 CFR

1 6542
100 ....4885, 5680
117 4886
187 6943

Proposed Rules:

117 ....6588, 6589, 6803
157 ....6334, 6590
165 ....4945, 6178

34 CFR

668 3776
690 3776

Proposed Rules:

Ch. VI 4198

201 3772
361 4390
646 4758

36 CFR
13 6943
223 5684
242 5685
1206 5656
1210 5660

Proposed Rules:
7 5354
17 5356
1190 5723
1191 5723

37 CFR
202 5445

38 CFR
21 6780

Proposed Rules:
21 5357

40 CFR
30 6066
33 6066
51 4588
52 ....3572, 3575, 3578, 3579, 3581, 3582, 3584, 3586, 3588, 3589, 3591, 3815, 3817, 3819, 3821, 3824, 4215, 4216, 4217, 4352, 4353, 4887, 4890, 4892, 4895, 4897, 4899, 4901, 5285, 5288, 5291, 5295, 5297, 5299, 5303, 5306, 5307, 5511, 5514, 5515, 5689, 5690, 5694, 5696, 5699, 5701, 5704, 6114, 6543, 6545, 6547
63 4902
70 ....3827, 4217, 4220, 5705
80 3832
81 ....3591, 4357, 5707
82 4736
85 5840
86 ....6944, 6949
180 ....4591, 4592, 4593, 5711, 5712, 5714, 5716, 6549, 6551
194 5224
262 4903
264 4903
265 4903
270 4903
271 ....4742, 5718
281 ....3591, 3599
282 ....4224, 6319, 6554
300 ....4747, 6115, 6556

Proposed Rules:
52 ....3631, 3632, 3633, 3634, 3635, 3891, 3892, 4246, 4391, 4392, 4598, 4946, 4947, 4948, 4949, 5358, 5359, 5360, 5362, 5263, 5526, 5527, 5723, 5724, 5725, 6178, 6179, 6591, 6592
61 6184
63 6184
70 ....3893, 4248
76 3893
80 3894
81 ....3635, 4392, 5363, 6179
89 4600
90 4600
91 4600
180 ....4621, 4623, 5726, 5728, 6804
186 6592
261 ....5528, 6805
268 4758
271 ....4758, 5528
300 ....6806, 6807
302 ....4758, 5528
440 5364

41 CFR
60–250 6116
302–11 3838

Proposed Rules:
60-741 5902

42 CFR
24 ....6118, 6556
57 6118
58 6118

Proposed Rules:
100 4249

43 CFR
3100 4748
4100 4227

Public Land Orders:
3689 (Revoked in part by PLO 7182) 4359
7183 4752
7184 5719

44 CFR
10 4227
64 5947
65 ....6559, 6560, 6561, 6564, 6565, 6566
67 ....6568, 6569, 6571

Proposed Rules:
62 3635
67 ....6593, 6598, 6601

45 CFR
1370 6791

46 CFR
Ch. III 5720
150 5518
401 5720
402 5720
514 5308

Proposed Rule:
Ch. I 6961
108 4132
110 4132
111 4132
112 4132
113 4132
161 4132

47 CFR
0 ....4359, 4916
1 ....4359, 4916
15 3600
17 4359
21 4359
22 4359
23 4359
24 4359
25 4359
43 4918
63 4937
73 ....4232, 4233, 4234, 4359, 5721, 5722
74 4359
76 6131
78 4359
80 4359
87 4359
90 ....3600, 3841, 4234, 4359, 6138, 6574
94 4359
95 4359
97 4359

Proposed Rules:
Ch. I 6607
1 ....6809, 6961
2 ....6189, 6809
20 ....3644, 6963
21 6809
22 6199
61 3644
69 3644
73 ....4392, 4393, 4950, 6335, 6336, 6337
76 ....3657, 6210
90 ....6199, 6212
94 6809

48 CFR
228 3600
252 3600
501 6164
504 6164
507 6164
510 6164
511 6164
512 6164
514 6164
515 6164
538 6164
539 6164
543 6164
546 6164
552 6164
570 6164
1403 5519
1425 5519
1452 5519
1815 5312
1816 5312
1819 5312
1823 5312
1825 6577
1827 5312
1835 5312
1837 5312
1852 5312
3509 3846
9904 5520

Proposed Rules:
Ch. 1 6760
Ch. 2 6760
Ch. 53 4393
25 6910
52 6910
909 3877

49 CFR
199 5722
251 4937
258 4937
531 4369
571 ....4370, 4938, 5949, 6173
661 6300

Proposed Rules:
171 6478
172 6478
173 6478
176 6478
177 6478
178 6478
232 6610
525 4249
541 4249
555 4249
571 ....4249, 4624, 5370, 5730, 6616
575 5730
581 4249

50 CFR
14 3849
17 4372
23 6793
100 5685
217 6064
227 6064
229 3851
296 6322
611 ....4304, 4311
620 3602
642 6175
672 ....3602, 4304, 4594, 5608
675 ....4311, 5608, 6323, 6953
676 ....4304, 4311
681 6577

Proposed Rules:
Ch. VI 6810
17 ....4394, 4401, 5971, 6964
23 3894
285 3666
424 4710
641 4950
642 6965
651 6230
672 6337
675 6337

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Limited access management of Federal fisheries in and off of Alaska; published 1-24-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food additives:

Adhesive coatings and components--

3-iodo-2-propynyl-N-butylcarbamate; published 2-23-96

INTERIOR DEPARTMENT

Fish and Wildlife Service

Wild Bird Conservation Act of 1992:

Exotic wild birds; importation to U.S.; published 1-24-96

TRANSPORTATION DEPARTMENT

Coast Guard

Vessel identification system; effective date; published 2-23-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Filberts/hazelnuts grown in Oregon and Washington; comments due by 2-28-96; published 1-29-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle and bison--

State and area classifications; comments due by 2-27-96; published 12-29-95

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Federal regulatory review; comments due by 2-27-96; published 12-29-95

Meat and poultry inspection:

Food standards; processed meat and poultry products named by use of expressed nutrient content claim and standardized term; requirements; comments due by 2-27-96; published 12-29-95

Substances suitable for use in meat and poultry products preparation; approval procedures; comments due by 2-27-96; published 12-29-95

COMMERCE DEPARTMENT

Export Administration Bureau

Export licensing:

Computer export control reform; comments due by 2-26-96; published 1-25-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Environmental Data Service:

Ocean thermal energy conversion licensing program; comments due by 2-29-96; published 1-30-96

Fishery conservation and management:

Gulf of Mexico reef fish; comments due by 3-1-96; published 1-31-96

DEFENSE DEPARTMENT

Acquisition regulations:

Foreign product restrictions; comments due by 2-26-96; published 12-28-95

Federal Acquisition Regulation (FAR):

Buy American Act; construction (Grimberg decision); comments due by 2-26-96; published 12-27-95

Contract management; clause flowdown; comments due by 2-26-96; published 12-27-95

General Agreement on Tariffs and Trade (GATT), Uruguay Round; implementation; comments due by 2-27-96; published 12-29-95

ENVIRONMENTAL PROTECTION AGENCY

Air programs:

Outer Continental Shelf regulations--

California; comments due by 2-28-96; published 1-29-96

Stratospheric ozone protection--

Used class I controlled substances import; reporting requirement partial stay and reconsideration; comments due by 3-1-96; published 1-31-96

Air quality implementation plans; approval and promulgation; various States:

Delaware; comments due by 2-26-96; published 1-26-96

Illinois; comments due by 2-26-96; published 1-26-96

Massachusetts; comments due by 2-29-96; published 1-30-96

Tennessee; comments due by 3-1-96; published 1-31-96

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Massachusetts; comments due by 2-29-96; published 1-30-96

Ohio; comments due by 3-1-96; published 1-31-96

Pennsylvania; comments due by 2-29-96; published 1-30-96

Virginia et al.; comments due by 2-29-96; published 1-30-96

Air quality planning purposes; designation of areas:

New Jersey et al.; comments due by 2-29-96; published 1-30-96

Clean Air Act:

State operating permits programs--

New Jersey; comments due by 2-29-96; published 1-30-96

Virgin Islands; comments due by 2-26-96; published 1-25-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Hexaconazole; comments due by 3-1-96; published 1-31-96

Superfund program:

National oil and hazardous substances contingency plan--

National priorities list update; comments due by 2-28-96; published 1-29-96

National priorities list update; comments due by 3-1-96; published 1-31-96

FEDERAL COMMUNICATIONS COMMISSION

Common carriers:

Local exchange carriers and commercial moblie radio service providers; equal access and interconnection obligations; comments due by 2-26-96; published 2-1-96

Radio services, special:

Commercial mobile radio services--

Flexible service offerings; comments due by 2-26-96; published 2-16-96

Television broadcasting:

Closed captioning and video description of video programming; availability, cost, and uses; comments deadline extension; comments due by 2-28-96; published 1-29-96

FEDERAL DEPOSIT INSURANCE CORPORATION

Management official interlocks; comments due by 2-27-96; published 12-29-95

FEDERAL RESERVE SYSTEM

Equal credit opportunity (Regulation B):

Official staff commentary; comments due by 2-28-96; published 12-28-95

Management official interlocks; comments due by 2-27-96; published 12-29-95

Membership of State banking institutions (Regulation H):

Securities transactions effected by State member banks; recordkeeping and confirmation; comments due by 2-28-96; published 12-26-95

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Buy American Act; construction (Grimberg decision); comments due by 2-26-96; published 12-27-95

Contract management; clause flowdown; comments due by 2-26-96; published 12-27-95

General Agreement on Tariffs and Trade (GATT), Uruguay Round; implementation; comments due by 2-27-96; published 12-29-95

Federal Information Resources Management Regulation:
Procurement authority delegations; requirements; comments due by 2-28-96; published 1-29-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Biological products:
Well-characterized biotechnology products--
Establishment license application requirement; elimination; comments due by 2-28-96; published 1-29-96

Medical devices:
Dental devices--
Partially fabricated denture kits; premarket approval; effective date requirement; comments due by 2-27-96; published 11-29-95

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:
California condors, captive-reared; comments due by 2-29-96; published 2-6-96
Northern spotted owl; comments due by 3-1-96; published 1-31-96

INTERIOR DEPARTMENT

National Park Service

Special regulations:
Appalachian National Scenic Trail, PA; hang gliding; comments due by 3-1-96; published 1-31-96

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
Missouri; comments due by 2-26-96; published 1-26-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):
Buy American Act; construction (Grimberg decision); comments due by 2-26-96; published 12-27-95
Contract management; clause flowdown; comments due by 2-26-96; published 12-27-95
General Agreement on Tariffs and Trade (GATT), Uruguay Round; implementation; comments due by 2-27-96; published 12-29-95

NUCLEAR REGULATORY COMMISSION

Fee schedules revision; 100% fee recovery (1996 FY); comments due by 2-29-96; published 1-30-96

Radiation protection standards:
Licensed radioactive material; unauthorized use; reporting requirements; comments due by 3-1-96; published 1-31-96

PERSONNEL MANAGEMENT OFFICE

Employment:
Surplus and displaced Federal employees; career transition assistance; comments due by 2-27-96; published 12-29-95

Prevailing rate systems; comments due by 3-1-96; published 1-31-96

RAILROAD RETIREMENT BOARD

Railroad Retirement Act:
Compensation records; comments due by 2-26-96; published 12-26-95

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:
Oregon; comments due by 2-27-96; published 12-29-95
Washington; comments due by 2-26-96; published 12-26-95

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Airbus; comments due by 3-1-96; published 1-22-96
Lockheed; comments due by 2-26-96; published 12-27-95
Maule Aerospace Technology, Inc.; comments due by 2-28-96; published 1-9-96
McDonnell Douglas; comments due by 2-28-96; published 1-3-96
Pratt & Whitney; comments due by 2-26-96; published 12-27-95

Authority citations revision; comments due by 3-1-96; published 12-28-95

Class D and Class E airspace; comments due by 3-1-96; published 1-29-96

Class E airspace; comments due by 2-29-96; published 12-1-95

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcoholic beverages:
Distilled spirits; domestically produced--
Formulas and statements of process; registration; comments due by 2-26-96; published 1-26-96

TREASURY DEPARTMENT

Comptroller of the Currency

Federal regulatory review:
Community development corporation and project investments; revisions; comments due by 2-26-96; published 12-28-95

Management official interlocks; comments due by 2-27-96; published 12-29-95

TREASURY DEPARTMENT

Fiscal Service

Financial management services:
Foreign exchange operations; comments due by 2-28-96; published 1-29-96

TREASURY DEPARTMENT

Thrift Supervision Office

Management official interlocks; comments due by 2-27-96; published 12-29-95